



City Council Meeting Agenda

LongviewTexas.gov/Tele
5:30 pm.
October 8, 2020

This meeting will be conducted utilizing a videoconferencing tool. City Council members, staff, and citizens will participate via audio only. Instructions and direct links to view the meeting or speak during citizen comment can be found at LongviewTexas.gov/Tele.

To participate in citizen comment, please plan to arrive early to give yourself time to register to the videoconference tool. After registering, you will receive a confirmation email containing information about joining the webinar. The virtual conference meeting room will open at 5:15 p.m., and the meeting will begin at 5:30 p.m.

For assistance or questions related to participating in the meeting, please contact the City Secretary's Office at 903-237-1080.

I. Call to Order

II. Roll Call

III. Citizen Comment

IV. Presentation Item

Presentation of a Proclamation designating October 4-10, 2020 as Fire Prevention week in the City of Longview – Dr. Andy Mack, Mayor.

V. Consent Items

- A. Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to execute any necessary documents for the purchase of a pot hole patcher via the city's purchasing agreement with the local government purchasing cooperative administered by the Texas

Association of School Boards (“TASB Buyboard”) for an amount not to exceed \$68,105.00 – Dwayne Archer, Assistant Director of Public Works. Pages 6-9

- B. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the purchase of a excavator via the city’s purchasing agreement with the local government purchasing cooperative administered by the Texas Association of School Boards (“TASB Buyboard”) for an amount not to exceed \$295,000.00– Dwayne Archer, Assistant Director of Public Works. Pages 10-13
- C. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the purchase of two (2) backhoe loaders via the city’s purchasing agreement with the local government purchasing cooperative administered by the Texas Association of School Boards (“TASB Buyboard”) for an amount not to exceed \$191,700.00– Dwayne Archer, Assistant Director of Public Works. Pages 14-17
- D. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the purchase of a ten (10) police pursuit vehicles via the city’s purchasing agreement with the local government purchasing cooperative administered by the Texas Association of School Boards (“TASB Buyboard”) for an amount not to exceed \$339,200.00– Dwayne Archer, Assistant Director of Public Works. Pages 18-21
- E. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the purchase of a refuse truck via the city’s purchasing agreement with the local government purchasing cooperative administered by the Texas Association of School Boards (“TASB Buyboard”) for an amount not to exceed \$105,422.47 – Dwayne Archer, Assistant Director of Public Works. Pages 22-25
- F. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the purchase of a cab tractor via the city’s purchasing agreement with the purchasing cooperative administered by the Houston-Galveston Area Council (HGAC) for an amount not to exceed \$59,900.00– Dwayne Archer, Assistant Director of Public Works. Pages 26-29
- G. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager’s designee to execute any

necessary documents with Central Square Technologies of Lake Mary, Florida for alarm permit management services – Mike Bishop, Chief of Police. Pages 30-35

- H. Consider an Ordinance amending and adopting the Personnel Policies and Procedures Guide of the City of Longview – Mary Ann Miller, Director of Administration. Pages 36-205
- I. Consider a Resolution authorizing an agreement between the City of Longview and Gregg County accepting supplemental funds in the amount of \$30,000 from Gregg County for the Longview Public Library for fiscal year 2020 – 2021 – Jennifer Eldridge, Library Manager. Pages 206-208
- J. Consider Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the application, receipt and expenditure of grant funds in the amount of \$13,026.38, for Inter-Library Loan Services from the Texas State Library and Archives Commission – Jennifer Eldridge, Library Manager. Pages 209-212
- K. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the application, receipt and expenditure of CARES Cycle 2 grant funds in the amount of \$20,000.00 from the Texas State Library and Archives Commission for an annual subscription for online tutoring services and a book Sanitizer– Jennifer Eldridge, Library Manager. Pages 213-216
- L. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents with Pencco, Inc. of San Felipe, Texas for hydrofluorosilicic acid for the Water Treatment Plant – Rolin McPhee P.E., Director of Public Works. Pages 217-220
- M. Consider a Resolution awarding a contract to and authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents with W. M. Miller Construction Co. Inc. of Judson, Texas, in the amount of \$954,956.90 for the construction of the Wastewater System Improvements (Berry, 350 Cotton, Ninth & Village) Project – Rolin McPhee, P.E., Director of Public Works. Pages 221-224
- N. Consider a Resolution authorizing and directing the City Manager or the City Manager’s designee to execute any necessary documents for the application, receipt, and expenditure of matching grant funds not to exceed \$702,000 from the Federal Emergency Management Agency - Rolin McPhee, P.E., Director of Public Works. Pages 225-228
- O. Consider a Resolution authorizing and directing the City Manager or the

City Manager's designee to authorize application, accept and expend grant funds from the Texas State University, Texas School Safety Center - Mike Bishop, Police Chief. Pages 229-232

VI. Zoning Item

A PUBLIC HEARING will be held to consider application #Z20-08 filed by Timothy & Brianna Teel requesting a rezone from Planned Development (PD24) to Heavy Commercial (C-2) Zoning District for approximately 0.489 acres of the Hamilton McNutt Survey located at 411 N. Spur 63 at the northwest corner of Joplin Drive and N. Spur 63 – Angela Choy, AICP, City Planner. Pages 233-267

VII Action Items

- A. Consider a Resolution authorizing city staff to acquire fee simple title in and to certain property described as LT 37 NCB 223, Hamilton McNutt Survey A-129, designated as parcel 2019-P-012 through eminent domain, upon the completion and satisfaction of all required prerequisites as is required to complete the construction of the new Longview Police Department - Rolin C. McPhee, P.E., Director of Public Works. Pages 247-254

- B. Consider a Resolution authorizing city staff to acquire fee simple title in and to certain property described as LT 36D, NCB 223, Hamilton McNutt Survey A-129, City of Longview, Gregg County, Texas designated as parcel 2019-P-005 through eminent domain, upon the completion and satisfaction of all required prerequisites as is required to complete the construction of the new Longview Police Department - Rolin C. McPhee, P.E., Director of Public Works. Pages 255-262

- C. Consider a Resolution authorizing city staff to acquire fee simple title in and to certain property described as LT 50 NCB 223 (W PT LT 50) Hamilton McNutt Survey A-129, designated as parcel 2019-P-013 through eminent domain, upon the completion and satisfaction of all required prerequisites as is required to complete the construction of the new Longview Police Department - Rolin C. McPhee, P.E., Director of Public Works. Pages 263-270

VIII. Update on COVID 19

IX. Adjourn

Any final action, decision, or vote on a matter deliberated in a closed meeting will only be taken in an open

meeting that is held in compliance with Texas Government Code, Chapter 551. The City Council reserves the right to adjourn into a closed meeting or executive session as authorized by Texas Government Code, Sections 551.001, et seq. (the Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.088 of the Texas Open Meetings Act. In addition, the City Council may consider a vote to excuse the absence of any City Council Member for absence from this meeting or for absence from any previous City Council meeting.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary's Office at 903.237.1080 at least two days before this meeting so that appropriate arrangements can be made. Para ayuda en español, por favor llame al 903.237.1000.

PURCHASE OF TRAILER MOUNTED PRO-PATCH POT HOLE PATCHER

DESCRIPTION: This item would allow for the purchase of a Trailer Mounted Pro-Patch Pot Hole Patcher that will replace an existing unit that has exhausted its useful life. The old unit will be sold via auction. The total of this transaction for the pot hole patcher will not exceed \$68,105.00
We recommend that the City purchase the Trailer Mounted Pro- Patch Pot Hole Patcher using the Local Government purchasing cooperative administered by The Texas Association of School Boards ("TASB Buyboard"). The equipment listed has been properly bid and by purchasing from this purchasing cooperative agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code.

RECOMMENDED ACTION: Approval of the transaction using the TASB Buyboard cooperative purchasing program .

SOURCE OF FUNDS: Vehicle Replacement Fund 045-042-000-7170 using 2020-2021 budgeted funds

STAFF CONTACTS: Jon Keasler, Fleet
Manager 903-237-1203
jkeasler@longviewtexas.gov

Dwayne Archer, Assistant Public Works
Director 903-237-1267
darcher@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF A TRAILER MOUNTED POTHOLE PATCHER VIA THE CITY'S PURCHASING AGREEMENT WITH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE ADMINISTERED BY THE TEXAS ASSOCIATION OF SCHOOL BOARDS ("TASB BUYBOARD") FOR AN AMOUNT NOT TO EXCEED \$68,105.00; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") desires to purchase a trailer mounted pothole patcher for the Public Works Department; and,

WHEREAS, said pothole patcher will replace current pothole patcher that has exhausted its useful life; and,

WHEREAS, the City is able to purchase said equipment through a cooperative purchasing agreement with the Texas Association of School Boards (TASB) BuyBoard; and,

WHEREAS, Section 271.102 of Texas Local Government Code authorizes the purchase of said pothole patcher without the need for the City to engage in a competitive bidding process where the purchase is made through the City's participation in a cooperative purchasing program with another local government or a local cooperative organization; and

WHEREAS, TASB is such a local cooperative organization and the TASB BuyBoard is such a cooperative purchasing program; and,

WHEREAS, the City participates in a cooperative purchasing program with the TASB BuyBoard pursuant to a cooperative purchasing agreement between said parties; and,

WHEREAS, funding for this purchase is provided from the Vehicle Replacement Fund, 045-042-000-7170 using 2020-2021 budgeted funds; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS;

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents on behalf of the City of Longview, as approved by the City Attorney's Office, incident to the purchase of a trailer mounted pothole patcher for an amount not to exceed \$68,105.00.

Section 3. That the authorization provided herein is contingent upon all of the following:

- a) The purchase authorized herein shall not require an amendment of the City's 2020-2021 budget; and,
- b) The purchase authorized herein shall be made through the cooperative purchasing program administered by the TASB Buyboard.

Section 4. That the purchase described in this resolution is exempt from state bidding requirements pursuant to section 271.102 of the Texas Local Government Code.

Section 5. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PUR PW TASB TRAILER MOUNTED PATCHER 10-8-20

PURCHASE OF ONE (1) CATERPILLAR EXCAVATOR

DESCRIPTION: This item would allow for the purchase of a new Caterpillar Excavator replacing an existing unit that has exhausted its useful life. The old unit will be sold via auction. The total of the transaction for the Caterpillar Excavator will not exceed \$295,000.00
We recommend that the City purchase the Caterpillar Excavator using the Local Government purchasing cooperative administered by The Texas Association of School Boards ("TASB Buyboard"). The equipment listed has been properly bid and by purchasing from this purchasing cooperative agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code.

RECOMMENDED ACTION: Approval of the transaction using the TASB Buyboard cooperative purchasing program .

SOURCE OF FUNDS: Vehicle Replacement Fund 045-042-000-7170 using 2020-2021 budgeted funds

STAFF CONTACTS: Jon Keasler, Fleet Manager
903-237-1203
jkeasler@longviewtexas.gov

Dwayne Archer, Assistant Public Works Director
903-237-1267
darcher@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF ONE (1) EXCAVATOR VIA THE CITY'S PURCHASING AGREEMENT WITH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE ADMINISTERED BY THE TEXAS ASSOCIATION OF SCHOOL BOARDS ("TASB BUYBOARD") FOR AN AMOUNT NOT TO EXCEED \$295,000.00; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") desires to purchase an excavator for the Public Works Department; and,

WHEREAS, said excavator will replace a current unit that has exhausted its useful life; and,

WHEREAS, the City is able to purchase such excavator through a cooperative purchasing agreement with the Texas Association of School Boards (TASB) BuyBoard; and,

WHEREAS, Section 271.102 of Texas Local Government Code authorizes the purchase of said excavator without the need for the City to engage in a competitive bidding process where the purchase is made through the City's participation in a cooperative purchasing program with another local government or a local cooperative organization; and

WHEREAS, TASB is such a local cooperative organization and the TASB BuyBoard is such a cooperative purchasing program; and,

WHEREAS, the City participates in a cooperative purchasing program with the TASB BuyBoard pursuant to a cooperative purchasing agreement between said parties; and,

WHEREAS, funding for this purchase is provided from the Vehicle Replacement Fund, 045-042-000-7170; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS;

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents on behalf of the City of Longview, as approved by the City Attorney's Office, incident to the purchase of an excavator for an amount not to exceed \$295,000.00.

Section 3. That the authorization provided herein is contingent upon all of the following:

- a) The purchase authorized herein shall not require an amendment of the City's 2020-2021 budget; and,
- b) The purchase authorized herein shall be made through the cooperative purchasing program administered by the TASB Buyboard.

Section 4. That the purchase described in this resolution is exempt from state bidding requirements pursuant to section 271.102 of the Texas Local Government Code.

Section 5. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PUR PW TASB EXCAVATOR 10-8-20

PURCHASE OF TWO (2) CATERPILLAR BACKHOE LOADERS

DESCRIPTION:	<p>This item would allow for the purchase of two (2) new Caterpillar Backhoe Loaders replacing existing units that have exhausted their useful life. The old units will be sold via auction. The total of the transaction for the Caterpillar Backhoe Loaders will not exceed \$191,700.00</p> <p>We recommend that the City purchase the Caterpillar Backhoe Loaders using the Local Government purchasing cooperative administered by The Texas Association of School Boards ("TASB Buyboard"). The equipment listed has been properly bid and by purchasing from this purchasing cooperative agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code.</p>
RECOMMENDED ACTION:	Approval of the transaction using the TASB Buyboard cooperative purchasing program .
SOURCE OF FUNDS:	Vehicle Replacement Fund 045-042-000-7170 using 2020-2021 budgeted funds
STAFF CONTACTS:	<p>Jon Keasler, Fleet Manager 903-237-1203 jkeasler@longviewtexas.gov</p> <p>Dwayne Archer, Assistant Public Works Director 903-237-1267 darcher@longviewtexas.gov</p>
COUNCIL DATE:	October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF TWO (2) BACKHOE LOADERS VIA THE CITY'S PURCHASING AGREEMENT WITH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE ADMINISTERED BY THE TEXAS ASSOCIATION OF SCHOOL BOARDS ("TASB BUYBOARD") FOR AN AMOUNT NOT TO EXCEED \$191,700.00; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") desires to purchase two backhoe loaders for the Public Works Department; and,

WHEREAS, said backhoe loaders will replace current units that have exhausted their useful life; and,

WHEREAS, the City is able to purchase such backhoe loaders through a cooperative purchasing agreement with the Texas Association of School Boards (TASB) BuyBoard; and,

WHEREAS, Section 271.102 of Texas Local Government Code authorizes the purchase of said equipment without the need for the City to engage in a competitive bidding process where the purchase is made through the City's participation in a cooperative purchasing program with another local government or a local cooperative organization; and

WHEREAS, TASB is such a local cooperative organization and the TASB BuyBoard is such a cooperative purchasing program; and,

WHEREAS, the City participates in a cooperative purchasing program with the TASB BuyBoard pursuant to a cooperative purchasing agreement between said parties; and,

WHEREAS, funding for this purchase is provided from the Vehicle Replacement Fund, 045-042-000-7170; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS;

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents on behalf of the City of Longview, as approved by the City Attorney's Office, incident to the purchase of two (2) backhoe loaders for an amount not to exceed \$191,700.00.

Section 3. That the authorization provided herein is contingent upon all of the following:

- a) The purchase authorized herein shall not require an amendment of the City's 2020-2021 budget; and,
- b) The purchase authorized herein shall be made through the cooperative purchasing program administered by the TASB Buyboard.

Section 4. That the purchase described in this resolution is exempt from state bidding requirements pursuant to section 271.102 of the Texas Local Government Code.

Section 5. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PUR PW TASB TWO BACKHOE LOADERS 10-8-20

PURCHASE OF TEN (10) POLICE VEHICLES

DESCRIPTION:	<p>This item would allow for the purchase of ten (10) police pursuit vehicles that will replace existing units that have exhausted their useful life. The old units will be sold via auction. The total of this transaction for ten (10) police vehicles will not exceed \$339,200.00</p> <p>We recommend that the City purchase these ten (10) police pursuit vehicles using the Local Government purchasing cooperative administered by The Texas Association of School Boards ("TASB Buyboard"). The equipment listed has been properly bid and by purchasing from this purchasing cooperative agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code.</p>
RECOMMENDED ACTION:	Approval of the transaction using the TASB Buyboard cooperative purchasing program .
SOURCE OF FUNDS:	Vehicle Replacement Fund 045-042-000-7170 using 2020-2021 budgeted funds
STAFF CONTACTS:	<p>Jon Keasler, Fleet Manager 903-237-1203 jkeasler@longviewtexas.gov</p> <p>Dwayne Archer, Assistant Public Works Director 903-237-1267 darcher@longviewtexas.gov</p>
COUNCIL DATE:	October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF TEN (10) POLICE PURSUIT VEHICLES VIA THE CITY'S PURCHASING AGREEMENT WITH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE ADMINISTERED BY THE TEXAS ASSOCIATION OF SCHOOL BOARDS ("TASB BUYBOARD") FOR AN AMOUNT NOT TO EXCEED \$339,200.00; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") desires to purchase a ten (10) police pursuit vehicles for the Police Department; and,

WHEREAS, said police pursuit vehicles will replace current police pursuit vehicles that have exhausted their useful life; and,

WHEREAS, the City is able to purchase such police pursuit vehicles through a cooperative purchasing agreement with the Texas Association of School Boards (TASB) BuyBoard; and,

WHEREAS, Section 271.102 of Texas Local Government Code authorizes the purchase of said police pursuit vehicles without the need for the City to engage in a competitive bidding process where the purchase is made through the City's participation in a cooperative purchasing program with another local government or a local cooperative organization; and

WHEREAS, TASB is such a local cooperative organization and the TASB BuyBoard is such a cooperative purchasing program; and,

WHEREAS, the City participates in a cooperative purchasing program with the TASB BuyBoard pursuant to a cooperative purchasing agreement between said parties; and,

WHEREAS, funding for this purchase is provided from the Vehicle Replacement Fund, 045-042-000-7170; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS;

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents on behalf of the City of Longview, as approved by the City Attorney's Office, incident to the purchase ten (10) police pursuit vehicles for an amount not to exceed \$339,200.00.

Section 3. That the authorization provided herein is contingent upon all of the following:

- a) The purchase authorized herein shall not require an amendment of the City's 2020-2021 budget; and,
- b) The purchase authorized herein shall be made through the cooperative purchasing program administered by the TASB Buyboard.

Section 4. That the purchase described in this resolution is exempt from state bidding requirements pursuant to section 271.102 of the Texas Local Government Code.

Section 5. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PUR POLICE TASB PURSUIT VEHICLES 10-8-20

PURCHASE OF ONE (1) SMALL REFUSE TRUCK

DESCRIPTION: This item would allow for the purchase of one (1) small refuse truck that will replace an existing unit that has exhausted its useful life. The old unit will be sold via auction. The total of this transaction for one (1) small refuse truck will not exceed \$105,422.47. We recommend that the City purchase the small refuse truck using the Local Government purchasing cooperative administered by The Texas Association of School Boards ("TASB Buyboard"). The equipment listed has been properly bid and by purchasing from this purchasing cooperative agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code.

RECOMMENDED ACTION: Approval of the transaction using the TASB Buyboard cooperative purchasing program .

SOURCE OF FUNDS: Sanitation Fund 023-032-000-7170 using 2020-2021 budgeted funds

STAFF CONTACTS: Todd Gibbs, Sanitation and Beautification Manager
903-237-1331
tgibbs@longviewtexas.gov

Dwayne Archer, Assistant Public Works Director
903-237-1267
darcher@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF ONE (1) SMALL REFUSE TRUCK VIA THE CITY'S PURCHASING AGREEMENT WITH THE LOCAL GOVERNMENT PURCHASING COOPERATIVE ADMINISTERED BY THE TEXAS ASSOCIATION OF SCHOOL BOARDS ("TASB BUYBOARD") FOR AN AMOUNT NOT TO EXCEED \$105,422.47; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") desires to purchase a small refuse truck for the Sanitation department; and,

WHEREAS, said refuse truck will replace a current unit that has exhausted their useful life; and,

WHEREAS, the City is able to purchase such refuse truck through a cooperative purchasing agreement with the Texas Association of School Boards (TASB) BuyBoard; and,

WHEREAS, Section 271.102 of Texas Local Government Code authorizes the purchase of said refuse truck without the need for the City to engage in a competitive bidding process where the purchase is made through the City's participation in a cooperative purchasing program with another local government or a local cooperative organization; and

WHEREAS, TASB is such a local cooperative organization and the TASB BuyBoard is such a cooperative purchasing program; and,

WHEREAS, the City participates in a cooperative purchasing program with the TASB BuyBoard pursuant to a cooperative purchasing agreement between said parties; and,

WHEREAS, funding for this purchase is provided from the Sanitation Fund, 023-032-000-7170; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS;

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents on behalf of the City of Longview, as approved by the City Attorney's Office, incident to the purchase of small refuse truck for an amount not to exceed \$105,422.47.

Section 3. That the authorization provided herein is contingent upon all of the following:

- a) The purchase authorized herein shall not require an amendment of the City's 2020-2021 budget; and,
- b) The purchase authorized herein shall be made through the cooperative purchasing program administered by the TASB Buyboard.

Section 4. That the purchase described in this resolution is exempt from state bidding requirements pursuant to section 271.102 of the Texas Local Government Code.

Section 5. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

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PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PUR PW TASB SMALL REFUSE TRUCK 10-8-20

PURCHASE OF ONE (1) MAHINDRA 7095 CAB TRACTOR

DESCRIPTION: This item would allow for the purchase of one (1) Mahindra 7095 Cab Tractor that will replace an existing unit that has exhausted its useful life. The old unit will be sold via auction. The total of this transaction for one (1) Mahindra 7095 Cab Tractor will not exceed \$59,900.00. We recommend that the City purchase the Mahindra 7095 Cab Tractor using the purchasing cooperative administered by Houston-Galveston Area Council (HGAC) . The equipment listed has been properly bid and by purchasing from this purchasing cooperative agreement we fulfill bidding requirements under Chapter 252 of the Local Government Code.

RECOMMENDED ACTION: Approval of the transaction using the Houston-Galveston Area Council (HGAC) cooperative purchasing program .

SOURCE OF FUNDS: Vehicle Replacement Fund 045-042-000-7170 using 2020-2021 budgeted funds

STAFF CONTACTS: Jon Keasler ,Fleet Manager
903-237-1203
jkeasler@longviewtexas.gov

Dwayne Archer,Assistant Public Works Director
903-237-1267
darcher@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE PURCHASE OF ONE (1) CAB TRACTOR VIA THE CITY'S PURCHASING AGREEMENT WITH THE PURCHASING COOPERATIVE ADMINISTERED BY THE HOUSTON-GALVESTON AREA COUNCIL (HGAC) FOR AN AMOUNT NOT TO EXCEED \$59,900.00; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE AND/OR OTHER OFFICIAL(S) OF THE CITY AS SHALL BE REQUIRED TO EXECUTE ANY DOCUMENTS NECESSARY FOR SAID PURCHASE; SETTING FORTH THE CONDITIONS OF SUCH AUTHORIZATION; DETERMINING THAT SAID PURCHASE IS EXEMPT FROM STATE BIDDING REQUIREMENTS; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") desires to purchase a cab tractor for the Sanitation Department; and,

WHEREAS, said cab tractor will replace a current unit that has exhausted their useful life; and,

WHEREAS, the City is able to purchase such cab tractor through a cooperative purchasing agreement with the Houston-Galveston Area Council (HGAC); and,

WHEREAS, Sections 252.022 and 271.102 of the Texas Local Government Code authorize such purchases without the need for the City to engage in a competitive bidding process where such purchases are made under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter 391 of the Texas Local Government Code; and,

WHEREAS, the Houston-Galveston Area Council is such a regional planning commission; and,

WHEREAS, the City has such a contract with said regional planning commission; and,

WHEREAS, funding for this purchase is provided from the Vehicle Replacement Fund, 045-042-000-7170; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS;

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Manager, the City Manager's designee and/or other official(s) of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents on behalf of the City of Longview, as approved by the City Attorney's Office, incident to the purchase of a cab tractor for an amount not to exceed \$59,900.00.

Section 3. That the authorization provided herein is contingent upon all of the following:

- a) The purchase authorized herein shall not require an amendment of the City's 2020-2021 budget; and,
- b) The purchase authorized herein shall be made through the cooperative purchasing program administered by the Houston-Galveston Area Council (HGAC).

Section 4. That the purchase described in this resolution is exempt from state bidding requirements pursuant to section 271.102 of the Texas Local Government Code.

Section 5. That the meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PUR PW HGAC TRACTOR 10-8-20

ALARM PERMIT MANAGEMENT SERVICES

DESCRIPTION:

This item would allow for an agreement for Alarm Permit Management Services for the Police Department. As per City of Longview Ordinance Sec. 70-51. Burglary and Robbery Alarms, the City of Longview Police Department issues, for a fee, annual alarm permits for all residential and commercial alarm systems located in the corporate city limits. In addition, a fee is charged for multiple false alarm calls. This item would allow for an agreement for a third party contractor to administer the alarm permit program. Awarded contractor will make available to residents and businesses a website to register alarm systems. In addition, awarded contractor will collect all monies due for permits and false alarm fees and provide a proactive educational program for residents and businesses with frequent false alarm calls. November 2015 City of Longview issued an RFP and awarded a contract to Public Safety Corporation for Alarm Management Services. Public Safety Corporation was bought out by Central Square Technologies and thereby became our contractor.

July 2020 a Request For Proposals was published and 1 proposal was received from Central Square Technologies, which is our current vendor.

A review committee was comprised of Longview Police and Public Safety Department personnel.

The following criteria was used in determining the recommended proposal:

- 35% Work plan; including all items listed in the section titled Work Plan, as well as all items listed in Attachment 1 – Statement of Work and items listed in section titled Project Timeline. Offerors with a False Alarm Reduction program will be viewed more favorably. Any proposed item(s) the City views as value added services and/or features, not specified elsewhere, that are specific to Alarm Management Services. Ability to provide a compatible electronic interface from City of Longview existing system for the setup of the new proposed system
- 35% Experience/Qualifications/References; including previous projects worked on, experience with similar technologies, and experience of personnel. Any item listed under section titled Experience/Qualifications/References as well as section

titled Performance Expectations. Past relationship doing business with the City of Longview.

- 30% Cost of Service
- 10% Responsiveness to complying with the RFP requirements.

Based on a review of the listed criteria it is recommended that the contract for the Alarm Permit Management System be awarded to Central Square Technologies of Lake Mary, Florida. They are the current vendor and City of Longview is happy with the services that are being provided and recommend entering into a new contract with them. In addition, the revenue sharing is more advantageous to the City of Longview.

RECOMMENDED ACTION: Award of resolution to Central Square Technologies

SOURCE OF FUNDS: No Direct Funding needed. Revenue Sharing between City of Longview and Awarded Contractor.
Revenue: City of Longview - 80%, Central Square - 20%

STAFF CONTACTS: Anthony Boone, Assistant Chief of Police
903-239-5527
jlatch@longviewtexas.gov

Mike Bishop, Chief of Police
903-237-1101
mbishop@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE PROPOSAL OF CENTRAL SQUARE TECHNOLOGIES OF LAKE MARY, FLORIDA FOR ALARM MANAGEMENT SERVICES; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO NEGOTIATE AND EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND PUBLIC SAFETY CORPORATION FOR SAID SERVICES; AUTHORIZING A FIVE YEAR CONTRACT WITH THE RENEWAL OF SAID CONTRACT AT THE CITY MANAGER'S DISCRETION FOR UP TO FIVE ADDITIONAL ONE-YEAR TERMS; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE COMPETITIVE PURCHASING REQUIREMENTS IN SOLICITING AND ACCEPTING SAID PROPOSAL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview issued a request for proposals for alarm management services; and,

WHEREAS, Central Square Technologies of Lake Mary, Florida submitted the best proposal based on published evaluation criteria for said services; and,

WHEREAS, prior to advertising for proposals for the aforesaid Alarm Management Services, the City of Longview Purchasing Manager determined that the Competitive Sealed Proposal procedure was the method of purchase that would provide the best value to the City of Longview in obtaining the aforesaid services; and,

WHEREAS, the City of Longview Purchasing Manager is the designated representative to whom the City Council of the City of Longview (in the Purchasing Manual previously adopted by ordinance of said Council) has delegated the authority to make the above-described determination; and,

WHEREAS, the City has considered the criteria described in Section 252.043 (b) of the Texas Local Government Code and the discussions conducted under Section 252.042 of the Texas Local Government Code in determining the best value for the municipality with regard to the above-described alarm management services; and,

WHEREAS, fees paid to vendor will be calculated on a percentage basis based on revenue collected by contractor, therefore, no direct funding is needed for said services; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That, after considering the criteria described in Section 252.043 (b) of the Texas Local Government Code and the discussions conducted under Section 252.042 of the Texas Local Government Code, the above-described proposal of Central Square Technologies of Lake Mary, Florida, was deemed by the City of Longview Purchasing Manager and the Longview City Council to provide the best value to the City of Longview for alarm management services.

Section 3. That the City of Longview hereby accepts the aforementioned proposal from Central Square Technologies of Lake Mary, Florida.

Section 4. That the initial contract shall be for a period of five (5) years.

Section 5. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to five (5) additional one-year terms.

Section 6. That the City Manager, the City Manager's designee and/or any other official or representative of the City of Longview as shall be required, is/are

hereby authorized to negotiate and execute any and all contracts and other documents, as approved by the City Attorney's Office, incident to the acceptance of the aforesaid proposal from Central Square Technologies of Lake Mary, Florida for said alarm management services.

Section 7. That the process by which the aforementioned proposals were solicited, received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 8. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PUR POLICE PROPOSAL ALARM MGMT SVCS 10-8-2020

PERSONNEL POLICIES AND PROCEDURES GUIDE REVISIONS

DESCRIPTION:	The City of Longview Personnel Policies and Procedures Guide, which contains employment guidelines for City employees, requires periodic revision to remain up-to-date with changing laws or City practices. To accomplish this, we have a cross-departmental team that meets, discusses, and decides upon each policy change.
RECOMMENDED ACTION:	Approval of the Ordinance
STAFF CONTACT:	Mary Ann Miller, Director of Administration 903-237-1014 mmiller@longviewtexas.gov
COUNCIL DATE:	October 8, 2020

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AMENDING AND ADOPTING THE PERSONNEL POLICIES AND PROCEDURES GUIDE OF THE CITY OF LONGVIEW; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE SEVERABILITY OF THE PROVISIONS HEREOF; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS CONDUCTED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Longview Personnel Policies and Procedures Guide is a document that contains employment guidelines for City employees; and,

WHEREAS, such a document requires periodic revision to remain up to date with changing Federal and State laws as well as changing City practices; and,

WHEREAS, development of new policies as well as additional clarification to other policies is necessary in order to promote better understanding of the policies, thereby bringing more consistency and compliance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this ordinance are hereby in all things approved and adopted.

Section 2. That the Personnel Policies and Procedures of the City of Longview, Texas, is hereby amended to read as set forth in the attached Exhibit "A," which exhibit is for all purposes attached hereto.

Section 3. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 4. That if any section, paragraph, subdivision, clause, phrase or provision of this ordinance is hereafter determined to be invalid or violative of the laws of the State of Texas or the Constitution of the United States by a court of appropriate jurisdiction, such finding of invalidity shall affect the continued enforcement only of the provision or provisions so determined to be invalid, it being the intent of the City Council of the City of Longview that all other terms and provisions of this ordinance not affected thereby shall remain in full force and effect.

Section 5. That the meeting at which this ordinance was passed was conducted in strict compliance with the Texas Open Meetings Act (Texas Government Code Chapter 551)

Section 6. That this ordinance shall be effective immediately from and after its passage.

PASSED AND APPROVED this 8th day of October 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O HR POLICY CHANGE 10-8-20



Personnel Policies and Procedures Guide

Revised October 8, 2020

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**City of Longview
Personnel Policies and Procedures**

Disclaimer

This manual is a general guide and the provisions of this manual do not constitute an employment agreement (contract) or a guarantee to continue employment. I further understand that the City of Longview reserves the right to change the provisions of the manual at any time. My continued employment will be deemed acceptance of any and all such changes.

This policy is not an employment contract and nothing in these policies is intended to change or modify the “at-will” status of City employees or to create or confer any property rights or expectation of continued employment to any employee. The City of Longview is an at-will employer. Any employee may be discharged or terminated for any reason or no reason, except those prohibited by federal or state law.

My employment is for no definite period and may, regardless of the date of payment of my wages and salary, be terminated at any time with or without cause, without any prior notice.

All employees are expected to become familiar with and adhere to all City of Longview policies.

I realize that as a condition of continued employment I am required to become familiar with the terms and provisions of these policies and procedures.

**City of Longview
Personnel Policies and Procedures**

1.01 Purpose

Amended 3.25.10

- A. The purpose of the City of Longview’s Personnel Policies and Procedures is to provide for a consistent and equitable system of personnel management for the City. While these rules constitute a statement of policies and procedures, they are not intended to be all-inclusive and cover every conceivable personnel situation that might arise. Circumstances of any particular case or matter may warrant a deviation or exception in the application of these policies; where such circumstances justify an exception, the City Manager, or his designee, may do so. Considerable latitude will be given to the City Manager, directors, and managers for administration of these policies within the framework outlined in these rules and regulations.

- B. This policy is not an employment contract and nothing in these policies is intended to change or modify the “at-will” status of city employees or to create or confer any property rights or expectation of continued employment to any employee. The City is an at-will employer.

**City of Longview
Personnel Policies and Procedures**

1.02 Authority

Amended 4.9.15

- A. With the exception of matters reserved to City Council by statute or Charter, the general and final authority for conduct of municipal personnel affairs is vested in the City Manager, including appointments to positions and the establishment and maintenance of satisfactory standards of efficiency, welfare, supervision over all departments, officials and positions created and approved by the City Council. No City employee, manager, or representative of the City has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to this manual. Final authority, in the form of review and approval, resides with the City Manager with regard to all matters and subjects covered by these regulations, unless specifically delegated to various directors and/or other subordinates. This delegation may be either written or oral. The director of a department may establish policies and procedures for that department, if the policies and procedures do not conflict with the *City of Longview Personnel Policies and Procedures Guide*.
- B. The fundamental objectives of good human resources administration sought by these policies are declared:
1. to provide consistent and equal opportunity to qualified persons to enter City employment on a basis of demonstrated merit, ability, and physical and moral fitness as ascertained through fair and practical methods of selection, free of personal and political considerations.
 2. to promote and increase efficiency and economy in the service of the City.
 3. to establish and promote high morale among City employees by providing a uniform personnel policy, opportunity for advancement, good working relationship, and consideration of employees' needs and desires.
 4. to establish and maintain a uniform plan for evaluation and compensation based on duties and responsibilities relative to the positions in City service.
 5. to develop a plan of recruitment, retention, and advancement that will make employment with the City attractive as a career and encourage each employee to render their best service to the City.

**City of Longview
Personnel Policies and Procedures**

1.03 Scope

Amended 3.25.10

- A. These policies apply to and govern all employees of the City, except where state and federal law preempts the application of this policy or where there are provisions to the contrary in state and federal law.

- B. These policies supersede all existing personnel policies and are effective and binding on all employees regardless of hire date. Continued employment with the City following adoption of these policies constitute conclusive acceptance of the terms of the policies. This policy is not an employment contract and nothing in this policy is intended to change or modify the at-will status of city employees or to create or confer any property rights or expectation of continued employment to any employee. Disciplinary action herein is not exclusive and is provided for guidance only. Employment in a position, either regular or temporary, is not recognized as a vested right to be retained primarily because of appointment or possession, but only when the standard of performance justifies the continuance.

- C. The failure of the City to follow or comply with any provision of these policies will not constitute grounds for nor form the basis of any action or cause of action, either civil or criminal, arising from employment with the City. The City reserves the right to change the provisions of these personnel policies and procedures at any time.

**City of Longview
Personnel Policies and Procedures**

1.04 Amendments

Amended 12.9.04

The City Manager may change or amend these rules within Charter limitations and with approval of City Council, to the extent deemed necessary to more effectively promote the interests of the City. Any new rules, regulations or policies issued, in accordance with this Section, supersede these regulations and are fully binding on all employees. Any provisions, terms, or conditions described in these policies may be changed and continued employment with the City constitutes acceptance binding on all employees. Such new policies will, upon adoption, be set forth in writing and distributed to and/or made available to all employees. Amendments so made will be filed with Human Resources.

**City of Longview
Personnel Policies and Procedures**

1.05 Ethical Conduct

Amended 9.27.12

- A. Every employee in the City's service is working for the good of all the people of Longview. It must be the aim of the personnel of the City to constantly develop a high-performing municipal government. In so doing, much depends upon all the employees of the City. The behavior of each City employee should, at all times, promote the good will and trust of the public.

- B. Each employee is expected to do their best to make the most ethical decisions while serving the residents of Longview. The City employee core values of accountability, teamwork, integrity, and professionalism should always be applied to decisions.

Along with the application of core values in the decision making process, other questions should include:

- 1. Is the action lawful?
- 2. Would my actions cause embarrassment to the City?
- 3. Is there justification for my action?

Note: When necessary, an employee may contact a supervisor for clarification and guidance.

Not only is it the duty of employees to behave in a manner that reflects well upon the City, employees must report any misconduct or unethical behavior. These reports should be directed to the employee's supervisor or to the Director of Administration or to his or her designee.

- C. Each employee should have a thorough knowledge of their own job and should profess a profound respect for their work. The employee should be endowed with the spirit that the effort is of consequence and that the work is of worthwhile value.

- D. While this policy provides overall guiding principles with regard to the ethical conduct of employees, Section 3 of the Personnel Policies and Procedures Guide generally will be referred to when taking disciplinary action involving employee conduct.

**City of Longview
Personnel Policies and Procedures**

1.06 Definitions

Amended 10.8.20

- A. Reference to any person in these policies by use of the masculine/feminine gender is for purposes of grammatical clarity only, and should not be construed to exclude either gender.
- B. Titles utilized herein will not govern, limit, modify, or affect the scope of meaning or intent of any provision.
- C. Any provision contained herein that is found or determined to be illegal, incorrect, or inapplicable will not affect the validity of the remaining contents.
- D. The words and terms used in these policies will have the meaning indicated as follows (unless the context in which the word is used clearly indicates otherwise):

Address means the street and number, city, state and zip code of a location and/or the post office box mailing address, if applicable.

Administrative Leave means an authorized absence with pay or without pay with manager or director approval.

Anniversary Date means the month and date at which one (1) year, or additional years of employment with the City, is attained by a regular full-time or part-time employee. If an employee changes from part-time to full-time status, then the anniversary date is changed to reflect the date the employee begins full-time status.

Base Pay means an employee's salary excluding longevity pay, incentive pay, premium pay, overtime pay and any other additional compensation.

Bona Fide Offer of Employment refers to a job offer letter that may be prepared for an employee injured on the job. The intent of the letter is to note the doctor's work restrictions, duties, hours, schedule, wage and location of the modified work assignments.

Business / Financial Interest exists when an employee owns 10% or more of the voting stock or shares or \$15,000.00 or more of the fair market value of a business entity.

Callback Time means time when the City requires an employee to return to work on an unscheduled or emergency basis to work outside of the employee's regularly scheduled work hours. *See Section [4.03](#) for more information.*

Child means a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day

responsibility for care, including a biological, adopted, foster or step-child. For purposes of a son or daughter on covered active duty or call to covered active duty, or for servicemember family and medical leave, the child may be of any age.

City means the City of Longview.

City Vehicle means any vehicle designed to carry a driver and/or passengers in order to conduct City business. This will include privately owned/leased vehicles operated for the conduct of City business and motorized equipment such as a tractor, loader, etc.

City Work Site means (1) any City building or other real property owned, leased, or otherwise controlled by the City of Longview; (2) any location at which a City employee is assigned to work; and (3) any vehicle or other equipment owned, leased, or otherwise controlled by the City.

Compensatory Time (Comp Time) is an accrued amount of time that a non-exempt employee can take for overtime in lieu of cash. Comp time is accrued at a rate of time and a half. Employers control the use of compensatory time and may require civilian employees to take time off, even if they have not requested it. *See Section [4.03](#) for more information.*

Conflict of Interest exists when the private interests and public obligations of a person in an official position become divergent.

Contract Employee means an employee who has contracted with the City to perform a specific task at a set rate of compensation. This employee usually works their own hours, utilizing their own equipment, and the job is temporary and not regular in nature.

Controlled Substance means any drug or controlled substance for which the manufacture, distribution, possession, sale, or consumption is illegal, or a prescribed or over-the-counter drug which is legally obtained but not being used for its intended purpose, or a prescribed or over-the-counter substance which is legally obtained and used for its intended purpose but the use of which causes the employee to be impaired or in an unfit condition. The definition of controlled substance includes, but is not limited to, all controlled substances, drugs, chemical precursors, simulated controlled substances, volatile chemicals, abused glues, aerosol paints, and marijuana as those terms are now or will hereafter be defined in Title 6, Chapters 481-485 of the Texas Health and Safety Code, or any successor Code thereto. *See Section [3.13](#) for more information.*

Decision-Making Leave is one day, with pay. During that time the employee must decide whether they want to continue working for the City, and upon return to work, must present their supervisor with a performance improvement plan. *See Section [3.04](#) for more information.*

Demotion means an assignment of an employee from a position in one classification to a position in another classification having a lower pay grade.

Department means a major functional unit of City government.

Director means any person, appointed by the City Manager with approval of City Council, who is responsible for the administration of a department, as identified on the City organizational chart.

Division is a functional unit of a department as identified on the City organizational chart.

Driver's License means the permit issued by the State of Texas allowing an individual to operate vehicles within the state.

Election includes primary, special, and general elections.

Employee means any person employed and paid a salary or wages by the City, and includes a person employed on a temporary or part-time basis, but does not include an independent contractor, contract employee, a member of an appointed board or commission, or a member of the City Council.

Ethical Conduct is action that is guided by a set of moral principles or values governing an individual or group.

Exempt Employee means any management, supervisory, professional, or administrative employee whose position meets specific tests established by the Fair Labor Standards Act and state law and is exempt from overtime pay requirements.

Fit for Duty means the ability of an employee to perform the essential functions of their position. See [Section 2.09](#) for more information.

Flex Time is defined as a flexible schedule agreed upon by the employee and the employee's manager or supervisor that serves as an alternative method of accruing overtime or compensatory time. Flex time is accrued at a rate of one times the pay and is available for both exempt and non-exempt employees. Flex time must be taken in the same work period that the overtime is accrued. See [Section 4.03](#) for more information.

Full-Time Employee means any employee regularly scheduled to work forty (40) hours or more per work period in an authorized, budgeted position.

Furlough is defined as a mandatory, temporary unpaid leave. Such leave could take the form of a furlough day or a furlough leave of absence. See [Section 2.16](#) for more information.

Gift / Gratuity / Benefit is considered anything reasonably regarded as monetary gain or a monetary advantage, such as a present or promised payment, loan, subscription, advance, deposit of money, cash, tips, goods, services, merchandise, event ticket, tangible or intangible benefit, gifts, favor, entertainment, discount, pass, transportation,

accommodation, hospitality, stocks/securities or other benefit. See Section [3.12](#) for more information.

Grade means a division of a salary and classification schedule with specified rates and/or ranges of pay into which a job or position is classified according to factors outlined in the City's Position Analysis Questionnaire (PAQ) or any other instrument currently utilized in the classification process.

Gross Misconduct means acts of gross misconduct that are intentional, wanton, willful, deliberate, reckless, or in deliberate indifference to an employer's interest or known standard.

Harassment is any unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Health Care Provider is a doctor of medicine or osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor, nurse practitioner and nurse midwife, and Christian Science practitioner.

Hire Date is the date an employee begins working for the City.

Holiday Pay is full-time pay received for working a City-designated holiday for full-time employees.

Job means a collection of tasks, duties and responsibilities regularly assigned to and performed by an individual or individuals.

Job Classification means all positions, regardless of departmental location, that are sufficiently alike in duties and responsibilities to: 1) be called by the same descriptive title; 2) be accorded the same pay scale under like conditions; and/or 3) require substantially the same education, experience, and skills

Manager means any person appointed by a director who is responsible for the administration of a division, as identified on the City organizational chart.

Manual means these personnel policies.

Medical Review Officer (M.R.O.) means a licensed physician with knowledge of substance abuse disorders and training to interpret and evaluate confirmed positive test results, who is responsible for receiving laboratory results generated by the City's Controlled Substance and Alcohol Screening Program. See Section [3.13](#) for more information.

Merit means character or conduct deserving reward, honor, or esteem.

Military Leave means any authorized absence of an employee for active or reserve duty or training in the United States armed forces.

Modified Duty Assignments means temporary work assignment for those employees injured on the job.

Month means one (1) calendar month.

Motor Vehicle Accident means an incident involving a motor vehicle in which there is a collision and/or contact.

Non-Exempt Employee means any employee whose position does not meet Fair Labor Standards Act exemption tests and who is eligible for overtime compensation.

Nonpartisan Election is an election at which none of the candidates are to be nominated or elected as representing a political party, any of whose candidates for presidential election received votes in the last preceding elections at which presidential electors were selected; and/or an election involving a question or issue which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any question or issue of similar character. This includes City Council elections of the City of Longview. See Section [3.02](#) for more information.

Non-Preventable Accident/Injury is an incident in which the employee: 1) has not violated a traffic law; 2) has not violated a safety rule or department procedure; or 3) has done everything reasonable to avoid the accident.

On-Call means the time spent by employees, usually off the working premises, in their own pursuits, where the employee must remain available to be called back in to work on short notice if the need arises. This is not considered time worked and is not compensable. See Section [4.03](#) for more information.

Overtime is defined as those hours worked, by non-exempt employees during any Fair Labor Standards Act-defined work period, which normally exceeds forty (40) hours specified for such work period. (Overtime is defined separately for shift personnel within the Fire Department, as per 29 U.S. Code § 207(k).) See Section [4.03](#) for more information.

Parent means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.

Partisan Election is an election at which any of the candidates are to be nominated or elected as representing a political party, any of whose candidates for presidential elector received votes in the last preceding elections at which presidential electors were elected; and/or an election involving a question or issue which is specifically

identified with a political party, such as a constitutional amendment or referendum. See Section [3.02](#) for more information.

Part-Time Employee means any employee regularly scheduled to work less than forty (40) hours per work period in an authorized, budgeted position, usually less than 1,000 hours per year.

Pay Period means a fourteen (14) day work cycle. For Fire shift personnel it means a fifteen (15) day work cycle.

Physician or Licensed Physician means any physician licensed by the appropriate state medical licensing board.

Policy is a plan or course of action, of a government or business designed to influence and determine decisions and actions; a course of action, guiding principle, or procedure considered to be expedient, prudent, or advantageous.

Political Party is a national or state political party or an affiliated organization of such.

Political Purposes or Activities are activities conducted in the furtherance of nonpartisan or partisan elections and/or of legislative or executive actions by a governmental body. See Section [3.02](#) for more information.

Preventable Accident/Injury is an incident in which an employee 1) violates a traffic law, and that violation causes or contributes to the accident; 2) violates a safety rule or departmental procedure, and that violation causes or contributes to the accident; or 3) commits an act that could have reasonably been avoided, thus preventing the accident.

Promotion means an assignment of an employee from a position in one classification to a position in another classification having a higher pay grade. See Section [4.07](#) for more information.

Reasonable Suspicion means the belief that an employee has violated the alcohol or drug prohibitions, based on specific observations concerning the appearance, behavior, speech, or odor of the employee.

Reduction in Force means a separation from City service due to a shortage of funds or materials, elimination of a position, or other reasons beyond the control of an employee.

Regular Employee means an employee who is either full-time or part-time and who is off new hire probation. This does not include seasonal and temporary employees.

Residence means the actual place where the employee lives.

Retirement Date means the day an eligible employee officially separates from City employment and becomes entitled to receive retirement benefits.

Secondary Employment means any business, trade, occupation, or profession performed by a City employee for any entity other than the City, including self-employment.

Separation refers broadly to the process of managing the termination of employment whether voluntary or involuntary.

Serious Health Condition means an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three (3) calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three (3) calendar days; or 4) prenatal care by a health care provider.

Spouse means a husband or wife, as the case may be, including individuals in lawfully recognized same-sex and common law marriages and marriages that were validly entered into outside of the United States, if they could have been entered into in at least one state.

Step-Up Pay means pay received when an employee must perform the duties of a higher-level position. The employee who steps up to the higher-level position will receive “step-up” pay for the new position if they must perform the duties for four (4) weeks or more. This does not apply to shift personnel in police or fire departments. See [Section 4.05](#) for more information.

Supervisor means any person, regardless of job title, who is responsible for directing the work of others.

Suspension is when an employee is temporarily removed from their position without pay for a specific time. See [Section 3.04](#) for more information.

Tardy means arriving at the assigned work site after the appointed work time, without prior approval or not in compliance with division guidelines. See [Section 3.09](#) for more information.

Temporary Employee means any employee appointed to any of the following: 1) an assignment of job scheduled to last less than six (6) months; 2) a position funded under a federal employment and training program as a participant meeting federal eligibility requirements, but not including administrative or staff positions; 3) a cooperative work-study program with an educational institution; 4) a seasonal position, even though the assignment may last more than six (6) months; 5) any assignment of less than a full calendar year, which is repeated from year to year, even though the assignment may last more than six (6) months; or 6) a position which, by City policy and practice, is intended to give introductory work experience to a person preparing for entry into the work force.

Termination means the loss of a job due to disciplinary action or any action initiated by the employer.

Transfer means any change of an employee from one position to another position in a classification having the same pay grade. See [Section 2.10](#) for more information.

Twelve (12) month period means, for the purpose of figuring Family and Medical Leave, a rolling twelve (12) month period measured backward from the date leave is taken.

Unauthorized Absence means any absence for which an employee has not received approval in advance or an absence that has not been sufficiently confirmed to the supervisor's satisfaction. See [Section 3.09](#) for more information.

Unfit Condition / Impaired means the employee's behavior and/or ability to work is affected by a controlled substance or alcohol, or the combination of them, in any detectable manner. See [Section 3.13](#) for more information.

Waiting Period is defined here with regard to on-the-job injuries. "Waiting period" is defined as the first seven days after an on-the-job injury occurs and before the temporary income benefits (TIB) begin. See [Section 5.03](#) for more information.

Weapon means any instrument specifically designed, made, or adapted for the purpose of inflicting serious bodily injury or death, including, but not limited to, clubs, explosives, firearms, handguns, illegal knives, crossbows, bows and arrows, throwing stars, zip guns, and artificial knuckles. See [Section 3.07](#) for more information.

Workday or Working Day means any one shift during which a division is open for business or on which an employee is scheduled to work. For the purposes of this policy manual, a workday means an eight (8) hour period.

Work Period means a fixed, recurring period as follows: 1) forty (40) hours per week, this is defined as Monday 12:00 a.m. to Sunday 11:59 p.m., for most regular full-time employees; 2) certified Fire Department shift personnel will average fifty-six (56) work hours per week and 120 hours over a fifteen (15) day work cycle as defined by 29 U.S. Code § 207(k); but, 3) a director may alter the work period to meet the departmental needs, if the change does not violate state or federal law.

**City of Longview
Personnel Policies and Procedures**

1.07 Employment At-Will

Amended 3.25.10

Employment at the City is at-will. Either an employee or the City can terminate an employment relationship at any time, with or without cause and with or without notice. Nothing contained in this policy and procedures manual should be construed as a contract of employment or otherwise. No verbal statement or promises made by anyone at the time of hire or thereafter contrary to this policy are binding on the City in any manner.

**City of Longview
Personnel Policies and Procedures**

2.01 Equal Employment Opportunity

Amended 10.8.20

- A. The City realizes that equal employment opportunity benefits the City and its employees through the full utilization of all human resources.
- B. The City provides an equal employment opportunity to all qualified persons. There will be no discrimination against, or harassment of, applicants or employees because of race, color, sex, religion, national origin, sexual orientation, gender identity, age, disability, veteran status or any other protected status. The City recruits, hires, promotes, transfers, takes disciplinary action, and makes all personnel decisions, including those related to compensation and benefits, non-discriminately and in accordance with applicable law. Further, the City makes reasonable accommodations for applicants and employees with known disabilities who can perform the essential job functions with or without such accommodations.
- C. The City requires all employees to bring to the City's attention any information regarding any incident of possible discrimination or harassment so that the matter can be investigated and appropriate action taken. Any employee who violates the City's policy will be subject to disciplinary action up to and including termination.

**City of Longview
Personnel Policies and Procedures**

2.02 Recruitment

Amended 10.24.19

The procedures and selection techniques, which the departments use to achieve the City's goal of providing a fair and equal opportunity to all applicants, and to establish an applicant's eligibility ranking for employment are as follows.

- A. Human Resources will advertise the employment needs of the City with a view toward non-discrimination and toward obtaining the most qualified candidate for each vacancy, whether filled internally or externally.
- B. Each applicant:
 - 1. must complete an application form and submit additional information regarding education, experience, and training if so requested.
 - 2. may complete a physical questionnaire and undergo a physical examination and testing if required.
- C. Human Resources may conduct any job related tests including but not limited to, criminal background checks, driving records checks, etc. These tests are necessary to determine the applicant's fitness for the position pursuant to local, state and federal law. Public safety divisions may conduct their own background investigations, testing, driving records checks, etc.
- D. In addition to the above, the City may also use any of the following examinations:
 - 1. written examinations which may include a written demonstration of each applicant's knowledge, information, and skill in the field for which the test is being held.
 - 2. written examinations, which may include standard tests of mental alertness, grammar, mathematics or general studies.
 - 3. performance tests, as necessary, to determine the ability and manual skill of each applicant to perform the essential elements of the work involved. These tests may be competitive or qualifying.
- E. Hiring supervisors may interview applicants referred by Human Resources. These supervisors may reject any applicants.
- F. Once the hiring supervisor makes a selection, Human Resources will close the position and provide further assistance to the hiring division.

- G. If a full-time employee, who separates from service with the City for any reason, withdraws money from the established retirement plan, that employee will not be considered for rehire in a full-time position for a minimum of twelve (12) months.
- H. If a full-time employee moves to a part-time or temporary status for any reason and withdraws money from the established retirement plan, that employee will not be considered for rehire in a full-time position for a minimum of twelve (12) months after the change of employment status from full-time.
- I. Persons who have been terminated or who have not provided a two (2) week resignation notice from the City will not be considered for reemployment without City Manager approval.
- J. Human Resources will be notified of anticipated vacancies as far in advance as is reasonably possible to permit sufficient time for selection of qualified candidates.

**City of Longview
Personnel Policies and Procedures**

2.03 Working Age Limitations

Amended 3.24.05

- A. Age limits are indicated in some specifications for various classes of positions on the basis of a bonafide occupational qualification or statutory requirement.
 - 1. No person under seventeen (17) years of age will be employed in any regular position, or any temporary or part-time position requiring the operation of a motorized vehicle owned by the City.
 - 2. No person under the age of sixteen (16) will be employed in any temporary or part-time position.
 - 3. When a minor is employed by the City, the minor will not be permitted to begin working until his parents or legal guardian execute a waiver and release form provided by the City. For these purposes a minor is classified as a person, male or female, under eighteen (18) years of age.

**City of Longview
Personnel Policies and Procedures**

2.04 Applicant Driving Record

Amended 10.24.19

For the safety of the City employees and the citizens of the community, driving standards have been established for all employees who drive for the City. If an employee is required to drive for the City, it will be noted within the employee's job description. If that requirement is not noted, he or she will be prohibited from driving for the City.

- A. Under the terms of the Texas Transportation Code, new residents (including new employees) with an out-of-state license must be licensed to drive, by the State of Texas, within 90 days of establishing residence.
- B. A driver's license record review will be conducted by Human Resources on applicants who have been extended a conditional offer of employment for a position that is required to drive for the City. Public safety departments handle this review in their hiring process.
- C. Any combination of violations, as outlined below, whether committed on or off duty, resulting in an accumulation of more than six (6) points will disqualify the applicant from employment in positions that require driving.
- D. Upon receipt, each record will be reviewed and points will be assessed against the applicant's driving record. A maximum of six (6) points is allowed on the driving record in a consecutive three (3) year period preceding the date of the record check. Points are assessed as follows:

Violation	Points
At-fault vehicle accident	3
Driving without insurance	3
Speeding	3
Stop sign / red light violation	3
Seat belt	3
Driving with expired license	3
All other moving violations	1

- E. Duplicate points will not be assessed for violations arising from an "at-fault" accident and an accompanying citation. For example: a candidate runs a stop sign, becomes involved in an "at-fault" accident, and receives a citation; only the points for the accident will be assessed.
- F. No applicant required to drive for the City will be hired to operate any vehicle for the City with any of the following violations in the preceding three (3) years.

1. driving while intoxicated;
 2. driving while under the influence of alcohol or drugs (including prescription drugs);
 3. negligent homicides arising out of the use of a motor vehicle;
 4. operating a motor vehicle while a driver's license is suspended or revoked;
 5. using a motor vehicle for the commission of a felony;
 6. aggravated assault with a motor vehicle;
 7. operating a motor vehicle without the owner's authority;
 8. reckless driving; or
 9. leaving the scene of an accident involving bodily injury or property damage.
- G. Citations that are disposed of by a driver's safety course or deferred adjudication may be considered as violations for this policy.

**City of Longview
Personnel Policies and Procedures**

2.05 Criminal History Access

Amended 3.25.10

- A. This regulation ensures that proper procedures are followed and current laws adhered to when requesting criminal history information for hiring purposes.

- B. Hiring Purposes
 - 1. The City will investigate criminal history information for each applicant extended a tentative/conditional job offer, obtaining information that is releasable using whatever means allowable by law and to the extent it deems necessary.

 - 2. The Police Department, Public Safety Communications Division and the Fire Marshal's Office are authorized access in accordance with the law and state and federal guidelines set forth in operational agreements with DPS, TLETS, NCIC, TCIC, National Law Enforcement Telecommunications Systems, the FBI, and the Texas Motor Vehicle Division to search criminal history using these databases for positions in their divisions.

 - 3. Other City officials may have access to such information only through Human Resources and the City Manager as necessary to coordinate the hiring process.

**City of Longview
Personnel Policies and Procedures**

2.06 Applicant Disqualification

Amended 10.24.19

- A. Although rejection may be based upon causes other than those enumerated, the following are declared to be causes for rejection of an application or disqualification of an applicant:
1. is not legally permitted to work in the United States.
 2. is physically or mentally unfit for the performance of the duties of the position sought as deemed by a licensed medical professional through either a physical examination or WorkSTEP program. The applicant will not be reconsidered for employment for a period of six (6) months after rejection.
 3. has made any false statement of any material fact, or practiced or attempted to practice any deception or fraud in the application, interview, or examination. Applicants guilty of the aforementioned are prohibited from applying for a position with the City for a minimum of six (6) months after discovery of the deception or fraud in application, interview, or examination.
 4. fails to consent to or pass drug and alcohol testing per Section [3.13](#). Applicants guilty of the aforementioned will not be reconsidered for employment for a period of twelve (12) months after the failure to consent or to pass drug or alcohol testing pursuant to City policy.
 5. has a relative within the third degree by blood or second degree by marriage serving as a City Council member, City Manager, or director of the department for which they are seeking employment at the time of application. See Section [2.07](#) for more information.
 6. fails to meet the minimum qualifications necessary for performance of the job duties.
 7. has worked for the City in a full-time capacity in the last twelve (12) months.
 8. Any other reason deemed to be in the best interests of the City.
- B. There are no appeals because the applicant is not an employee of the City, unless unlawful discrimination, as enumerated in state or federal statute, has taken place. If such discrimination is believed to have taken place, the applicant should contact Human Resources.

**City of Longview
Personnel Policies and Procedures**

2.07 Nepotism

Amended 10.24.19

To comply with Section 573.062 of the Texas Government Code, as amended, and with Section 15.06 of the City Charter, as amended, to the extent Section 15.06 is not preempted by state law, to avoid the perception of favoritism and cronyism in government through interpersonal relationships, and to prevent conflicts of interest arising as a result of defined relationships between employees, this policy is enacted.

A. Definitions:

1. **Nepotism** is the practice of favoring relatives or others of close association over others.
2. **Relative** includes, but is not limited to, the first, second and third degree of blood, adoption; and the first and second degree of marriage.

a. Blood

First Degree:

Father
Mother
Daughter
Son

Second Degree:

Brother/Stepbrother
Sister/Stepsister
Grandfather
Grandmother
Granddaughter
Grandson

Third Degree:

Aunt
Uncle
Niece
Nephew
Great Grandfather
Great Grandmother
Great Granddaughter
Great Grandson

b. Marriage

First Degree:

Spouse

Stepchild (Spouse's son or daughter)

Stepparent

Father-in-law

Mother-in-law

Son-in-law

Daughter-in-law

Second Degree:

Sister-in-law (both employee's and spouse's)

Brother-in-law (both employee's and spouse's)

Spouse's Grandfather

Spouse's Grandmother

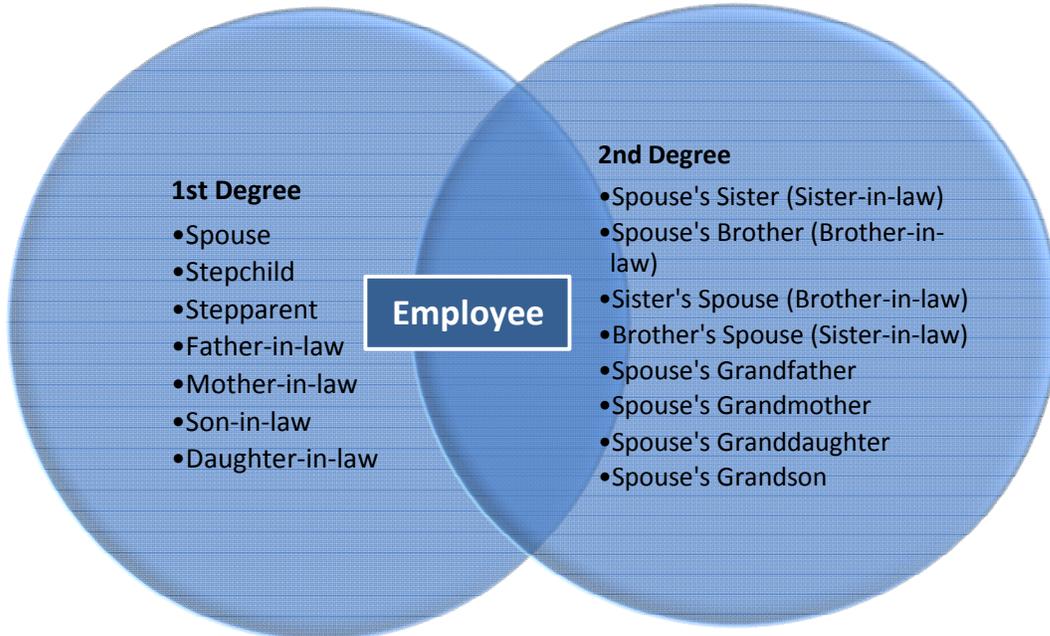
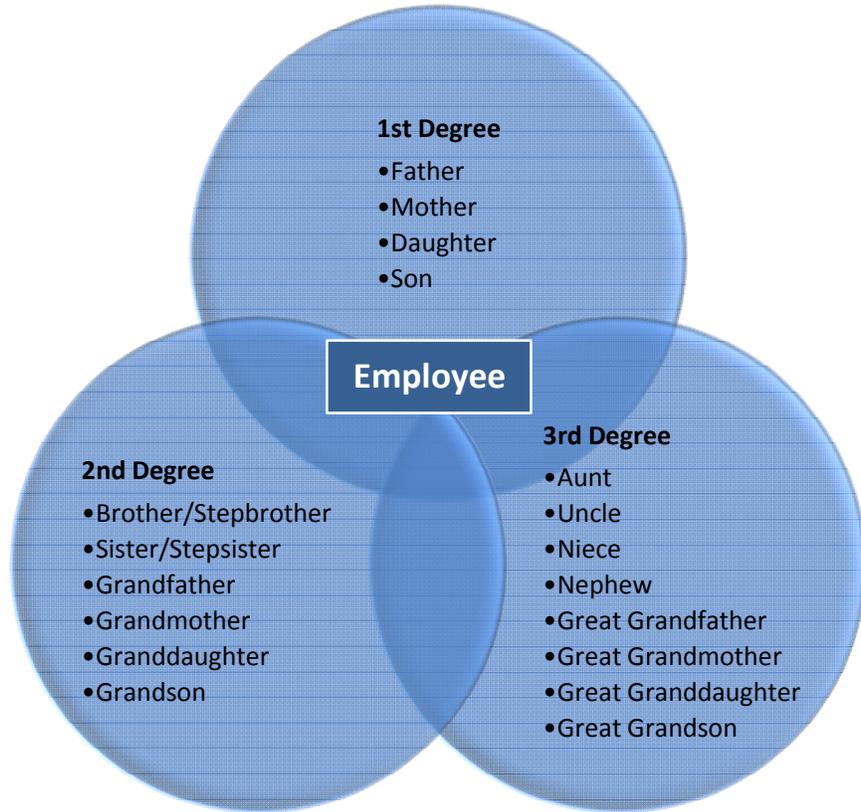
Spouse's Granddaughter

Spouse's Grandson

3. **Roommate** means two or more individuals who share the same residence.
4. **Spouse** means a husband or wife, as the case may be, including individuals in lawfully recognized same-sex and common law marriages and marriages that were validly entered into outside of the United States, if they could have been entered into in at least one state.
- B. Mayor and City Council: No person related within the second degree by marriage or the third degree by blood to the Mayor or any member of the City Council will be appointed to any paid office or position of the City. This prohibition will not apply to any person who has been continuously employed by the City for six (6) months or more prior to the election of the Mayor or members of the City Council.
- C. City Manager: No person related within the second degree by marriage or the third degree by blood to the City Manager will be appointed to any paid office or position of the City. This prohibition will not apply to any person who has been continuously employed by the City for thirty (30) days or more prior to the appointment of the City Manager. (*See Section 573.062 of the Texas Government Code which preempts City of Longview Charter, Section 15.06*)
- D. Directors: No person may work in a city department if that person is related within second degree by marriage or third degree by blood to the director of that department.
- E. Relatives or roommates may work in the same department, unless otherwise specified.

1. Supervision: No city employee will be directly supervised by a relative or roommate on an ongoing basis.
 2. Promotions/Transfers: All employees who are being considered for promotion or transfer to another position must, at the time of the promotion or transfer, disclose the names of any relatives or roommates currently working for the City when it may cause a conflict with this policy. Non-disclosure may result in disciplinary action up to and including termination.
- F. Employees must disclose to their manager or director when relationships change thereby creating a case of nepotism as stated above. The matter must be resolved by transfer, resignation or termination, within a reasonable period of time, not to exceed six (6) months. The employees involved will be allowed to make the decision as to which employee will seek a transfer or be terminated.
- G. In all cases of employment with the City, the City reserves the right to transfer or reassign any employee at any time with or without cause.

Blood



Marriage

**City of Longview
Personnel Policies and Procedures**

2.08 Probationary Period

Amended 10.24.19

- A. Every employee of the City must complete a probationary period.
- B. Definitions
 - 1. New Employee Probation – New employee probation is a period of six (6) months of duty following the first date of employment with the City, except for Police, Public Safety Communications and Fire employees whose period of probation is twelve (12) months.
 - 2. Disciplinary Probation – Any current employee who is failing to meet the expectations of the City or has violated City policies may be placed on disciplinary probation. This type of probation is generally utilized as part of the City's positive discipline plan. *See Section [3.04](#) for more information.*
 - 3. Promotional Probation – An employee who is promoted to a higher position is on probation normally for a period of three (3) months. If the employee is successful, the probation period ends. However, if the employee is not successful, the probationary period may be extended, the employee may be demoted to a position comparable to the position held prior to the promotion, or the employee may be terminated.
 - 4. Transfer Probation – Transfer probation is normally a period of three (3) months following the date of transfer. If the employee is successful, the probation period ends. However, if the employee is not successful, the employee may be demoted, disciplined or terminated.
- C. Departments will use the probationary period to closely observe and evaluate the work of all newly hired employees. Departments will retain only those employees who meet an acceptable standard of work and behavior.
- D. An employee may be dismissed at any time during the probationary period for any reason, or for no stated reason. A new employee failing probation will have no right of appeal except on grounds of employment discrimination. *See Section [3.05](#) for more information.*
- E. City employees who are promoted will serve a three (3) month probationary period in their new position. The probationary period will not preclude the promoted employee from further promotion based upon the employee's merit and the needs of the department.

**City of Longview
Personnel Policies and Procedures**

2.09 Fit for Duty

Amended 4.9.15

- A. It is the continuing responsibility of each employee to maintain the standards of physical and mental health fitness required for performing the essential duties of the position.
1. An employee who becomes aware of a medical or mental condition (including medication), which may affect his ability to perform the essential duties of the assigned position, must inform his immediate supervisor.
 2. When it is suspected that the health condition of an employee constitutes a hazard to persons or property, or prevents the employee from effectively performing his essential assigned duties, the employee may be required by his director/manager to submit to a health examination. The employee will be placed on paid administrative leave pending results of such examination. Authorization for disclosure of all reports to the City related to the employees' ability to perform the job will be a condition of continued employment with the City.
 3. If the physician of an employee certifies that the employee is unable to perform the duties of the employee's permanent work assignment as a result of the employee's pregnancy and if a temporary work assignment that the employee may perform is available in the same office, the office supervisor who is responsible for personnel decisions will assign the employee to the temporary work assignment. The City will make a reasonable effort to accommodate the pregnant employee per state law. For purposes of this policy, "office" means the entire municipal government.
- B. Departments or Human Resources may require an employee to take periodic mental or physical examinations to maintain continued eligibility for employment in the employee's position. Failure to comply may result in disciplinary action up to and including termination. Authorization for disclosure of all reports to the City related to the employees' ability to perform the job will be a condition of continued employment with the City.
- C. Human Resources will develop, promote, and assist departments in implementing those programs and procedures necessary to maintain the required level of physical and/or mental health fitness in those departments and/or positions where such fitness is conditional to employment and job performance. If an employee has been designated disabled by the requisite medical professional, the City may make reasonable accommodations so the employee may perform their duties, unless such reasonable accommodations will result in undue hardship

on the City. If the employee is unable to perform the essential duties of the assigned position with or without reasonable accommodation, termination may occur. The City of Longview is not obligated to retain an employee who is determined to not be fit for duty, beyond the period required by State or Federal statute.

**City of Longview
Personnel Policies and Procedures**

2.10 Transfers

Amended 11.10.11

- A. Types of Transfers
1. Lateral Move – Reassignment to a position of equal grade. The employee’s salary will remain the same.
 2. Voluntary Transfer – If transferring to a position with a lower pay grade, managerial discretion is allowed in determining whether or not an employee’s salary is to be lowered, but the salary would not go below the minimum or above the maximum of the new grade. The hiring supervisor is responsible for ensuring that the employee is aware of what the salary would be prior to, or at the time of the job offer. It is not a transfer when an employee moves to a higher level position, it is a promotion.
 3. Interdepartmental Transfer – Transfers between two departments.
 4. Intradepartmental Transfer – Transfers within a department.
- B. Employees may be transferred between departments provided the following conditions are met:
1. Negotiations for transfer between departments will be handled through Human Resources, including disposition of comp time and holiday leave bank accruals.
 2. Transfers to vacant positions will be considered in instances where better utilization of skills may be accomplished or improved morale might result.
 3. Employees must notify their supervisor prior to making any contact, direct or indirect, with the prospective director.
 4. Employees must meet minimum qualifications for the positions for which they are requesting transfer.
 5. Directors may authorize a transfer between their divisions without opening the position internally or externally.
- C. Each employee moving from full-time, regular employment to part-time employment either within their own division or transferring to another will be paid their vacation, holiday and comp time accruals by the division that paid their full-time wages.

**City of Longview
Personnel Policies and Procedures**

2.11 Outside Employment & Business Interests

Amended 10.8.20

- A. Any outside employment, business interests or activities must not interfere with the employee's regular duties or constitute a conflict of interest.
- B. Employees must provide a written request to their manager and director prior to holding another position of paid employment. In no case should any employee hold a position of paid employment that conflicts with their work for the City.
- C. Employees must consider the potential for conflict of interest including, but not limited to:
 - 1. business and financial interests whether actual ownership, partial ownership or providing/receiving in-kind services;
 - 2. membership on committees of other organizations;
 - 3. consultant work;
 - 4. boards of directors;
 - 5. advisory groups; and
 - 6. business relationships with a local elected official.

When disclosing private interests, business interests, or conflicts of interest the employee must provide sufficient detail to the manager and director in order to determine if any conflict of interest exists.

- D. Employees will not engage in private business activities during their working hours and will not use City property, equipment or facilities for such activities.
- E. An employee on FML leave, sick leave, disability leave, or workers' compensation leave will not engage in outside employment unless expressly authorized in writing in advance by the director and Risk Management. A copy of the written approval will be sent to Human Resources.
- F. Violation of this policy may result in disciplinary action up to and including termination.

**City of Longview
Personnel Policies and Procedures**

2.12 Performance Evaluations

Amended 10.19.17

- A. Annual performance evaluations are performed on or near the employee's hire date. Progress reports are performed, as needed. This is an opportunity for supervisors and subordinates to discuss the past, present and future performance.
- B. An employee who is in need of further development should be placed on a performance plan and be reevaluated after a designated time span (to be determined by the supervisor). At that time, if the employee has improved to an acceptable level, another evaluation is completed and filed with Human Resources.
- C. A new employee should receive performance reviews during the fifth month of employment. Each employee should receive a minimum of one (1) evaluation a year.
- D. Employees cannot complain about or appeal an evaluation. If an employee does not agree with an evaluation, they have the opportunity to write a response that will be included with their evaluation and kept on file in Human Resources.

**City of Longview
Personnel Policies and Procedures**

2.13 Classification Process

Amended 4.14.16

A. Classification review of a position serves to:

1. review positions in which job responsibilities have changed substantially to determine if those positions may actually fit into another existing job classification.
2. and/or to classify new positions.

The classification plan was designed to provide the City with a fair market assessment using comparable entities, both public and private where applicable. When assessing any position, it will also be compared to others like it within the organization to ensure internal equity is maintained.

B. Position Review Process

1. The employee(s) will complete the appropriate reclassification paperwork and submit it to his/her immediate supervisor, who will forward it through the appropriate levels of supervision to the director. For new positions, the manager will complete the appropriate position analysis questionnaire (PAQ) and additional paperwork.
2. After review and approval by the appropriate supervisor(s), manager(s), and director, the forms will be submitted to Human Resources. If any supervisor or manager does not agree that the position warrants review, they will list the reason(s) and send it on to the director, who will make the final decision and ensure the requestor is notified of the outcome.
3. Human Resources will assess the position based on market analysis and internal equity factors and forward a written recommendation to the City Manager's Office for review and disposition. The division will be notified of the outcome.
4. If the recommendation is approved by the City Manager's Office, the personnel form will be processed by Human Resources.
5. Human Resources will create a job description and will send it to the division for proper signatures.

C. Supplemental Information

1. Requests for review will coincide with the annual budget process to ensure any changes to personnel costs can be addressed at that time. If unforeseen circumstances arise during the fiscal year, requests for review will require prior approval from the City Manager's Office before initiating the review. An employee, supervisor, manager or director may make a position review request.
2. The information submitted for review must be precise, detailed and up-to-date. Vague, outdated information will lead to faulty results.
3. Position reviews focus on the actual position and job classification, not the person, personality, or performance. When completing the request, it is important to remember it is the position being reviewed and not the employee currently in the position. The changes requested must be applicable to not only the current employee but must also serve as minimum requirements for future employees.
4. The City Manager's Office will make the final decision on the classification recommendation.
5. No reorganizational changes should be made within a division without first obtaining director and City Manager approval. Any changes of this magnitude must be approved before they are made.

D. The classification procedures are subject to change at any time deemed necessary by the City Manager.

**City of Longview
Personnel Policies and Procedures**

2.14 Separation of Employment

Amended 10.24.19

- A. If a full-time employee, who separates from service with the City for any reason, withdraws money from the established employee retirement plan, that employee will not be considered for rehire in a full-time position for a minimum of twelve (12) months.

- B. Resignation – An employee may leave the service of the City in good standing by submitting notice of resignation to the employee’s department at least ten (10) working days before leaving. An employee who fails to give such notice will not be leaving the City in good standing and will not be eligible for rehire without the approval of the City Manager. The department must submit notice of the employee's resignation to Human Resources on a personnel form indicating the effective date of resignation and the reason for leaving the City's service.

- C. Resignation in lieu of discharge – Where the best interest of the City and the employee might be served, a manager or supervisor may permit the resignation of an employee, if the employee chooses to resign in lieu of discharge. The employee will not be leaving the City’s service in good standing and will not be eligible for rehire without the City Manager’s approval.

- D. Reduction in Force – *See Section [2.15](#) for information.*

- E. Termination – Any regular employee may be terminated by the director at any time. The City is an at-will employer. Any employee may be discharged or terminated for any reason or no reason, except those prohibited by federal or state law. *See Section [3.01](#) for more information.*

- F. Employees separating from the service of the City, for any reason, will be required to surrender and return to their department or other proper source, all records and/or property of the City of Longview, which may be in their possession or custody. This includes but is not limited to uniforms, inclement weather gear, gasoline cards, City credit cards, City identification cards, City cell phone and all other City-owned technology devices, keys, etc.

- G. Employees separating on other than the normal pay period will be paid for the number of days employed from the last pay period to their separation day.
 - 1. If the employee resigns, the final check will be made available on the next pay date.

2. If the employee is terminated, the final check will be made available within six (6) working days of the termination date.
3. Final checks will be delivered via certified mail to the former employee, in accordance with this policy.

**City of Longview
Personnel Policies and Procedures**

2.15 Reduction in Force

Amended 10.24.19

- A. It is the policy of the City to ensure departments are appropriately staffed so that the City can carry out an effective and efficient level of service to citizens. When conditions necessitate a reduction/modification in delivery of services to citizens, the City may be required to reduce staffing levels in certain departments.

- B. The necessity for a reduction-in-force (RIF) is based on both City and departmental needs and goals. The City cannot guarantee an employee another position within the City. Affected employees will have the opportunity to apply for posted vacancies.

- C. The Human Resources Department will coordinate all layoff actions with the affected departments according to approved procedures developed to implement this policy.

- D. When the reduction in force is not clearly dictated by the elimination of an employee's work, departments will consider the following when choosing who to layoff:
 - 1. An analysis of the knowledge, skills, and versatility of its employees compared to the work required and the funding available for those positions. Employees lacking the necessary skills and versatility should be considered for reduction.

 - 2. An analysis of the level of demonstrated and documented work performance.

 - 3. Employees may be retained first on the basis of job performance and second, on length of service to the City. In other words, superior performance on the part of an employee with less service may lead to a decision to retain a more junior employee.

 - 4. An analysis of the extent of required training needed to train a reassigned employee to full productivity in a different position. Employees requiring substantial training should be considered for reduction.

- E. Whenever possible, employees that will be laid off will be given thirty (30) days' notice.

- F. The department and Human Resources have the following responsibilities related to notifying employees of the pending reduction in force.

1. Directors/managers will meet with Human Resources to schedule:
 - a. meetings with affected departments;
 - b. notification meetings with affected employees;
 - c. redistribution of duties from one position to another;
 - d. posting of positions in affected areas, if any;
 - e. deletion of vacant positions;
 - f. any discussions with private providers to offer employment to affected employees, if any;
 - g. any information meetings about loss of employment; and
 - h. the exit process.

2. Human Resources will be responsible for:
 - a. developing RIF written communications;
 - b. training management in conducting RIF termination discussions;
 - c. facilitating and participating in meetings with affected departments;
 - d. facilitating and participating in notification meetings;
 - e. preparing benefit information packets; and
 - f. conducting final exit interviews.

**City of Longview
Personnel Policies and Procedures**

2.16 Furloughs

Amended 10.8.20

- A. On occasion, due to budget constraints, the City may find it necessary to place either exempt or non-exempt employees on a furlough, which is a mandatory, temporary unpaid leave.

- B. All furlough actions will be based on both City and departmental needs and goals. Both types of furlough actions are detailed below:
 - 1. Furlough day – a set number of hours off work each week for a specified period of time. Each furlough day will be scheduled in advance and unpaid. Accrued leave cannot be taken in lieu of the furlough day.

 - 2. Furlough leave of absence – an extended leave of absence that is unpaid. No employee will be placed on a furlough leave of absence for more than six (6) months in a fiscal year. Affected employees will be given thirty (30) calendar days' notice of the leave of absence. Accrued leave cannot be used in lieu of furlough leaves of absence.

- C. Benefits will be reduced during a furlough leave of absence in the following ways:
 - 1. Medical/Dental and Life Insurance – The City will continue to pay the full employer share of the health, dental and life insurance premiums for the affected employees. However, to remain on the City's health and dental plan during the leave of absence, the employee must pay their share of the premiums. Failure to make payment within thirty (30) days of the due date will result in cancellation of the employee's health, dental and life insurance coverages. If the affected employee's insurance lapses during the furlough leave of absence, it will be reinstated upon return to full-time work.

 - 2. Retirement Plans – An employee participating in either the Texas Municipal Retirement System or the Longview Firefighter's Relief and Retirement Fund will not be able to contribute to their retirement while they are on a furlough leave of absence, nor will they be able to make that time up at a later date. The City will also not contribute the employer share during that time. The employee's account will remain active with either TMRS or Fire Pension and both employee and employer contributions will resume once the employee is reinstated to full-time work.

 - 3. Voluntary Benefits – Affected employees should communicate with Human Resources to determine how their individual voluntary benefits will be affected during the furlough leave of absence.

- D. During a furlough leave of absence neither sick nor vacation leave will accrue until the employee returns to full-time work.
- E. If a holiday occurs while an employee is on a furlough leave of absence, the employee will not be paid for that holiday.
- F. While furloughed, either for the day or for a leave of absence, employees are prohibited from performing any work for the City, including checking emails, answering phone calls or attending meetings.
- G. The Human Resources Department will coordinate all furlough actions with the affected departments. The department and Human Resources have the following responsibilities related to notifying employees of the pending furloughs.
 - 1. Directors/managers will meet with Human Resources to schedule:
 - a. notification meetings with affected employees; and
 - b. redistribution of duties, during the furlough action.
 - 2. Human Resources will be responsible for:
 - a. developing written communications;
 - b. training management in conducting furlough discussions;
 - c. facilitating and participating in employee notification meetings; and
 - d. preparing benefit information packets.

**City of Longview
Personnel Policies and Procedures**

3.01 Harassment & Non-Discrimination

Amended 10.8.20

A. Purpose

Discrimination and/or harassment based on age, disability, national origin, race, ethnicity, color, sexual orientation, religion, gender or gender identity, status of being a veteran, or any other legally protected characteristic is illegal and strictly prohibited by City policy. It is the policy of the City to provide a work environment for all applicants and employees that is free from all forms of unlawful harassment and/or discrimination. Additionally, no employee will be subject to unlawful adverse employment action relating to filing a discrimination or harassment complaint. This policy is consistent with federal and state laws, and with the City's objectives of maintaining the highest standards of health, safety, and productivity.

This policy applies to conduct in and/or related to the workplace. This policy applies to all employees and contractors of the City, and to citizens, vendors, and visitors in the workplace.

B. Policy

1. Any City employee, contractor, or vendor who engages in unlawful discrimination or harassment will be subject to disciplinary action up to and including termination of employment or contract.
2. Employees who feel they have been unlawfully discriminated against or harassed by any person in the workplace should immediately report the incident following the procedure described in subsection D, without fear of retaliation. Complaints and investigations will be handled discreetly, but confidentiality is not assured due to the rights of the accused and other laws.
3. All claims of discrimination or harassment will be promptly investigated. An employee making intentionally false or malicious claims against another can face disciplinary actions up to, and including, termination.
4. All employees have an obligation to report any unlawful discrimination or harassment, whether as a victim or as an observer.
5. Contractors or vendors should report any unlawful discrimination or harassment without regard to the source (i.e. fellow employee, supervisor, customer, vendor, etc.).

C. Discrimination and Harassment

1. Discrimination – Decisions regarding customer service, hiring, training, discipline, assignments, benefits, and other privileges and duties of employment will not be made on the basis of illegal considerations of race, gender or gender identity, sexual orientation, age, religion, the status of being a veteran, national origin, ethnicity, or disability.
2. Sexual Harassment – The City will not tolerate conduct which constitutes sexual harassment. No employee will be heard to complain about a lack of knowledge of the policy or a lack of knowledge of the type of conduct which constitutes gender-based harassment. Disciplinary action for sustained charges of sexual harassment, even for first offenses or minor infractions, may include termination from employment. Sexual harassment is specifically prohibited. Unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes unlawful sexual harassment when:
 - a. submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
 - b. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Prohibited conduct includes unwelcome physical contact such as touching, kissing, and blocking. Other examples of prohibited conduct include, but are not necessarily limited to, unwelcome discussions of sexual activities, prolonged staring (leering), displaying sexually explicit pictures or drawings, use of sexually suggestive gestures, sexual propositions, slurs, insults, jokes, and sexual remarks about physical attributes. This policy also prohibits sending, showing, sharing, or distributing in any form inappropriate jokes, pictures, comics, stories, etc., via cell phone, facsimile, e-mail, and/or the Internet.

3. Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Americans with Disabilities Act of 1990. It is defined as any unwelcome conduct that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the

conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

D. Procedure

The City takes very seriously every complaint of unlawful discrimination or harassment and/or complaints of unlawful adverse employment action relating to filing of discrimination or harassment complaints. The City requires that all such complaints be investigated promptly and completely.

Any employee who thinks they have been subjected to unlawful discrimination or harassment in or related to his/her employment must report it immediately. Any unlawful adverse employment action an employee believes to have been taken against him/her as a result of filing a discrimination or harassment complaint must also be reported immediately. These reports must be made to one of the following:

1. to the Director of Administration or designee;
2. to any of the City's directors;
3. to the City Manager; or
4. to the Police Department Internal Affairs officer or Fire Marshal.

Employees who believe they are being subjected to conduct prohibited by this policy and who feel comfortable doing so, may promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action will resolve the problem.

Preserving a workplace free of unlawful discrimination or harassment is the responsibility of all employees. If an employee observes unlawful discrimination or harassment of another employee, citizen, vendor, or anyone else in the workplace, he or she is to report this immediately to one of the persons listed above. Any supervisor/manager made aware of any report or complaint of unlawful discrimination or harassment, or of any unlawful adverse employment action relating to filing a discrimination or harassment complaint, must report the complaint immediately to one of the persons described above.

No retaliation or other adverse action will be taken against any employee for making, in good faith, a report or complaint of unlawful discrimination or harassment, or for assisting in good faith in the investigation of any such report or complaint. Any suspected retaliation or intimidation must be reported immediately to one of the positions named above.

E. Investigative Responsibilities

All reports or complaints of unlawful discrimination, harassment, or unlawful adverse employment action for such, will be acted upon promptly. If the report or complaint is made to someone other than the Director of Administration or designee, the Director of Administration or designee must immediately be advised of the allegations. If the report or complaint is made to the Director of Administration or designee, the proper director will be immediately notified. The director and the Director of Administration or designee will coordinate the investigative effort. The exception to this notification is in the case where the report or complaint concerns the actions of a director or City Manager.

All City employees are required to cooperate with the investigation. Confidentiality will be preserved to the fullest extent possible, but cannot be guaranteed. A thorough investigation can take several weeks in some cases. An employee who reports or complains of unlawful discrimination or harassment may at any time ask the appropriate director about the status of the investigation. The employee may be apprised of the investigative progress, but only to the extent that it will not interfere with the investigation.

F. Investigation Findings/Action

When an investigation substantiates the allegation of unlawful discrimination, harassment, or unlawful adverse employment action relating to filing a discrimination or harassment complaint, appropriate corrective measures will be taken. The director (or City Manager or designee) and the Director of Administration or designee will coordinate the final report of investigative findings and appropriate disciplinary action to be taken. Appropriate disciplinary action for the offending employee(s) may include, among other things: reprimand (oral and/or written), transfer to another position or to another department (when appropriate and feasible), and/or suspension, demotion, or termination.

G. Untruthful Reports or Complaints

A report or complaint that this policy has been violated is a serious matter. Untruthful reports or complaints are also a violation of this policy. Appropriate corrective and/or disciplinary action up to, and including, termination of employment will be taken if an investigation shows that deliberately untruthful and bad faith accusations have been made.

H. Harassment and Discrimination Training

Each employee will complete training, provided by Human Resources, regarding harassment and discrimination at least once every five (5) years.

**City of Longview
Personnel Policies and Procedures**

3.02 Political Activity

Amended 10.24.19

- A. It is the policy of the City to encourage its employees to fully exercise their constitutional rights as citizens to vote and participate in political activities. Although the City encourages active participation in electoral activities, City employees are subject to certain restrictions that apply to political activities.
- B. Permitted Political Purposes or Activities
1. Employees are specifically (except where otherwise prohibited herein) permitted to:
 - a. express opinions as individuals, privately and publicly, on political issues and candidates;
 - b. hold membership in a political party or other political organization and participate in its activities to the extent consistent with the law and this policy;
 - c. attend a political convention, rally, fundraising function, or any other political activity not in violation of federal, state, or local laws;
 - d. sign political petitions as individuals;
 - e. make a financial contribution to a political party, an organization, or a candidate;
 - f. serve as an election judge or clerk except when prohibited by V.T.C.A. Election Code, Chapter 32;
 - g. display campaign signs on the premises of private yards and homes, place bumper stickers on private vehicles, or wear campaign buttons or badges when off duty and not in a uniform or vehicle that identifies one as an employee of the City;
 - h. become a candidate in an election for public office, however, the employee is still expected to fulfill all the duties and responsibilities associated with their municipal employment;
 - i. work in campaign headquarters of Longview Mayor or City Council candidates or other candidates;

- j. endorse or oppose a candidate for Longview Mayor or City Council or other office;
 - k. serve as an officer of a political party or a member of a national, state, or local committee of a political party or as an officer or member of a committee of a political club, or be a candidate for any such positions, or campaign on behalf of, or in opposition to, a candidate for any such positions;
 - l. organize or reorganize a political party organization or club;
 - m. organize, sell tickets to, or actively participate in a fundraising function for a political party or candidate;
 - n. take an active part in managing the political campaign of a candidate for public office in an election, or for a candidate for political party office, except for a Longview Mayor or City Council campaign;
 - o. solicit votes in support of, or in opposition to, any political candidate;
 - p. serve as a delegate, alternate, or proxy to a political party convention;
 - q. act as recorder, watcher, challenger at the polls or drive voters to the polls on behalf of a partisan political party or candidate;
 - r. endorse or oppose a candidate in an election for public office in a political advertisement, broadcast, or campaign literature, except by use of the employee's title or status as an employee;
 - s. address a political convention, caucus, rally, or similar gathering except by use of the employee's title or status as an employee;
 - t. initiate or circulate a nomination petition or political petition as an individual;
 - u. distribute a card or other political literature relating to the campaign of a candidate;
 - v. vote while off duty or while on duty, as long as time away from the office to vote is coordinated with the employee's supervisor.
2. An employee may otherwise participate fully in any other public affairs in a manner, which does not materially compromise the efficiency or integrity of

the employee as an employee or the neutrality, efficiency, or integrity of the employee's department, division, or office.

3. None of the foregoing provisions of this section authorizes an employee to engage in political activities, with the exception of voting, as authorized within this policy:
 - a. that are a violation of law or this policy.
 - b. while on duty.
 - c. while in a uniform or vehicle that identifies the employee as a City employee.
 - d. while using the employee's official title or status.
 - e. in the offices, buildings, or non-public areas of City property except for permitted activities in the furtherance of legislative action authorized by the City Manager, or the City Council, in accordance with sanctioned City business.
4. The City Manager or director may prohibit or limit the participation of an employee or class of employees in an activity otherwise permitted by this section if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interest.

C. Prohibited Political Purposes or Activities

1. No employee will:
 - a. make, solicit, collect, or receive a political contribution at or in an office or building of the City;
 - b. solicit, collect, or receive contributions for candidates, except from members of an employee organization to which the employee belongs;
 - c. engage in any political activity while on duty, while in a uniform or vehicle that identifies one as an employee of the City, or by use of the employee's official title or status, or in the offices, buildings, or non-public areas of City property, such as to wear campaign buttons or distribute campaign literature at work or in a City uniform or vehicle or in the offices or buildings of the City; except for permitted activities in furtherance of legislative action authorized by

the City Manager or the City Council, in accordance with sanctioned City business;

- d. use his/her official capacity to influence, to interfere with, or to affect the results of any election or nomination for office;
 - e. address, appear at, or participate in political gatherings in support of, or in opposition to, a candidate when the employee is acting in an official capacity or with use of the job title or status as an employee; or
 - f. directly or indirectly coerce, attempt to coerce, command, or advise a state or political subdivision officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
2. An employee of the City who holds another office of emolument (salaried) or position of honor, trust, or profit will be subject to the provisions of the Texas Government Code, Section 574.001-574.003, as amended, and Texas Constitution Article XVI, Sections 12 and 40. The employee is required to resign upon becoming a candidate for office if required to do so by State or Federal statute. If not required to leave upon becoming a candidate, the employee must resign upon being elected to office.

**City of Longview
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3.03 Examples for Disciplinary Action / Termination

Amended 10.24.19

Any of the following examples are examples for prompt disciplinary action and/or termination from the employment of the City, though dismissal action may be based on causes other than those enumerated. Some examples are, but are not limited to, the following:

- A. Unsatisfactory or inefficient performance of duties.
- B. Discourteous, offensive, or abusive behavior either by attitude, language or conduct, to the public or to fellow employees while in the line of duty.
- C. Permanent or chronic physical or mental ailment that renders the employee incapacitated for the performance of duties.
- D. Conviction of a misdemeanor above a Class C, a felony, or any crime involving moral turpitude.
- E. Misappropriation of property, theft or conversion of City property whether on or off duty.
- F. Unauthorized possession, removal or use of City or another employee's, property, including records and confidential information.
- G. Hindrance of the regular operation of the division because of unexcused habitual tardiness or excessive absenteeism.
- H. Hindrance of the division's operation by taking breaks in excess of the allotted time allowed.
- I. Found to be sleeping on the job (except for fire shift personnel who are governed by department rules and regulations).
- J. Failed to timely return to work upon conclusion of authorized leave or disciplinary suspension.
- K. Found to be using or in possession of intoxicants or drugs while on duty other than those drugs lawfully prescribed.
- L. Negligent or willful conduct that has caused damage to City property or waste of City supplies or resources.

- M. Misuse of City equipment, such as City telephones, cell phones, computers, mail systems, etc.
- N. Violation of policies related to safety of himself, other employees, citizens or property.
- O. Failed to maintain or achieve required job standards such as certification, licensing, etc.
- P. Failure to obey an order from the City Manager or the employee's director/manager to terminate or desist from outside employment, public office or enterprise that has been determined to be incompatible with City employment or that conflicts or interferes in any way with regular City work.
- Q. Engaged in unlawful work stoppages.
- R. Violated provisions of the Harassment & Non-Discrimination Policy.
- S. Committed any act or conduct showing a lack of good moral character or of any other conduct unbecoming a City employee on or off duty.
- T. Made or published false, vicious, or malicious statements about the City, a City employee, citizen, or others.
- U. Failed to obey any lawful and reasonable direction given by their supervisor or director/manager, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or to result in loss, inconvenience, or injury to the City or the public.
- V. Has not met expectations outlined in a performance improvement plan or work plan.
- W. Knowingly falsified any City document.
- X. Damaged the city's reputation or business due to off-duty actions.
- Y. An accumulation of infractions that when looked at singly, are minor, but when reviewed together, indicate a pattern of behavior that is unsatisfactory.
- Z. Committed any other acts or conduct of equal gravity to the reasons enumerated in this section.
- AA. Violated any Charter, personnel policy, or departmental rule, regulation, or special order.

**City of Longview
Personnel Policies and Procedures**

3.04 Disciplinary Process

Amended 10.24.19

A. Purpose

Employees are responsible for their own behavior. It is essential that supervisors recognize and encourage good performance/conduct, and correct performance problems by going through the disciplinary process. The disciplinary action may vary according to the circumstances surrounding the problem and the employee's past record. Steps in the discipline process may be skipped when the facts surrounding the offense warrant such action. When discipline is necessary, the supervisor must ensure that:

1. the method chosen fits the individual situation;
2. the action is taken in a timely manner;
3. the action is reasonable and understood by the employee; and
4. supervision is firm and actions taken are consistent.

B. Steps in the Disciplinary Process

1. Oral Reminder (usually for minor offenses)
 - a. The supervisor should discuss with the employee:
 - (1) the specific deficiencies observed in the employee's conduct and the importance of commitment to the City's conduct standards;
 - (2) the necessary improvement;
 - (3) the period of time in which improvement must occur; and
 - (4) what further action will result if the employee fails to show satisfactory improvement.
 - b. The supervisor should document the conversation and maintain this documentation in the employee's departmental personnel file.

2. Written Warning

- a. This step is appropriate for a more serious infraction or repeated infractions.
- b. A period of probation of up to one (1) year may accompany a written warning. During the probationary period, the department will closely monitor the employee's job performance. Infractions committed during the probationary period can lead to further disciplinary action up to and including termination.
- c. The written warning should include:
 - (1) date of conversation;
 - (2) specific rule violation that occurred;
 - (3) dates of prior counseling sessions and oral reminders;
 - (4) specific change in the employee's behavior that is expected;
 - (5) time allowed for correction of the problem;
 - (6) statement that the written warning will be placed in the employee's personnel file;
 - (7) further levels of disciplinary action, which may follow if total job requirements are not met; and
 - (8) disciplinary probation dates, if appropriate.
- d. The original written warning should be given to the employee, and a copy should be sent to Human Resources. If the employee refuses to sign the written warning, a witness should be brought in and asked to sign that the employee received it.

3. Suspension

- a. This step should be considered if the employee continues to commit infractions after being counseled and after being given a written warning.
- b. A suspension may not exceed eighty (80) working hours or five (5) shifts in the Fire Department. Suspensions may only be granted by managers and directors. All suspensions are subject to the review and approval of the City Manager.

- c. A period of probation of up to one (1) year may accompany a suspension. During the probationary period, the department will closely monitor the employee's job performance. Infractions committed during the probationary period can lead to further disciplinary action up to and including termination.
- d. The suspension document should include:
 - (1) date of conversation;
 - (2) specific rule violation that occurred;
 - (3) dates of prior disciplinary actions;
 - (4) specific change in the employee's behavior that is expected;
 - (5) time allowed for correction of the problem;
 - (6) statement that the suspension document will be placed in the employee's personnel file;
 - (7) further levels of disciplinary action, which may follow if total job requirements are not met; and
 - (8) disciplinary probation dates, if appropriate.
- e. The original suspension document should be given to the employee, and a copy should be sent to Human Resources. If the employee refuses to sign the suspension document, a witness should be brought in and asked to sign that the employee it.
- f. Suspensions of forty (40) working hours or less or 2 ½ fire department shifts or less may be appealed up to the director level. Suspensions of greater than forty (40) working hours or greater than 2 ½ fire department shifts may be appealed through the complaint/appeal process.

4. Demotion

- a. Disciplinary demotion is not a standard step in the disciplinary process but can be used if the situation necessitates this action. Demotions may only be granted by directors.
- b. A period of probation of up to one (1) year may accompany a demotion. During the probationary period, the department will

closely monitor the employee's job performance. Infractions committed during the probationary period can lead to further disciplinary action up to and including termination.

- c. The demotion document should include:
 - (1) date of conversation;
 - (2) specific rule violation that occurred;
 - (3) dates of prior disciplinary actions;
 - (4) specific change in the employee's behavior that is expected;
 - (5) time allowed for correction of the problem;
 - (6) statement that the demotion document will be placed in the employee's personnel file;
 - (7) further levels of disciplinary action, which may follow if total job requirements are not met; and
 - (8) disciplinary probation dates, if appropriate.
 - d. The original demotion document should be given to the employee, and a copy should be sent to Human Resources. If the employee refuses to sign the demotion document, a witness should be brought in and asked to sign that the employee received it.
 - e. If an employee is demoted it will result in a decrease in pay that equals the distance between the range minimums, but will not go below entry of the new range. For example, an employee demoted to a job class two ranges lower than the present range would receive a reduction in pay equal to the distance between two range minimums.
5. Decision-Making Leave (DML)
- a. Decision-Making Leave (DML) is appropriate after previous attempts have not corrected the problem and the employee violates the same rule or commits the same offense.
 - b. The supervisor/manager should have a discussion with the employee to explain the reason(s) for the DML. The employee's overall work performance and conduct problems should be discussed. After discussion, the employee should be placed on a one (1) day Decision-

Making Leave (DML) with pay the following workday (shift), so that the employee can decide whether he or she wishes to continue their employment with the City. The supervisor/manager should prepare a letter that outlines:

- (1) cause for the action, including the date, time, and place the infraction occurred;
- (2) specific rule violation that occurred;
- (3) dates of prior disciplinary actions;
- (4) date the DML is to be taken; and
- (5) a statement that the DML may be appealed within five (5) working days to the director.

c. Process

- (1) One copy of the DML document should be signed by the employee as an acknowledgement of receipt. A copy should be sent to Human Resources.
- (2) The employee will report his decision the next workday (shift) after the DML. This will be in the form of a letter of resignation or ideas for a performance improvement plan. If the employee decides to continue working for the City, the employee and the immediate supervisor will work together to create a performance improvement plan for the employee. Plans will be discussed and approved by the manager.
- (3) A period of probation of up to one (1) year may accompany a DML. During the probationary period, the department will closely monitor the employee's job performance. Infractions committed during the probationary period can lead to further disciplinary action up to and including termination.
- (4) The manager should give the employee a letter summarizing the DML discussion, the employee's decision, and the performance improvement plan. Both the manager and the employee should sign the letter. The original copy of the letter should be given to the employee. Another should be sent to Human Resources.

d. Frequent follow-ups are essential for the performance improvement plan to achieve the desired results. Further counseling should

continue as required. Supervisors will provide timely feedback to employees at the following suggested intervals:

- (1) one (1) month after the DML;
- (2) six (6) months after the DML; and
- (3) eleven (11) months after the DML.

- e. At any time during the probationary period, if the employee's performance remains unsatisfactory, the employee may be terminated.

C. Administrative Leave

Administrative leave is not a step in the disciplinary process. When an employee is suspected of a violation of a City, State, or Federal law, rule, or departmental policy which, if proven, would justify disciplinary action, but an investigation determining the possible violation is in progress, the employee may be placed on administrative leave with or without pay pending the outcome of the investigation. Directors will approve administrative leave without pay in certain circumstances. All serious allegations involving a City policy or rule that could result in termination may be reviewed and investigated by Human Resources.

D. Termination

Termination is not a step in the disciplinary process. When discipline has failed, or is not appropriate, the supervisor/manager will begin the termination process.

1. Employees on New Hire Probation & Temporary/Seasonal Employees

- a. The supervisor/manager will write the pre-termination letter providing justification, outlining the violation(s) and recommending termination. The letter will be provided to the director and a copy to the employee.
- b. The director will render a written decision and the written decision will be given to the employee and a copy sent to Human Resources.

2. Regular Employees

- a. The supervisor/manager will write the pre-termination letter outlining the violation(s) and their recommendation for termination. The letter will also contain the date, time and location of the pre-termination hearing with the director. The pre-termination hearing will be no earlier than twenty-four (24) hours after the date the employee should have received the pre-termination letter.

- b. The director will convene the hearing so the employee may have an opportunity to present their case.
- c. After the pre-termination hearing the director will make a decision regarding the employee's future with the City. This decision will occur no earlier than twenty-four (24) hours nor later than five (5) working days after the pre-termination hearing.
- d. The written decision must go to the employee with a copy sent to Human Resources.

3. Managers

- a. The director will write the pre-termination letter outlining the violation(s) and their recommendation for termination. The letter will also contain the date, time and location of the pre-termination hearing with the director. The pre-termination hearing will be no earlier than twenty-four (24) hours after the date the employee should have received the pre-termination letter.
- b. The director will convene the hearing so the employee may have an opportunity to present their case.
- c. After the pre-termination hearing, the director will make a decision regarding the employee's future with the City. This decision will occur no earlier than twenty-four (24) hours nor later than five (5) working days after the pre-termination hearing.
- d. The written decision must go to the employee with a copy sent to Human Resources.

4. Directors

When a director is facing termination, the director will be placed on administrative leave, and the recommendation will be forwarded to the City Council for action.

**City of Longview
Personnel Policies and Procedures**

3.05 Complaint / Appeal Procedures

Amended 10.24.19

A. Purpose

The City will provide a forum in which employee complaints may be reviewed and responded to in an expeditious manner. The purpose of this policy is to:

1. resolve issues between employees and supervisors at the closest supervisory level possible in the organization;
2. reach a fair resolution in a climate of objective, factually based thinking;
3. ensure that those who file complaints are not subject to retaliation, restraint, interference or discrimination; and
4. establish procedures that are followed with consistency and without interference;

The only reason to bypass the established levels of supervision to resolve the complaint is if the person at the next level of management is the source of the complaint, or the complaint is of a sensitive nature and the employee does not believe it would help resolve the complaint by talking to the supervisor.

Employee complaints that concern alleged violations of state or federal law will be handled directly by Human Resources.

The requirements of the complaint/appeal procedures do not preclude the employee and his supervisor from resolving the complaint at any step.

For the purpose of this policy, “working days” are considered Monday – Friday, 8:00 a.m. to 5:00 p.m.

B. Complaints are matters other than the following:

1. termination of a non-probationary employee;
2. suspension of more than forty (40) working hours or 2 ½ fire shifts; or
3. demotion.

C. Complaint Procedures

This process provides all employees the opportunity to complain about matters that cannot go to the Appeal Committee.

1. The employee should begin the complaint resolution process by communicating, in writing with their immediate supervisor within five (5) working days of the incident or from the date the employee first became aware of the incident. The immediate supervisor will respond to an attempt to resolve the complaint in writing within five (5) working days.
2. If the supervisor is unable to resolve the matter, the employee may then address the complaint, in writing, to the next level of supervision within five (5) working days from the immediate supervisor's response, if possible. Each successive level of supervision will attempt to resolve the complaint, responding in writing to the employee within five (5) working days of their respective receipt of the complaint.
3. If the employee remains unsatisfied with the responses from the various levels of the supervision, the complaint may be appealed, in writing, to the director/manager. The director/manager may conduct an informal investigation and will render a written decision to the employee within ten (10) working days of receiving the appeal. The decision of the director/manager is final.
4. With the exception of the director level, if at any of these levels, a supervisor or manager fails to respond within the specified time, the employee may proceed to the next supervision level within five (5) working days of the latest date a response should have been received. An employee who fails to do so within the time frame will be considered to have dropped the complaint.

D. Appeal Procedures

The appeal process is only for employees, excluding directors, who are no longer on new hire probation and only for actions involving suspensions of more than five (5) working days, demotion that included a pay decrease, or termination.

1. In the cases of a demotion or suspension, the procedures below will be followed.
 - a. The employee should begin the complaint resolution process by communicating, in writing with their immediate supervisor within five (5) working days of the incident. The immediate supervisor will

respond to and attempt to resolve the complaint in writing within five (5) working days.

- b. If the supervisor is unable to resolve the matter, the employee may then address the complaint to the next level of supervision within five (5) working days from the immediate supervisor's response. The complaint must follow the chain-of-command in the department unless otherwise stated in this policy.

The written complaint must contain a statement of the complaint and the facts, the allegation of wrongdoing, and the requested remedy. The complaint will continue through the chain-of-command until it reaches the manager/director. The manager/director will have ten (10) working days to render a decision in writing to the employee. If the manager/director is the employee's immediate supervisor, the complaint will be forwarded to the supervisor of the manager/director.

If at any of these levels a supervisor or manager fails to respond within the specified time, the employee may proceed to the next supervision level within five (5) working days of the latest date a response should have been received. An employee who fails to do so within the time frame will be considered to have dropped the complaint.

- c. If the complaint is not resolved after meeting with the manager/director, the employee should complete a complaint form and should turn it in to Human Resources within five (5) working days. Human Resources will inform the manager/director within five (5) working days that a complaint form has been filed and will provide him/her with a copy of the form.

If the complaint, pertaining to a demotion or suspension is not resolved to the employee's satisfaction by the manager/director, the complaint resolution form will be forwarded to Human Resources. Human Resources may convene an appeal committee within thirty (30) working days and notify all parties in writing of the hearing date.

- 2. In the case of a termination appeal, directors are responsible for terminations so there is no need to appeal to the director. Documentation will go directly to Human Resources for an appeal committee's review.

- 3. Appeal Committee

Members of the committee will be selected by the Executive Team. The committee will consist of three members composed of one (1) Executive

Team member, one (1) Administrative Team member and one (1) other employee. Each member will serve a two (2) year term. If there is a conflict of interest with the complainant and a committee member, an alternate will be chosen for the appeal from an unrelated department. The Director of Administration or designee, and the City Attorney or designee may attend in an advisory capacity.

4. Appeal Committee Meeting

- a. The appeal committee meetings are private.
- b. Human Resources will coordinate a date and place for the meeting.
- c. The employee and the department:
 - (1) will prepare packets of information for the committee. It is the responsibility of the employee and the department to provide Human Resources with the required number of packets . If the employee does not provide the packets by the deadline imposed by Human Resources, the appeal will be considered void and therefore dropped.
 - (2) may have witnesses. All witnesses will be sworn in and remain outside the room until called to speak.
 - (3) will work together to ensure the department's work-site is adequately staffed while employees participating in the appeal proceedings are away from their respective work areas.
 - (4) will provide a list of all witnesses who will be present to Human Resources.
- d. The employee must notify Human Resources at least five (5) working days prior to the meeting if they plan to have a representative present (one representative is allowed; the representation of an attorney is allowed).
- e. Each committee member, the director, the employee and the City Manager will receive from Human Resources:
 - (1) a copy of the appeal and
 - (2) any additional documentation supplied to Human Resources by the employee and the department.

- f. The chairperson, selected by the committee, and assisted by the other committee members, will:
 - (1) coordinate the proceedings;
 - (2) keep the proceedings focused on the appeal;
 - (3) determine if witnesses are free to leave or need to remain available for additional questions;
 - (4) determine what materials and topics are admissible to consider, review, and discuss; and
 - (5) prepare a recommendation of the findings to the City Manager or designee with enough information to explain the recommendation.
- g. The appeal committee may receive relevant testimony from the appellant or the appellant's representative concerning the appeal. The appeal committee may then receive relevant testimony from the director, manager, designee or representative of the department concerning the appeal. The appeal committee may establish preset time limits for the presentations of the appellant and the department.
- h. The committee may call and receive testimony from relevant witnesses as necessary. The appeal committee may call any relevant witness to offer testimony, although it is not mandatory for a City employee to appear. At no time will the complainant or the department be responsible for questioning the witnesses. Departments are encouraged to compensate off-duty employees who appear and speak before the appeal committee.
- i. The appeal committee will meet and forward a recommendation to the City Manager or designee within five (5) working days of the conclusion of the hearing. The committee's report will include
 - (1) findings of fact,
 - (2) a statement of the applicable policy, regulation, or rule and
 - (3) the recommended resolution of the matter.
- j. The City Manager or designee will review the committee packet and their recommendation and render a decision in writing within ten (10) working days after receiving the committee's report unless an

extension of time is required to gather additional information. If an extension of time is required, all parties will be notified. The decision of the City Manager or designee is final and cannot be appealed. All parties to the appeal, Human Resources, and the appeal committee will receive notice of the decision.

**City of Longview
Personnel Policies and Procedures**

3.06 Employee Arrest

Amended 10.19.17

- A. In the case of the arrest of a City employee, the following procedure should be followed:
1. Employees will ensure their supervisor is notified within twenty-four (24) hours of the event and prior to returning to work.
 2. Upon notification of the arrest by the employee, the supervisor or manager must provide notification to the employee's director, the Director of Administration, the City Attorney's Office, and the City Manager.
 3. If an employee fails to contact their supervisor, disciplinary action up to and including termination may occur.

**City of Longview
Personnel Policies and Procedures**

3.07 Possession of Weapons

Amended 10.24.19

- A. No employee, including employees licensed to carry a handgun, will possess any weapon at any City worksite.
- B. Exceptions:
 - 1. A certified peace officer does not violate this section by the possession of a weapon while at a City work site as long as the peace officer's possession of the weapon is in the course and scope of their job as a certified peace officer with the City of Longview and is not in violation of state or federal law.
 - 2. An employee does not violate this section by the possession of a weapon while at a City work site as long as the weapon remains inside a vehicle that is not owned, leased or otherwise controlled by the City and the employee's possession of the weapon is not in violation of state or federal law.
 - 3. An employee does not violate this section by possession of a dart gun, air-powered rifle, or a bite prevention stick while at a City work site if possession of the dart gun or bite prevention stick is approved by the director and does not otherwise violate state or federal law. A dart gun, air-powered rifle, or bite prevention stick may be used solely in the course and scope of employment of an animal control officer employed by the City.
 - 4. A code enforcement officer holding a certificate of registration does not violate this section by the possession of a club while at a City work site as long as the code enforcement officer's possession of the club is in the course and scope of their job as a certified code enforcement officer with the City of Longview and is not in violation of state or federal law.
- C. This policy is subject to the provisions of state and federal law.

**City of Longview
Personnel Policies and Procedures**

3.08 Personal Appearance

Amended 12.9.04

- A. During business hours, employees are expected to present a clean and neat appearance and to dress safely in accordance with the requirements for their position.
- B. Professional attire will be required for employees in an office setting. Employees working in the field will be appropriately dressed, as determined by their division.
- C. Employees who arrive at work inappropriately dressed will be sent home by the supervisor and directed to return to work in proper attire. Those employees will not be compensated for the time away from work.
- D. The director or manager retains the discretion to establish appropriate dress guidelines for the work area and to determine if uniforms are to be worn.

**City of Longview
Personnel Policies and Procedures**

3.09 Attendance & Punctuality

Amended 10.8.20

A. Purpose

As guardians of tax-generated income and expenditures, public employees are held to a higher level of accountability than private sector employees. An important part of achieving this level of accountability requires that the employees be at work on time, be prepared to do the job, and provide those services during assigned hours of operation.

B. Guidelines for Absences and Tardiness

1. Routine and consistent attendance is an essential function of each position within the City.
2. When it is necessary for an employee to be late for work or absent for the day, it is the employee's responsibility to contact their immediate supervisor within the guidelines set out by their division/department.
3. Managers must explain to employees what is expected of them with regard to attendance and punctuality when they are hired, at the beginning of the appraisal period and on other occasions as deemed necessary.
4. Managers will maintain accurate and complete records on all employees indicating:
 - a. dates absent or tardy,
 - b. amount of time absent or tardy, and
 - c. reason for absence or tardiness.
5. If permitted within a department, managers may allow an employee to make up an absence or tardy occurrence that would otherwise negatively affect an employee's attendance or punctuality record.
6. Managers will not wait until an employee's attendance and/or tardiness is in the unsatisfactory range to start disciplinary action. If an employee is not meeting expectations, he/she is still accountable for improving. Unauthorized absence(s) and tardiness are unsatisfactory behavior. If the employee's attendance or punctuality does not improve, disciplinary action up to and including termination may occur.

7. Managers may authorize an employee to be on leave without pay if the employee has no appropriate leave on the books.

C. Adjustment to Work Hours

1. In times of disaster or emergency, working hours will be determined by the director.
2. Employees are expected to cooperate when asked to work overtime or a different schedule. Acceptance of work with the City includes the employee's acknowledgement that changing shifts or work schedules may be required, and includes that he or she will be available to do such work.
3. When a director determines that a situation exists within the City that jeopardizes the ability of maintaining essential services or functions the director may require members of their department to come to work or return to work in order to provide those essential services. Discipline may be warranted for unexcused absence or non-compliance.

**City of Longview
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3.10 Use of Tobacco Products/Electronic Cigarettes

Amended 4.9.15

A. Prohibition of Tobacco Products/Electronic Cigarettes

Employees are prohibited from using tobacco products of any kind, as well as electronic cigarettes, while in a municipal building, or within twenty (20) feet of any entrance. Signs on all buildings will reflect that the facility operates as a smoke-free facility.

B. Tobacco Products/Electronic Cigarettes in Vehicles

Use of tobacco products of any kind, as well as electronic cigarettes, in City vehicles or while operating City equipment is not allowed.

**City of Longview
Personnel Policies and Procedures**

3.11 Technology Use

Amended 10.24.19

The Technology Use Policy is intended to allow the City to benefit from increased efficiency through the use of the City's technology resources while ensuring the protection of information. This policy provides guidance concerning the use of the network infrastructure, Internet, e-mail, hardware, software, and file transfer.

A. Hardware

1. All retired and end-of-life cycle desktops/workstations, tablets, phones, copiers, and laptops must be returned to the Information Services Department for proper disposal.
2. Only City equipment will be attached or used on the City's network. Personal/private owned networking capable equipment is prohibited due to the possibility of malware.
3. Interface with the City network of any computing, peripheral or network equipment not procured by the Information Services Department must be coordinated with Information Services staff in order to ensure hardware and software compatibility with the existing City network.

B. Internet Use Guidelines

1. Internet access is for staff use related to City business.
2. All staff members who access the Internet for e-mail purposes must use it as they would any other type of official communications tool.
3. Always make a reasonable attempt to complete the logoff or other termination procedure when using a remote, Internet-accessed system or resource, such as a virtual private network (VPN).
4. The City uses software to filter Internet content for all employees to prevent certain types of content. The City will review this filtering on a periodic basis and may modify prohibited content without notification.

C. Software Policy Components License and Use

1. City departments will comply with all applicable copyright laws.

2. All software must be registered with the software publisher when acquired by the City. Software purchased by the Information Services Department and installed on the network will be inventoried and registered by Information Services.
3. Only City procured software will be installed on the City's information system. Personal/private owned software is prohibited due to the possibility of malware.

D. Communication Tool Use

All data, including photographs, e-mails, instant messages or texts sent or received from a City of Longview computer or any other electronic device owned by the City of Longview, is the property of the City of Longview. This data is subject to open records requests, so there is no expectation of privacy with regard to the data. Authorized individuals within the City may monitor equipment, systems and electronic messages at any time for security and maintenance purposes, and the City reserves the right to audit networks and systems on a periodic basis to ensure compliance with applicable law and City policies.

1. It is strictly prohibited to:
 - a. send, solicit or forward sexually oriented messages or materials.
 - b. forge or attempt to forge email messages, or disguise or attempt to disguise the user's identity when sending mail.
 - c. use electronic communication tools for any illegal purpose or in any way that violates City policies.
2. Electronic Communication Records Retention
 - a. The City of Longview follows the State's Records Retention Guidelines. Employees are responsible to ensure their electronic communications are preserved in accordance with those guidelines.
 - b. Risk Management may send out a litigation hold memo requiring records to be retained longer than records retention guidelines require. In those instances, employees are responsible for preserving responsive records in accordance with the memo.

E. Network Storage Accountability

Hard drive space on network servers is solely for the use and storage of the City's business databases and files.

1. All network users will be allotted a fixed amount of network storage space depending on job duties and space requirements. When the space is consumed the user may request additional network storage. At that time, the Information Services Department will review the requestor's storage practices and grant additional network storage space as needed.
2. Personal files stored on network servers may be deleted in order to recover critical storage space and reduce backup time.

F. Passwords

Passwords are an important aspect of computer security. They are the front line of protection for user and system accounts. A poorly chosen password may result in compromise of the City's entire network. As such, all City employees (including contractors and vendors with access to City systems) are responsible for taking appropriate steps, as determined by the Information Services Department, to select and secure their passwords. Passwords must meet password construction guidelines and will be required to be changed periodically.

1. It is strictly prohibited to:
 - a. Share passwords with anyone.
 - b. Insert passwords into email messages or other forms of electronic communication. The only exception is new employee accounts that require a password change on initial login.
 - c. Reveal passwords over the phone to anyone. The only exception is forgotten passwords that require a password change on initial login.
 - d. Reveal a password on questionnaires or security forms.
 - e. Write passwords down and store them in the office.
 - f. Store passwords on a computer system or mobile device without FIPS 140-2 encryption.
2. Violation of this policy may result in disciplinary action, up to and including termination.

G. Cybersecurity Training

Cybersecurity consists of all of the technologies and practices that keep computer systems and electronic data safe. Employee training is one of the most effective tools in reducing the risk of a cyberattack. Employees will be required to complete State of Texas mandated cybersecurity training.

**City of Longview
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3.12 Gifts & Gratuities

Amended 10.24.19

This policy provides guidelines for, and prohibitions from, the acceptance of gifts, gratuities, and benefits by City employees. The City prohibits any employee from soliciting, accepting, or agreeing to accept any gift, gratuity or benefit from any person, firm, corporation, partnership, or association which transacts or solicits business of any type with the City, or has had, or may have in the future, any matter pending with the City except as provided below.

A. Responsibilities

1. An employee who receives a gift, gratuity or benefit of any type in connection with their employment with the City will report its receipt to their immediate supervisor as soon as possible.
2. Each director is responsible for ensuring that this policy is applied equitably throughout their department.

B. Employees may not accept gifts, gratuities or benefits, even when it was unsolicited and can be shown that it did not influence the exercise of official discretion. The following gifts or benefits are allowed under this policy:

1. Token Gifts – an item (excluding cash, gift cards or a negotiable instrument, such as a promissory note) that has a value of less than \$50.00.
2. Gifts from Family or Close Friends – a gift given by an employee’s family or by a personal friend, if there is an independent relationship that is not related to the status or work of the employee.
3. Gifts from Individuals with Whom the Employee Has an Independent Business Relationship – a gift given by a professional or business contact if there is an independent relationship that is not related to the status or work of the employee.
4. Food, Lodging, Transportation or Entertainment Accepted as a Guest – a public employee may lawfully accept food, lodging, transportation or entertainment as a guest, meaning that the recipient must be in the presence of the donor. An employee may accept lodging, transportation, and meals in connection with a seminar or conference in which the employee renders a substantive service, such as teaching a class or organizing the event.

C. If an employee receives a prohibited gift as outlined in this policy, the employee must report it to the manager and must:

1. donate the gift or benefit to a governmental entity that has the authority to accept the gift;
2. donate it to a recognized tax-exempt charitable organization formed for education, religious, or scientific purposes, pursuant to Texas Penal Code 36.08(i), as amended; or
3. immediately return it to the donor.

If the gift or benefit was provided as part of an honorarium, it should be refused. The manager must be made aware of how the gift or benefit was disposed.

D. Employees will not solicit any gift or benefit other than items obtained for charitable functions.

E. Violation of this policy may result in disciplinary action, up to and including termination.

F. This policy is subject to the Texas Penal Code 36.07-36.10 and any other applicable provisions of law, as amended, addressing gifts and gratuities given to or accepted by any City employee.

**City of Longview
Personnel Policies and Procedures**

3.13 Controlled Substance & Alcohol Abuse

Amended 10.24.19

This policy applies to all employees of the City. This policy also applies to all potential employees; that is, those individuals who have received a tentative offer of employment based on successfully completing and passing the controlled substance and alcohol screens of the City.

A. Purpose

The City of Longview is a drug-free workplace. The manufacture, distribution, possession, use, or consumption of controlled substances or alcohol on the job; or being under the influence of controlled substances or alcohol on the job may create serious risks for the involved employee, fellow employees, the City, and the general public. This policy assists in the reduction of such risks. The City acknowledges that its success now, as well as in the future, is dependent upon the well-being of its employees. Accordingly, it is the City's right, obligation and intent to maintain a safe working environment for all of its employees; to protect City property, equipment and operations; and to fulfill its obligations to the general public.

Notice: It is a Class B misdemeanor offense to use any substance or device designed to falsify drug test results under this policy. It is a Class B misdemeanor offense to deliver, possess or manufacture with intent to deliver a substance or device designed to falsify drug test results of an employee or co-worker under this policy.

B. Policy Administration

1. Human Resources will coordinate the implementation of this policy. Human Resources will be responsible for reporting the conviction of an employee for any drug or alcohol related criminal offense occurring in the workplace within ten (10) days of learning of such conviction to the agency or agencies with which the City has such an obligation.
2. It is the responsibility of all City directors, managers and supervisors to act in accordance with and to enforce this policy.

C. Employee Responsibilities

If an employee, at any time, believes another employee has entered City property or reported to work in an unfit condition because of the use of controlled substances or alcohol, the employee observing must report this to a supervisor or Human

Resources. If an employee has knowledge of drug abuse or alcohol use while at work, but fails to report it, the employee with that knowledge can be disciplined up to and including termination.

1. Prohibitions – The use, consumption, possession, purchase, distribution or sale of a controlled substance or alcohol while on City business or on City property, except for prescribed medications with prior supervisory notification, will subject the employee to disciplinary action up to and including termination. Prohibited activities include:
 - a. reporting for duty or remaining on duty having used or using alcohol.
 - b. reporting for duty or remaining on duty having used or using any controlled substance except when the use of such controlled substance is prescribed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely and successfully perform the essential functions of the job.
 - c. refusing to submit to a controlled substance or alcohol test required by post-accident, reasonable suspicion, random, or follow-up testing requirements.
2. Medication Disclosure – It is the employee's responsibility to disclose to their supervisor in writing prior to the workday or shift, of any prescription or over-the-counter medication that may inhibit the employees' ability to perform job duties in any way. If the medication is considered a controlled substance as defined in Section [1.06](#), documentation from a physician on a medication exception form must state medication will not affect the employee's ability to perform job functions. If the medication is considered to be a maintenance medication for treatment of a condition that requires narcotics or barbiturates (taken on a routine basis), the form must be updated by the physician as changes occur.
3. No Exception – There will be no exception to the prohibition of being on City property or acting on City business while using or possessing a controlled substance or alcohol unless specified by this policy.
4. Medication Exception – Exceptions to the use of controlled substances while on City business or on City property may be granted if:
 - a. the controlled substance is prescribed as a medication for the user by a licensed physician.

- b. the medication is being used in the manner for which it was intended.
 - c. the employee's ability to safely and successfully perform the essential functions of the job is unaffected by use of the medication.
 - d. the employee's supervisor is notified in advance by the employee that the employee will be using the medication.
- 5. Off Duty Conduct – The City reserves the right to take disciplinary action, up to and including termination, in the event an employee's off-duty involvement with controlled substances or alcohol is damaging to the City's reputation or business or is inconsistent with the employee's job duties or when such off-duty conduct results in impairment of the employee's job performance.
 - a. Any employee charged with, convicted of or pleading guilty to a criminal drug statute violation will notify his or her supervisor no later than 24 hours afterward, and in writing no later than five (5) days following such occurrence. For purposes of this policy, a plea of nolo contendere will be considered a plea of guilty.
 - b. Any employee convicted of or pleading guilty to a criminal drug statute violation will be subject to timely disciplinary action, up to and including termination.
- 6. Searches – When reasonable cause exists, the City reserves the right to conduct unannounced searches for unauthorized substances anywhere on City property, including, but not limited to, lockers, desks, file cabinets and employees' personal vehicles parked on City parking lots. Personal property on City premises will be subject to such searches. All such searches will be authorized and conducted under the direction of the City Manager or designee. Employees who refuse to cooperate during such unannounced searches will be subject to disciplinary action, up to and including termination. Body searches of employees will not be conducted by City personnel other than by law enforcement officers in the performance of their official duties.

D. General Procedures

- 1. Hiring – Offers of employment with the City will be tentatively based on successfully completing and passing the controlled substance and alcohol screens. Any offer of employment will be nullified if the employee is found to be engaging in the use of controlled substances or the abuse of alcohol, unless such controlled substance is prescribed for the user by a physician. In that instance, the controlled substance must be used for the purpose

intended, and the employee must be able to safely and successfully perform the essential functions of the position.

2. Screening Required – Within twenty-four (24) hours of receiving a tentative job offer, the incoming employee is required to consent to and pass controlled substance and alcohol screens in order to successfully complete the employment process.
3. Procedures for Testing Employees – Section E of this policy describes the City's controlled substance and alcohol screening procedures. Section F addresses additional regulations and procedures applicable to employees in Department of Transportation (DOT) safety-sensitive positions. All screenings for alcohol, with the exception of testing of a severely injured employee for whom special testing procedures may apply, will be conducted by breath or urine (non-DOT) alcohol testing with certified equipment by a certified technician.
4. Testing of Employees – Current employees will be tested for controlled substance and alcohol use under the following circumstances and with the prior approval of the employee's supervisor:
 - a. in the event of the involvement of an employee in a vehicular or equipment accident on the job or on/to City property, whether actively or passively involved; or in the event an employee sustains an injury on the job or on City property. If an injury is severe enough to warrant emergency care and hospitalization, a departure from regular testing procedures may be required. It will be the supervisor's responsibility to ensure that testing follows City procedure as stated in Section E of this policy. The employee may not be tested if there was no injury or significant damage (less than \$2500) and if not deemed necessary by two supervisors or one manager who have completed the requisite drug and alcohol awareness training and have completed the observation checklist.
 - b. when the involved employee's behavior or work performance gives reasonable suspicion to believe the involved employee is affected by the use or ingestion of a controlled substance or alcohol.
 - c. to comply with local, state or federal government laws, ordinances or regulations.
 - d. to comply with the City's policy with regard to random testing.
 - e. when occupying safety-sensitive positions that require random testing according to DOT guidelines or in accordance with these policies.

5. Occasions for Required Testing

- a. During the employment process prior to reporting for duty – before an incoming employee performs City functions, the employee must submit to controlled substance and alcohol testing. The controlled substance and alcohol screening will occur after a conditional offer of employment.
- b. Post-Accident – required immediately after any accident involving a citizen or a citizen's property. Also, testing is required immediately after an accident where sustained damage is in excess of \$2500 as detailed in Section D(4)(a) within this policy.
- c. Random – when contacted by the supervisor or a designated Human Resources employee in compliance with DOT or City policies.
- d. Reasonable Suspicion – a supervisor must require an employee to take a test if the supervisor has reasonable suspicion to believe the employee under the influence of controlled substances or alcohol. Two supervisors or one manager is required to make the observations necessary to require the drug or alcohol test. The supervisor making the decision must have had the requisite alcohol and drug training. A written record of the observations will be kept in Human Resources.
 - (1) If controlled substance and alcohol testing is not administered within two hours of the observation, a written record must be kept stating the reasons for the delay. If it is not administered within eight (8) hours, the supervisor must cease attempts to administer the test and prepare a written record stating the reasons for not testing which will be maintained in Human Resources.
 - (2) All supervisors will receive a minimum of two (2) hours of controlled substance and alcohol abuse training.

6. Failing a Test

- a. For incoming employees, failure to consent to or pass the required controlled substance and alcohol screening will be considered grounds to void the tentative job offer. Further, individuals failing a controlled substance and/or alcohol screen after a tentative job offer will not be reconsidered for employment for a period of twelve (12) months. Individuals refusing to take a controlled substance

and alcohol screen or tampering with the screen, after a tentative job offer will not ever be considered for employment with the City.

- b. Current employees who fail a controlled substance or alcohol screening required in accordance with this policy will be subject to disciplinary action, up to and including termination.
7. Refusal to Test – An employee who refuses to undergo a controlled substance or alcohol screening in accordance with this policy will be treated as if the employee failed the required test. If the employee tampers with the screen, the employee will be terminated.
8. Confidentiality of Results – All controlled substance and alcohol screening results will be the private and confidential property of the City and will not be shared with anyone except the employee, City supervisory staff with a demonstrated need to know such information, those required by a court order, DOT mandate, or to legally protect the City or required by statute.

E. Controlled Substance and Alcohol Screening Procedures

The following procedures will be observed in the administration of the controlled substance and alcohol screening process:

1. Employee Responsibility – When required to submit to a controlled substance and alcohol screening the employee will:
 - a. follow all directions given by their supervisor, Human Resources and the testing facility personnel.
 - b. present identification containing a photograph and will, if physically able, complete and sign a test authorization form and other paperwork required by the medical facility.
 - c. provide a breath sample in accordance with established procedures as required by the medical facility.
 - d. provide the medical facility a urine specimen to be divided into two (2) samples.
 - e. initial each specimen collection bottle or other similar documentation to accompany the specimen.
 - f. along with the attending nurse, initiate “chain of custody” by signing and dating the Chain of Custody Form and witness the processing of the sample containers.

- f. ensure that the following substances are included in the controlled substance testing process:

Amphetamines	Barbiturates
Benzodiazepines	Opiates
Tetrahydrocannabinol(THC)	Cocaine Metabolites
Phencyclidine (PCP)	Propoxyphene
- g. where the employee's injuries prevent ordinary sample techniques and testing, initiate a substitute sample technique, such as blood sampling and testing.
- h. when conducting testing for non-DOT positions, contact the appropriate City representative as soon as possible, but in no event later than twelve (12) hours after receipt of the employee's specimen, with initial test results and, if required, within three (3) business days after receipt of the employee's specimen by the testing facility that will administer the test confirmation.
- i. when coordinating testing for DOT safety-sensitive positions, contact the appropriate City representative within three (3) business days after receipt of the employee's specimen with initial test results and, if required, within 48 hours after the request for test confirmation.
- j. at all times, maintain confidentiality of test results.

3. Human Resources Responsibility – Human Resources will:

- a. select the medical facility or facilities that will conduct collections and screenings.
- b. require that a Consent Form for Controlled Substance and Alcohol Testing be read and signed prior to sending the employee and/or applicant for testing.
- c. receive the screening results from the medical facility. Human Resources will not contact the division until it has been notified as to the final results.
- d. resolve concerns regarding the medical results of a positive test by contacting the MRO and clarifying any medical questions, disagreement or uncertainty.
- e. based on test results, advise the appropriate supervisor:
 - (1) whether or not to continue the employment process for an incoming employee.

- (2) the impact of the results of the test for a current employee.
- f. when necessary, inform the incoming employee:
 - (1) of unacceptable test results and, if requested, provide further information regarding positive test results.
 - (2) that unacceptable test results dictate that the prospective employee is ineligible for hiring for a period of twelve (12) months from the date of testing.
- g. ensure confidentiality of test results by:
 - (1) restricting information regarding employee tests results to Human Resources and those with a demonstrated need to know such information, unless legally required to do otherwise.
 - (2) maintaining test results in a secure area of Human Resources.
- 4. Supervisory Responsibility – The supervisor will:
 - a. have completed the requisite alcohol and drug awareness training every three (3) years.
 - b. follow the controlled substance and alcohol testing procedures.
 - c. ensure that once the testing process is initiated, the employee is:
 - (1) prohibited from working or continuing to work, if the test is a result of reasonable suspicion.
 - (2) not allowed to drive or operate any City motor vehicle, if the test is a result of reasonable suspicion or post-accident test.
 - (3) provided transportation to the designated medical facility.
 - d. immediately provide Human Resources with the identity of the employee who is being tested and why.
 - e. not discuss employee testing with other City employees, except on a “need-to-know” basis. Unless legally required, no other individuals will be advised of test results.

5. Consequences of Test Results –The following guidelines will be used to determine acceptability of test results and procedures to be observed when an employee's controlled substance or alcohol screening results are unacceptable.
 - a. All unacceptable alcohol screening results are:
 - (1) based upon levels established by the Department of Transportation.
 - (a) Breath alcohol test measures between 0.00 and 0.02 will be considered passing.
 - (b) Breath alcohol test measures greater than 0.02 will be unacceptable and rated failing.
 - b. When alcohol screening results are unacceptable:
 - (1) Human Resources will notify the supervisor of results.
 - (2) The supervisor will determine appropriate disciplinary action based on the following guidelines:
 - (a) Breath alcohol test measures greater than 0.02 up to but not including 0.04:
 - 1) employee will be sent home on administrative leave without pay for a minimum of 24 hours and must re-test prior to returning to duty.
 - 2) breath alcohol test measures greater than 0.02 at re-test require disciplinary action, up to and including termination.
 - (b) Breath alcohol test measures of 0.04 or greater require disciplinary action up to and including termination.
 - (3) The employee may request a blood alcohol test to confirm breath alcohol test results; however, it must be requested at the time of the breath alcohol testing.
 - c. All unacceptable controlled substance screening results are:
 - (1) based upon established levels of intoxication and reported as a pass/fail.

(2) automatically reviewed by the MRO. The MRO or designee will contact the employee to discuss any extenuating circumstances that may exist prior to making a final determination.

d. When controlled substance results are unacceptable:

(1) Human Resources will notify the supervisor of initial and confirmed test results.

(2) The supervisor will:

(a) immediately put the employee on administrative leave with pay until written results of the test confirmation are received by Human Resources.

(b) upon receipt of positive confirmation result, determine appropriate disciplinary action.

F. Safety-Sensitive Positions

1. All employees who occupy positions that require a commercial driver's license and the operation of a commercial motor vehicle (a driver of any vehicle in which weight exceeds 26,000 pounds, even on an occasional basis), and the performance of one or more safety-sensitive functions as defined herein, are delegated by DOT guidelines to follow these established standards, in addition to standards set forth in the City's Controlled Substance and Alcohol Abuse Policy. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern. Human Resources will assist directors in identifying covered positions.

Additional Prohibitions – In addition to prohibitions set forth elsewhere in this policy, employees in DOT safety-sensitive positions are prohibited from: being on duty or operating a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.

2. Random Testing – In addition to those testing requirements set forth in this policy, the following requirements will apply to all City employees occupying DOT safety-sensitive positions.

a. Tests will be unannounced and spread throughout the year.

- b. A valid random selection method, chosen by Human Resources, will be used.
 - c. During each calendar year, employees in DOT safety-sensitive positions will be tested for alcohol and controlled substances at a percentage mandated by current DOT guidelines.
3. Additional Testing Requirements (Promotional Testing)
- a. Employees already occupying DOT safety-sensitive positions who seek promotions or transfers into other safety-sensitive positions will be required to submit to controlled substance and alcohol testing as a condition of transfer or promotion upon selection. An employee who has been tested within the last twelve (12) months prior to the promotion or transfer will not be required to be tested.
 - b. Employees not occupying DOT safety-sensitive positions who seek promotions or transfers (including reclassifications) into safety-sensitive positions will be required to submit to controlled substance and alcohol testing upon selection.
4. Change of Job Status – In the event of promotion, transfer, demotion, reclassification, or other change of job status, the employee's supervisor must notify Human Resources of the employee's change of job status and whether or not the employee will occupy a DOT safety-sensitive position.
5. Record Requirements – In addition to maintaining records regarding testing facilities, procedures, and results, Human Resources will:
- a. prepare an annual calendar year summary of the results of its testing program of DOT safety-sensitive positions, and maintain it for a minimum of five (5) years.
 - b. if presented with written authorization from an employee or past employee who is occupying or has occupied a safety-sensitive position, in accordance with DOT regulations, release information regarding the individual's participation in the City's controlled substance and alcohol testing program.

G. Employee Assistance Program

It is the City's desire to provide assistance to those employees who voluntarily request assistance with a personal controlled substance or alcohol dependency problem.

1. The employee is responsible for acknowledging a substance abuse problem and for seeking and accepting counseling or rehabilitation assistance before it impairs performance, conduct, or jeopardizes continued employment.
2. An employee with a substance abuse problem must first directly contact Human Resources, or be referred to Human Resources by a supervisor. Human Resources will refer the employee to a substance abuse professional for evaluation and appropriate treatment.
3. When appropriate treatment dictates that the employee enter into a substance abuse treatment program, the employee will be permitted to enter a City-approved program one (1) time without endangering the employee's job, provided all prescribed treatment programs are followed. This option is not available, however, in lieu of disciplinary action for employees who are detected abusing or in possession of controlled substances or alcohol while on City business or on City property or who report to work in an unfit condition because of such abuse.
 - a. Some of the cost of the treatment may be covered by the City's health insurance plan. When possible and appropriate, an employee may be referred to out-patient treatment programs. During time off for participation in the EAP, an employee may use accrued vacation leave, sick leave, family and medical leave, or for those employees ineligible for family and medical leave, take up to 30 days' time off without pay authorized in accordance with City policies.
 - b. Whenever possible, a participating employee will be returned to the employee's former or comparable position when treatment is successfully completed.
 - c. Continued employment is contingent on the employee's active participation in any non-work time follow-up counseling or aftercare treatment programs.
 - d. An employee who participates in an EAP, or who voluntarily seeks treatment for alcohol or controlled substance abuse under this policy will not be allowed to return to employment until the employee:
 - (1) provides proof of attendance in, and completion of, an approved in-patient rehabilitation program, or attendance in an out-patient treatment program, whichever is applicable as determined by the Substance Abuse Professional.
 - (2) passes controlled substance and alcohol testing.

4. Prior to an employee returning to duty, they must pass a controlled substance and alcohol test. The employee must also consent to and pass a minimum of six (6) unannounced follow-up controlled substance and alcohol screenings during the first twelve (12) months after return to work and periodic, unannounced controlled substance and alcohol screenings during the second twelve (12) months, for a total of 24 months of testing. A positive test, admission, or detection of current alcohol or controlled substance use or dependency, refusal to consent to a test, or non-participation in aftercare programs will result in immediate termination.

**City of Longview
Personnel Policies and Procedures**

3.14 Inclement Weather

Amended 4.9.15

Because of the essential and direct impact on public safety and health, essential City services must continue regardless of the weather. Given this obligation to the citizens of Longview the following policy will apply in the event of severe inclement weather.

- A. The City Manager's Office will determine the necessity of closing operational areas not designated as essential. The purpose of closing City offices or delaying their opening is to allow essential personnel to perform their tasks without the unnecessary interruption of traffic and resulting risk to public safety. Therefore, employees who have not been designated as essential personnel will not report to work, whether or not they are able to do so, as long as City offices are designated as closed. During inclement weather events, employees may contact 903.237.1247 for instructions and information.
- B. Those employees who are designated by management as essential personnel will report to their work sites according to the work schedules established for them. "Essential personnel" means those employees designated by management as such because their work directly supports efforts to maintain or restore public safety and includes, but may not be limited to personnel in the following departments/divisions: Police, Fire, Public Works, Environmental Health, Parks Operations and Maintenance and Information Technology.
- C. When inclement weather does not warrant a closure of city services by the City Manager, any non-essential employee who does not come to work or misses any portion of a workday due to road conditions, dependent care issues, their own safety concerns or other extenuating circumstances, must notify their supervisor according to various departmental notification rules. The non-essential employee may use vacation time, accrued holiday time, compensatory time, or leave without pay.
- D. Employees will be compensated as if they had worked their regular shift if City Hall is closed for inclement weather during their regular shift or if employees were able to get to work but were sent home by their supervisors during their shift.
- E. In the event of a major emergency or disaster requiring the activation of the City's Emergency Operations Center and Emergency Management Plan, City employees may or may not be required to carry out normal job duties or pre-assigned emergency response tasks. In some cases, City employees may be called into service to work in jobs and in locations other than where they are normally assigned.

**City of Longview
Personnel Policies and Procedures**

3.15 Travel & Meetings

Amended 10.24.19

Because City employees are required to travel, attend meetings, or otherwise incur expenses in the interest of the City, it is the policy of the City of Longview to provide necessary funding for approved overnight conventions, educational meetings, business trips, and other business and related activities. This policy is established to provide guidelines for reimbursement for travel expenses and consistent procedures for travel authorization, documentation and accounting. Failure to comply with all the provisions of this policy may result in disciplinary action up to and including termination.

A. Travel Authorization and Responsibilities

1. **Directors/Managers.** Directors/managers are responsible for communicating and administering the provisions of this policy to employees and approving travel expenses. They are also responsible for ensuring the travel and meeting expenses for their employees do not exceed budgeted funds. Non-exempt employees will be compensated in accordance with prevailing Wage and Hour law.
2. **The Director of Finance.** The Director of Finance is responsible for the overall administration of expenditure requests regarding this policy.
3. **All Employees.** Any employee has the responsibility to report any suspected abuse and/or misuse of travel funds to appropriate management.

B. Overnight Travel

1. Allowable Expenses

The City will pay all reasonable expenses for employee transportation, food, lodging, conference registration, parking, tips, and other associated expenses, provided the employee submits appropriate documentation. All expenses must be accompanied by receipts (except per diem and mileage costs). Expenses will be rejected if receipts are not provided. Employees are expected to be conservative in their expenditures as if they were paying such costs.

a. Transportation

(1) Air Travel

When requesting air transportation, the employee will request the least expensive flight status. The employee may choose to travel first-class, but the City will pay only for coach or tourist class. The City will pay the checked baggage fee for one (1) bag.

(2) Personal Vehicle

- (a) Employees will be reimbursed for mileage at the rate allowed by the Internal Revenue Service for business travel.
- (b) Reimbursable mileage is calculated in miles from the employee's work site to the conference destination. Any other mileage, including mileage incurred while traveling to restaurants, is considered personal travel and will not be reimbursed.
- (c) Maps provided by a web mapping service, detailing the route of travel, are required to be attached to the travel expense report for reimbursement.
- (d) When being reimbursed for travel in a personal vehicle, gas for the vehicle cannot be purchased on a City credit card.

(3) City Vehicle

- (a) City vehicles may be used at the discretion of the director.
- (b) Direct expenses, such as gasoline and oil, associated with the use of a City vehicle, will be reimbursed with receipts or can be charged to a City credit card.

(4) Rental Cars

Employees renting a vehicle must purchase the maximum liability insurance for the rental vehicle. The expense for this coverage will be paid by the City. Employees must sign the additional liability insurance provided by the rental company. Failure to accept this additional insurance may result in disciplinary action up to and including termination.

(5) Shuttle Service and/or Taxi

Employees may claim reasonable, actual ground transportation expenses, including shuttle services and taxis.

b. Food

(1) The City will pay all food costs based on the IRS allowable per diem rate for the city to which the employee will travel.

(2) The current IRS per diem rate for the city must be provided to Finance prior to receiving payment. This information can be found on IRS Publication #1542, the IRS website, or the GSA.gov website.

(3) No receipts for meals will be required or accepted.

(4) No meals may be purchased using a City credit card.

(5) The IRS recognizes the first and last day of overnight travel as partial travel days. Based on IRS guidelines, the per diem will be prorated at 75 percent for the first and last day of travel.

(6) City employees may find it necessary to pay for the meals of business associates, including fellow City employees, on occasion. In this event, a receipt will be required for reimbursement. The business purpose of the meal should be stated on the request for payment/reimbursement, along with the individual for whom the meal was purchased.

c. Lodging

(1) City employees should stay at the conference hotel, utilizing the conference hotel rate, when it is available.

(2) The City will pay actual expenses for the hotel for the actual number of days of the conference plus the day prior and/or after, if required for travel purposes.

(3) If an employee chooses to arrive earlier or stay later, additional lodging will be at the employee's personal expense.

(4) The City will pay for a single room. Lodging per night will not exceed actual room cost plus tax.

d. Conference Registration

- (1) All conference or seminar registration fees will be paid in full by the City.
- (2) An agenda for each conference, education opportunity, or school must be attached to the travel expense report.

e. Tolls and Parking

Employees may claim actual toll and parking expenses. Parking receipts are required for reimbursement. When an employee is traveling in his/her own vehicle, printouts from the appropriate toll road website detailing toll road expenses are required to be attached to the travel expense report for reimbursement.

f. Tips

Per the IRS guidelines, tips for food and luggage are included in the per diem rate paid to the employee. No reimbursements will be given for food or luggage tips beyond the per diem amount.

g. Other Allowable Expenses

- (1) Telephone Calls. If the traveling employee does not have a city-issued cell phone, the employee may claim reimbursement for business telephone calls.
- (2) Internet Service. Where not provided free, the City will pay reasonable Internet service costs when the Internet is used for City business.

2. Non-Allowable Expenses

Expenses incurred when traveling that are specifically excluded from reimbursement include but are not limited to:

- a. In-hotel pay television or videos
- b. Room service
- c. Alcoholic beverages
- d. Laundry/dry cleaning
- e. Fitness center fees

- f. Entertainment unrelated to City business
 - g. Spouse or other family expenses
3. Travel Expense Report
- a. An expense report will be required for any cash advance or credit card purchase for all allowable living expenses as stated in this policy. Per diem, mileage, and hotel cash advances should be submitted on the same travel expense report. The Finance Department will issue the traveling employee one check for the total amount of the cash advance.
 - b. Cash Advances
 - (1) Per Diem Cash Advance. An employee may request a cash advance consisting of the per diem amount for the city to which the employee is traveling. The per diem request should be prepared on the travel expense report with all pertinent information included.
 - (2) Mileage Cash Advance. An employee may request a mileage cash advance consisting of the mileage reimbursement calculated as explained earlier in this policy. The mileage request should be prepared on the same travel expense report as the per diem advance and should include a map detailing the route of travel from a web mapping service.
 - (3) Hotel Cash Advance. If an employee does not have a City credit card, the employee may request a cash advance for hotel costs. The hotel cash advance should be prepared on the same travel expense report as the per diem advance and should include all pertinent information.
 - (4) All cash advance requests must be approved by the director/manager and must be submitted at the earliest practical time, but no later than three (3) working days prior to departure.
 - (5) Director's requests for a cash advance require prior approval of the City Manager's Office.
 - c. Filing Travel Expense Reports
 - (1) Upon return from travel, the employee should promptly fill out a travel expense report for approval by the director/manager and

should submit the complete expense report to the Finance Department within ten (10) working days. Employees should include all prepaid expenses (cash advances, registration, airfare, etc.) related to travel on the expense report.

- (2) The employee should attach all necessary receipts to the travel expense report. Conference agendas and registration receipts, airline ticket receipts, hotel bills, transportation route maps, and other receipts required for reimbursement as stated within this policy need to be included. Meal receipts are not required nor will they be accepted unless as provided by Section (B)(1)(b)(6) in this policy.
- (3) The director/manager should determine that all expenses are allowable under this policy then review, sign, and submit the travel expense report to the Finance Department. The director/manager is also responsible for ensuring that all travel expense reports are completed in accordance with this policy. Directors should submit their expense reports directly to the City Manager. The City Manager will forward expense reports to the Finance Department after review and approval. Council Appointees should submit their expense reports directly to the Finance Department.
- (4) In instances where a cash advance was made and the trip was not taken, the employee will immediately return the funds to the Finance Department for credit to the proper fund. The Finance Department will ensure that any returned monies are credited to the same division and line item account from which they were originally drawn.
- (5) The Finance Department will review the items submitted and determine their mathematical accuracy. When a review verifies the accuracy of the travel expense report and a reimbursement is due to the employee, the Finance Department will issue a check or direct deposit to the employee based on the approved report.

C. Same Day Travel

If the employee will be traveling, for work purposes, to another city and returning in the same day, the City will pay for the cost of one (1) meal. The food, as well as other expenses (with the exception of lodging) will be advanced and/or reimbursed for same day travel as explained in Section B of this policy. The travel expense report should be completed according to this policy. There will be no advancements or reimbursements for travel to Police and Fire Academies or EMS certification classes.

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3.16 Cell Phone Use in the Workplace

Amended 4.9.15

- A. The City recognizes that many employees have cell phones that they bring to work. Cell phones may belong to the employee or be provided for the employee's use by the City. The use of cell phones, including those with a camera, at work must not interfere with job duties or performance. Employees must not allow cell phone use to become disruptive or interfere with their own or a co-worker's ability to do their jobs. Employees, who use cell phones to violate City policy, including the City's Sexual Harassment and Non-Discrimination Policy, will be subject to disciplinary action, up to and including termination.
- B. Employees will be mindful of departmental rules regarding personal use of City cell phones.
- C. Employees have no expectation of privacy in personal text messages sent or received on City-owned equipment.

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4.01 Payroll

Amended 10.24.19

- A. Employees are paid on a bi-weekly basis that is set by the City Manager.
- B. It is the employee's responsibility to notify payroll if the employee detects errors in his payroll. This includes over and under payments, errors in deductions, and other information that would cause a discrepancy in the net or gross income of the employee. If an error occurs, which results in an overpayment to an employee, the employee will be required to remit the overpayment through deductions taken from the employee's next paycheck(s). The deduction(s) will follow the guidelines established in the Overpayment Agreement signed by the employee.
- C. It is the policy of the City not to make improper deductions from an employee's pay. Any employee who believes he/she has been, or likely will be, subject to an improper pay deduction, must immediately notify Human Resources. The City will promptly reimburse an employee for any improper deduction(s) and will make a good faith commitment to comply in the future.
- D. Payroll funds are guaranteed on the official payday.
- E. If an employee separates from the City voluntarily, the final check will be processed on the next pay period. If an employee separates from the City involuntarily, the final check will be processed within six (6) days from the termination date.
- F. Other than an employee's final paycheck, all payroll funds will either be direct deposited into an employee's bank account or placed on an employee's bank card.
- G. An employee's final paycheck will not be direct deposited. The final check will be delivered, via certified mail, to the former employee.
- H. All non-exempt, non-public safety employees must use the City provided time keeping system to record their hours worked and accrual usage.

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4.02 Longevity Pay

Amended 12.9.04

As a benefit to reward seniority, longevity pay of \$4.00 per month for each year of full-time service will be added to the employee's monthly salary.

As an example, an employee with five (5) years of service with the City would receive \$20.00 (\$4.00 per month of service x 5 years of service) of longevity pay per month.

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4.03 Overtime, Compensatory, and Flex Time

Amended 10.24.19

- A. Directors/managers will be the final authority as to which method of compensation (pay, compensatory time, or flex time) will be utilized in overtime assignments, taking into account the overtime budget and operational demands. The director/manager will notify employees as to which method will be utilized prior to work being done.
- B. On-call time is not considered time worked and is not compensable. On-call time is the time after regularly scheduled working hours when an employee is designated to be available for callback. The employee is free to pursue personal activities but must respond to call within designated guidelines determined by the director. However, when called to work, compensation will be given to non-exempt employees.
- C. Callback time is defined as the time the City requires an employee to return to work on an unscheduled or emergency basis to work outside of the employee's regularly scheduled work hours. Non-exempt employees called back to work on an unscheduled or emergency basis will be paid a minimum of two (2) hours callback time. Exempt employees are not eligible for callback compensation. The overtime rate applies if hours worked during the work period and callback hours exceed forty (40) hours (this amount of time will be different for fire shift personnel). Employees called back who are on a scheduled vacation, holiday, etc., may at their option, reduce the actual hours of vacation, holiday, etc., used by the number of hours worked and be paid at the regular rate for remaining hours. Alternatively, the employee may be paid at an overtime rate and use the vacation, holiday, etc. time as hours worked.
- D. Non-exempt employees are not permitted to perform any duties, including reading email, before their regularly scheduled working hours; during scheduled lunch periods; or after their regularly scheduled working hours, unless overtime has been specifically approved by their supervisor and director. If a non-exempt employee has prior permission and is working from home or outside of their regular working hours, that employee will be paid only for the time spent performing actual work activities. Under ten (10) minutes of time per day spent working outside of the employee's regular working hours will be considered de minimus and will not be paid. Employees on sick leave and/or Family and Medical Leave are not allowed to work from home. This does not affect the right of the supervisor to require a non-exempt employee to work overtime when conditions warrant. Under the law, the City can require employees to work overtime provided they are properly compensated. The number of hours of

overtime required is based on business necessity and can be several hours at a time.

E. If a director/manager directs that a non-exempt employee will not work and the employee works anyway, disciplinary action up to and including termination will occur. Overtime is not to be worked unless specifically approved and directed by the director/manager. Overtime that is claimed for work not specifically directed by the director/manager should be reported immediately. This could be work that has been requested by a person in another office.

F. Overtime

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime, record keeping, and child labor standards. The FLSA, amended in 1985, provides the option for compensatory time in lieu of overtime for non-exempt employees. Executive, administrative, and professional employees may be exempt from the FLSA's overtime requirements. It is our policy to comply with the requirements of the FLSA. Therefore, we prohibit all improper deductions from the salaries of exempt employees. If an employee believes an improper deduction has been made to their salary, they should immediately report it to their direct supervisor or to the payroll division of Human Resources. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed. In compliance with the requirement of the FLSA, the following policy concerning payment for overtime hours worked by non-exempt employees will be followed:

1. Overtime is defined as those hours worked, by non-exempt employees during any FLSA-defined work period, which normally exceed 40 hours specified for such work period. Hours worked over eight (8) hours on a single day, are not considered as overtime. (Overtime is defined separately for shift personnel within the Fire Department, as per section 207(k) of the FLSA.)
2. Overtime worked by non-exempt employees must be compensated at one and one-half times based on the employee's regular rate of pay; or by compensatory time equivalent to one and one-half hours for each hour of overtime worked. (Calculating overtime is handled separately for shift personnel in the Fire Department based on section 207(k) of the FLSA.). It is the employee's responsibility to report any discrepancies with regard to their overtime accrual and payment.
3. Sick leave, bereavement leave, injury leave, military leave, administrative leave or any type of unexcused absence does not count toward the allowable number of hours worked in a work period. Vacation, holiday, jury duty, and compensatory time will be used to count toward hours worked in a pay period.

4. Human Resources will maintain a listing of all positions, showing their designation as either exempt or non-exempt. Exempt positions are not eligible for overtime pay or compensatory time.
5. Overtime will not be paid or accrued until the allowable number of hours has been surpassed for a given work period regardless of the daily schedule of an eligible employee. With the exception of fire shift personnel, all non-exempt employees who are directed to work after being compensated for the normal forty (40) hours will be paid at the rate of time and a half.
6. Certified Fire Department shift personnel will work in 15-day work cycles and will be paid an additional one-half times the hourly cycle rate for hours worked in excess of 114 cycle hours and up to 120 hours. Fire shift personnel are scheduled to work 120 hours per 15-day cycle. Hours worked over 120 hours in a cycle will be paid at time and one-half the hourly rate.
7. Exempt employees may be eligible to receive overtime compensation at the rate described above if an exempt employee is required to support declared emergency operations in one of the two following ways.
 - a. They must be working in direct support of an event that requires the Mayor or County Judge to activate the Emergency Operations Center or in response to an event for which the President of the United States or the Governor of the State of Texas has declared a state of emergency in Gregg County.
 - b. They must be deployed in direct support of an event that requires assistance from agencies including, but not limited to: TXTF-1, TXTF-2, TIFMAS, TEMAT, TDEM, AHIMT, and EMTF.
 - c. All hours worked by exempt employees in support of a declared emergency event must be adequately documented to ensure complete and accurate reporting and reimbursement of salary expenses.
 - d. At the time an exempt employee returns to normal duties, the employee will no longer be eligible for overtime compensation.

G. Compensatory Time

1. An employee who has accrued compensatory time may request the use of compensatory time off at any time while considering the needs of the department. The department will allow for the use of compensatory time within a reasonable period after the request is made unless the employee's absence from work would unduly disrupt departmental operations. If use of requested compensatory time would be

disruptive, the division may elect to pay the employee in lieu of approving the requested time off. It is the employee's responsibility to report any discrepancies with regard to their compensatory time usage and accrual.

2. Directors may establish additional procedures that may require employees to use compensatory time at regular or special times designated by the department or may elect to pay a non-exempt employee for any and all of the employee's accrued compensatory time. Exception: certified police and fire personnel per Texas Local Government Code 142.0016(c).
3. When a non-exempt employee separates from the City, the employee will be fully compensated for all unused compensatory time. The rate of compensation paid for each compensatory hour will be the employee's regular rate of pay at the time of separation.
4. Non-exempt personnel may accrue a maximum of eighty (80) hours of compensatory time. Exempt employees and fire shift personnel may not accrue compensatory time. This eighty (80) hour limitation represents 53.3 hours of actual overtime hours worked.
5. A non-exempt employee who has accrued the maximum number of compensatory hours must thereafter be paid in money for any overtime hours worked until such time that the employee's compensatory time has been reduced below the maximum permitted.
6. When an employee moves from non-exempt to exempt or changes departments, compensatory time will be paid out to the employee, before the change occurs, at the current rate of pay.
7. Each department must maintain compensatory overtime records for each non-exempt employee that is subject to earning and using compensatory time as well as for those exempt employees who have not yet exhausted their compensatory time. The records should reflect the number of hours of compensatory time earned by each non-exempt employee and used by each employee in each pay period. This time must also be reported to Human Resources. Human Resources keeps the City's official record of compensatory time usage and accrual.

H. Flex Time

1. Flex time is defined as a flexible schedule agreed upon by the employee and the employee's manager that serves as an alternative method of accruing overtime or comp time.

2. Flex time must be taken in the same work period that the time is accrued. If the department does not approve the flex time request for the same work period, the department must reflect the extra time worked as either overtime or comp time and follow the guidelines related to those accruals listed in this section.
3. Flex time is accrued at a rate of one times the rate of pay and is available for both exempt and non-exempt employees.

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4.04 Jury Duty or Subpoenas

Amended 10.8.20

All full-time employees will be granted leave with pay when it is necessary to be absent in order to fulfill jury duty or subpoena obligations in accordance with Texas Labor Code Sec. 52.051, the Fair Labor Standards Act, and the Jury System Improvement Act of 1978. Part-time, temporary, and seasonal employees will be granted leave without pay in order to fulfill these obligations.

A. Notice

1. Employees are required to give advance notice of an absence for jury duty or responding to a subpoena. Employees that must be absent from work to fulfill these obligations are required to notify their supervisor at least three (3) days prior to the leave or at the earliest opportunity.
2. The employee must provide a copy of the court order or jury summons.

B. Employer Obligations

1. The City will grant paid leave for an employee summoned to serve on any city, state, or federal court or grand jury or for an employee to comply with a subpoena at any city, state or federal court or grand jury.
2. The City will not dismiss an employee from employment because of the nature or length of the employee's jury service.
3. When an employee is on paid leave for jury service or response to a subpoena, he or she will continue to receive his or her regular rate of pay in addition to any per diem received by the employee from the court for jury service. Pay will not exceed the number of hours in the employee's regular work period. The time spent on leave that coincides with the employee's regular work time is counted as straight time for overtime calculation purposes.
4. A shift employee may be given time off with pay during their normal work hours, even when the jury duty or response to subpoena falls outside of their normal work hours, if in the judgement of their supervisor, the period of time spent fulfilling these obligations may impact job safety.

C. Employee Obligations

1. If an employee is chosen as a juror or made aware of a subpoena, they must notify their supervisor immediately and fulfill their citizenship obligation.
2. If the employee is not selected as a juror, the employee is required to report back to work upon being released from service. If more than 50% of the employee's shift remains at the time the employee is released from service, the employee is expected to report back to work during the shift. If less than 50% of the employee's shift is left at the time the employee is released from service, the employee is expected to report to work on their next scheduled shift. In any case, the employee must communicate with their supervisor after being released from jury duty.
3. All employees must provide proof of attendance from the presiding court to their supervisor upon their return to work.

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4.05 Step-Up Pay

Amended 4.9.15

- A. An employee may receive step-up pay if:
 - 1. temporarily promoted to fill a position in a higher grade,
 - 2. performing all the full duties of the position, and
 - 3. the employee will be in that position for a minimum of four weeks.
- B. The employee who is temporarily promoted will receive an increase in pay of five (5) percent or entry of the new grade, whichever is greater.
- C. The salary increase can begin immediately if it is known that the temporary promotion will be for a minimum of four (4) weeks.
- D. It will be the supervisor's responsibility to return the employee to their previous position and rate of pay, plus any raises that would have occurred, before the end of the pay period in which the circumstances warrant such a personnel action.
- E. If it is discovered that an employee has remained at the higher level of pay, the employee will have to make restitution, and the supervisor may be disciplined up to and including termination.
- F. Step-up pay is defined separately for certified/sworn non-exempt personnel within the Police and Fire departments. Fire and Police department employees will not be allowed to receive an increase that is greater than the lowest paid person in the classification. This policy does not change the current temporary step-up pay for certified/sworn positions within Fire and Police.

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4.06 Safety Incentive Program

Amended 10.24.19

In order to promote and incentivize City employees to be more safe while performing job-related tasks, thereby ostensibly saving the City money related to liability claims, injuries, and workers' compensation claims, this policy is enacted.

A. Incentive Program Eligibility

1. All full-time employees will be awarded with paid hours off, called safety leave, if they perform their job-related tasks over the course of a calendar year without incurring a preventable workplace injury, motor vehicle accident or equipment damage incident
2. Employees must be employed in a full-time status for a one-year period and remain free of preventable accidents/injuries in order to accrue safety leave.
3. Depending on the employee's classification, either 4 or 8 hours will be awarded to the employee.

B. Employee Classifications

1. Group A (Field Employees) – These employees have the highest potential for injury/illness due to their job responsibilities. Group A employees accrue safety leave of 8 hours for a calendar year with no preventable accidents.
2. Group B (Office Employees) – These employees have less potential for injury/illness due to their job responsibilities. Group B employees accrue safety leave of 4 hours for a calendar year with no preventable accidents.

C. Definitions

1. Preventable Accident/Injury – An incident in which an employee:
 - a. violates a traffic law, and that violation causes or contributes to the accident;
 - b. violates a safety rule or departmental procedure, and that violation causes or contributes to the accident; or
 - c. commits an act that could have reasonably been avoided, thus preventing the accident.

2. Non-preventable Accident/Injury – An incident in which the employee:
 - a. has not violated a traffic law;
 - b. has not violated a safety rule or department procedure; or
 - c. has done everything reasonable to avoid the accident.

D. Accrual Procedures

1. Safety leave will accrue based on the prior calendar year and be reflected on the first paycheck in February each year.
2. Safety leave must be taken by the end of the same calendar year in which the leave was awarded. Failure to take the leave by the end of the calendar year will result in the loss of the safety leave accrual. If the employee separates from the City after the safety leave has been awarded but before the employee has the opportunity to take the leave, the employee will be paid for the safety leave.
3. If an employee changes positions and moves from one category to another, the employee will be awarded safety leave accruals based on the position that employee holds at the end of the prior calendar year.
4. Safety leave must be approved by the employee's supervisor, giving consideration to the needs of the service and the ability of the remaining staff to perform the work of the department or division as well as the preference of the employee.

E. Safety Committee

1. Responsibilities of the Safety Committee
 - a. The Safety Committee is charged with reviewing each workplace injury, motor vehicle accident or equipment damage incident and determining whether each should be deemed preventable or non-preventable.
 - b. In February of each year, the Safety Committee will award safety leave to all full-time employees who have not had a preventable accident in the previous calendar year.
2. The committee is comprised of twelve (12) members representing a cross section of City employees. These members should be from different departments. The makeup of the committee and length of term is described below:

- a. The committee head is the Risk Manager or designee. This is a standing position within the committee without term limitations and with no voting rights.
 - b. The Risk Manager will designate another member of Risk Management to serve on the committee. This is a standing position without term limitations and with no voting rights.
 - c. A representative from the Fire Department will serve for a term of three (3) years.
 - d. A representative from the Police Department will serve for a term of three (3) years.
 - e. Three (3) representatives from Public Works will serve on the committee. One representative should be from the Sanitation Division, one from the water plants, and one from the Streets, Traffic, or Drainage divisions. Each representative will serve for a term of two (2) years.
 - f. The remaining five (5) positions on the committee will be comprised of representatives from the following departments: one from Administration; one from Parks and Recreation; one from Community Services; one from Development Services, and one from Finance. Each of the five positions will serve for a term of two (2) years.
3. With the exception of the two Risk Management committee members, all committee members will be chosen by the Executive Team.
 4. Committee decisions will be based on a simple majority of the members in attendance. Any tie will be decided by the Director of Administration.
 5. If a committee member transfers to another department or separates from employment during the course of their term, the position will be reassigned, as soon as practical, to someone else in that department for the duration of the vacant term.
 6. Members may be removed from the committee by a majority vote of the remaining members in attendance for failing to attend more than 25% of the committee meetings.

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4.07 Promotion

Amended 3.25.10

- A. Civilian employees who promote from within will receive a salary increase of five (5) percent or entry of the new pay grade, whichever is greater. Exceeding the maximum of the new grade is not allowed.

- B. Sworn/certified members of the police and fire departments will move to the entry level of their new rank.

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4.08 Injuries & Americans with Disabilities Act

Amended 9.13.18

- A. If injured on or off the job, the employer must determine if an employee can perform the essential functions of the job according to the Americans with Disability Act (ADA) guidelines. At no time does the City consider an employee “disabled” unless indicated as such by a physician.

These guidelines provide that the employer must assess the risk of harm (immediate danger) to the employee or those in immediate proximity of the employee, and determine if the employee can be reasonably accommodated without placing undue hardship on the employer. The ADA does not require that the City create light duty positions for injured employees, but it does call for careful examination of the essential functions of the position.

The employee’s job description is used by the attending physician to determine if the employee can return to full duty. It lists the essential functions of the position as well as the physical, non-physical, environmental demands and cognitive skills required for successful job performance.

The following procedures are required when an employee is injured and qualified as disabled by the ADA definition.

- B. If the injury occurred on the job
1. Risk Management will:
 - a. File a workers’ compensation claim.
 - b. Seek the advice of a medical expert by contacting the treating physician and request that they:
 - (1) review the job description form.
 - (2) evaluate the individual's capability to perform the essential functions of the position without putting the employee and/or others in immediate danger.
 - (3) determine if reasonable accommodations are required to return the employee to work, and if so, what they might be.
 - c. If applicable, place the employee on Family and Medical Leave (the illness and the employee must qualify).

- d. Review any ideas or suggestions that the affected employee might have regarding reasonable accommodations.
 - e. If possible, provide modified duty assignments for employees released to work light duty.
 - 2. The employee will meet with Human Resources, Risk Management, and Legal representatives to determine if accommodations are reasonable or if they present an undue hardship on the City.
- C. If the injury occurred off the job:
 - 1. The supervisor is responsible for:
 - a. contacting the employee.
 - b. obtaining a doctor's evaluation.
 - c. placing the employee on Family and Medical Leave, if applicable.
 - d. looking at reasonable accommodations and speaking to the employee about any that may exist.
 - e. sending a letter to the attending physician.
 - f. meeting with Human Resources, Risk Management, and Legal representatives to determine if accommodations are reasonable or if they present an undue hardship on the City (ADA does not differentiate between on-the-job and off-the-job injuries).
 - g. recommending termination of the injured employee if no alternatives are available.

D. Termination

Leaves of absence for any reason may not last longer than twelve (12) months. Any regular employee, who for a job-related injury or a combination of work-related injuries, sick related leaves of absence, modified duty, or Family and Medical Leave (FML) qualifying events, misses a total of twelve (12) months of work in a twenty-four (24) month period, will be separated from employment due to unavailability for work. The twelve (12) month period will be measured cumulatively during a twenty-four (24) month period, by the rolling-backward method, beginning with the first date of absence related to the illness or injury. Any employee so separated will be eligible for rehire as long as they have not withdrawn money from the established retirement plan

and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings. If the employee has withdrawn money from the retirement system, the employee must wait twelve (12) months to reapply for a full-time position.

- E. As stated before, at no time does the City consider an employee “disabled” unless indicated by a physician. An employee who meets the definition of disabled by ADA standards is protected under ADA law.

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4.09 Holidays

Amended 10.8.20

The following are designated as official paid holidays for full-time City employees:

New Year's Day	January 1
Dr. Martin Luther King's Birthday	Third Monday of January
Good Friday	Friday prior to Easter
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
* September 11 th	September 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25
**Floating Holiday	To be determined by the City Manager

* September 11th designated only for certified fire personnel

** Floating holiday designated for full-time employees except for certified fire personnel

- A. Full-time employees will receive ten (10) paid holidays per year, defined as eighty (80) hours per year.

Fire shift personnel will earn eighty (80) hours of holiday time per year to be taken at a rate of sixteen (16) hours per 24-hour shift. Procedures for usage are determined by the Fire Department.

- B. Directors may require necessary employees to work on a holiday in order to provide critical functions and services of their department. If an employee is scheduled to work on a holiday by his or her supervisor and fails to report for duty, without authorization of the supervisor, that employee will not be paid for the holiday or accrue holiday leave and may be subject to disciplinary action.

- C. If one of the above designated holidays occurs on a Saturday, it will be observed on the preceding Friday and should one of the holidays occur on a Sunday, it will be observed the following Monday. Employees who observe a work period other than Monday through Friday will be granted a subsequent "day off" if a designated holiday coincides with a scheduled "day off."

Employees scheduled to work providing essential services on City-recognized holidays will bank the holiday for use at a later date or, if the division is financially

able, will be paid eight (8) hours for the holiday at their regular rate of pay, in addition to the hours worked.

Employees working four (4) ten-hour shifts per week and taking a holiday will also be required to take two (2) hours of vacation, compensatory time, or banked holiday time, on the date the holiday is taken. Similarly, if the holiday lands on a day in which an employee is normally scheduled to work a twelve (12) hour shift, the employee will be required to take four (4) hours of vacation, compensatory time, or banked holiday time to receive the day off.

- D. Full-time employees may bank a maximum of 80 hours of holiday leave. An employee who has accrued the maximum number of holiday hours must then be paid for any hours worked on a holiday until the employee's holiday time has been reduced below the 80 hours.
- E. Employees cannot use accrued leave on a City paid holiday. If an employee is off on a holiday, the time must be recorded in the City's timekeeping system as a holiday.
- F. Seasonal, temporary, and other part-time employees will be paid their regular rates of pay on a holiday only if required to work.
- G. Employees absent without authorized leave on the day immediately preceding or following the holiday will lose pay for the holiday as well as the working day absent and may receive further disciplinary action up to and including termination.
- H. Should the City Council or City Manager declare special holidays, they will be observed in accordance with the provisions of this section.
- I. If an employee goes on unpaid status, which includes unpaid workers' compensation leave of absence (whether leave is available or not), unpaid military leave or military differential pay, a furlough leave of absence, and catastrophic leave, holiday time will not accrue until the employee returns to work.

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4.10 Vacation

Amended 10.8.20

In appreciation of continuous service, the City will provide employees in full-time regular positions with an opportunity for paid vacation leave away from the work environment. The City encourages employees to use vacation leave. All regular full-time employees will accrue vacation leave according to this policy and will comply with the following vacation leave guidelines.

A. Eligibility

1. Vacation leave is earned from the most recent date of full-time employment and accrued on the first paycheck of the month following the month it is earned.
2. Full-time employees are allowed to use vacation leave after they have completed six (6) months of satisfactory employment, unless the probationary period has been extended due to a workers' compensation injury that makes the employee unable to perform the essential functions of their job.
3. Employees on suspension may not use vacation leave.
4. Vacation leave stops accruing with termination of full-time employment. If an employee is rehired, they will accrue vacation hours as a new employee.
5. If an employee goes on unpaid status, which includes an unpaid workers' compensation leave of absence (whether leave is available or not), an unpaid or military differential pay situation, a furlough leave of absence, and catastrophic leave, vacation leave will not continue to accrue until the employee returns to work.

B. Accrual Rate

1. Employees with less than five (5) years of service will earn 120 hours per year of vacation time or 10 hours per month.
2. Employees with more than five (5) years of service but less than fifteen (15) years will accrue 136 hours per year or 11.34 hours per month.
3. Employees with more than fifteen (15) years of service will receive 160 hours per year or 13.34 hours per month.

C. Scheduling

1. The employee's supervisor must approve all vacation leave, giving due consideration to the needs of the service and the ability of the remaining staff to perform the work of the department or division as well as the preference of the employee.
2. Each employee is requested to give his supervisor the maximum notice possible of a vacation leave request, in accordance with department policy.
3. If an employee is requested to work during a scheduled vacation, the employee can schedule vacation at another time.

D. Procedures

1. Beginning on April 10, 2020, and ending on September 30, 2020, vacation leave will accrue to a maximum of 400 hours and will rollover from year to year. Beginning on October 1, 2020, vacation leave will accrue to a maximum of 320 hours and will rollover from year to year. Any employee who has more than 320 hours of vacation leave on or after October 1, 2020, will not accrue vacation leave until the employee has less than 320 hours of vacation remaining.
2. Fire shift personnel will use vacation time at a rate of sixteen (16) hours per 24-hour shift.
3. Employee's accrued vacation leave transfers with the employee from the previous department to the new department.
4. Employees must follow departmental policy with regard to making vacation leave requests.
5. Official City holidays occurring during a vacation leave will not be charged against the employee's vacation leave. Fire shift personnel are excluded.
6. Vacation leave may be used during an illness when sick leave is exhausted.
7. No cash payment for unused vacation leave is permitted in lieu of time off except under the following circumstances:
 - a. when the employee separates from employment with the City, and
 - b. upon the employee's death, the balance will be paid to the beneficiary or estate.

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4.11 Sick Leave

Amended 10.8.20

Employees in regular full-time positions will be eligible for sick leave with full pay, on an eight (8) hour working day basis, accumulating 1.25 days for each full calendar month of employment, so as to total 120 hours of sick leave each twelve (12) full calendar month's service. Sick leave will not be extended to temporary employees appointed to positions of limited duration, temporary employees appointed to positions required by seasonal activities, or employees appointed to positions on a part-time basis.

- A. Each full-time employee may accumulate any unused sick leave accrued at the rate of 10 hours (1.25 days) per month. Sick time is accrued on the first paycheck of the month, following the month it is earned.
- B. Sick leave will accrue to a maximum of 720 hours (90 days) and will rollover from year to year. If an employee is over the maximum, their accrual will be frozen until the balance goes below the maximum of 720 hours.
- C. Fire shift personnel will use sick leave at a rate of sixteen (16) hours per 24-hour shift.
- D. Sick leave may be used after the completion of six (6) months of satisfactory full-time employment, unless the probationary period has been extended due to a workers' compensation injury that makes the employee unable to perform the essential functions of their job.
- E. When an employee meets the following eligibility criteria, the employee may be paid up to 720 hours of accumulated unused sick leave upon retirement:
 - 1. completes required forms for service retirement either with the Texas Municipal Retirement System (TMRS) or the Longview Firefighter's Relief and Retirement Fund (including disability retirements); and
 - 2. has twenty (20) continuous years of full-time service with the City.

If an employee has retired with the City, has received any part of the sick leave payment and decides to return to work for the City, they must complete an additional twenty (20) years of service to receive this benefit again.

- F. Other than as stated in Section E, unused sick leave will not be paid upon employee separation or termination.

- G. Employees may be required to submit a physician's statement for any claimed illness or injury causing an absence from work. Directors are authorized to make any investigations of benefits claimed under this rule, which they may deem necessary and to disapprove any claims not properly substantiated.
- H. Departments may require a return to work note if absences for personal or family illness or injury last more than three (3) calendar days.
- I. Sick leave may be granted for the following reasons:
1. when an employee is incapacitated for the performance of duties due to illness, an on or off the job injury or known foreseeable medical procedures.
 2. when an employee has been exposed to a contagious disease and presence on the job would jeopardize the health of others.
 3. when medical, to include appointments at the City's Health and Wellness Clinic, dental, or optical examination or treatment is necessary. (Prior approval of the supervisor, manager or director is required.)
 4. the serious illness or serious injury of an immediate family member. For the purpose of this policy immediate family member means a spouse, child, or parent. An employee is ineligible for FML if sick leave is taken for unqualified family members.

Note: An employee may be required to present satisfactory proof of family relationship and/or satisfactory proof of a family member's illness, injury, and/or doctor/dentist appointment if the employee wishes to use accrued sick leave to care for a family member.
 5. Sick leave may be granted for up to two weeks for the birth or adoption of a child unless there is a serious illness or injury to the child or birthing parent, a condition that meets the definition of a "serious health condition". (Exception: The two-week limit does not apply to the birth mother.)
- J. When an employee's accrued sick leave has been exhausted, the unused accrued vacation leave of the employee will be used as sick leave. When absence due to illness exceeds the total amount of paid leave earned and authorized, the pay of an employee will be discontinued. All accrued leave must be exhausted prior to taking unpaid leave. If an employee goes on unpaid status, which includes an unpaid workers' compensation leave of absence (whether leave is available or not), an unpaid or active military differential pay situation, a furlough leave of absence and catastrophic leave, sick leave will not continue to accrue until the employee returns to work.

- K. Employees are required to submit, upon return to duty, a request for leave voucher for approval of sick leave with pay. Directors will review and act as appropriate upon such request.
- L. Notice of absence due to illness or off the job injury must be conveyed to the employee's supervisor prior to the scheduled time for reporting on duty on the first day of such absence, unless authorized otherwise by the supervisor. The supervisor may require the employee to check in periodically during the absence. Failure to do so may result in an employee being placed on leave without pay or being terminated from employment.
- M. Separation of employment permanently cancels all sick leave accrued to an employee's record, and in the event of subsequent reemployment, such employee begins a new sick leave accumulation.
- N. Employees transferring between departments will keep accrued sick leave.
- O. An employee on FML leave, sick leave, disability leave, or workers' compensation leave will not engage in outside employment as defined in the Outside Employment Policy (see [Section 2.11](#)) unless expressly authorized in writing in advance by the director and Risk Management. A copy of the written approval will be sent to Human Resources.
- P. An employee under suspension may not use sick leave during the suspension.
- Q. Official records of employees' sick leave will be maintained in Human Resources.
- R. Frequent claiming of the benefits under this section may indicate an inability to successfully perform the position's essential job functions. Abuse/overuse of sick leave may constitute grounds for termination from employment or disciplinary action by the director. A medical examination to determine an employee's fitness for duty may be requested by the employee's supervisor or director. (see [Section 2.09](#)).
- S. Leaves of absence for any reason may not last longer than twelve (12) months. Any regular employee, who for a job-related injury or a combination of work-related injuries, sick related leaves of absence, modified duty, or Family and Medical Leave (FML) qualifying events, misses a total of twelve (12) months of work in a twenty-four (24) month period, will be separated from employment due to unavailability for work. The twelve (12) month period will be measured cumulatively during a twenty-four (24) month period, by the rolling-backward method, beginning with the first date of absence related to the illness or injury. Any employee so separated will be eligible for rehire as long as they have not withdrawn money from the established retirement plan and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings. If the employee has withdrawn money from the retirement system, the employee must wait twelve (12) months to reapply for a full-time position.

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4.12 Family and Medical Leave (FMLA)

Amended 10.8.20

A. Policy

In accordance with the Family and Medical Leave Act, the City will grant job-protected paid and unpaid family and medical leave to eligible employees for up to a total of twelve (12) work periods during a twelve (12) month period for any one of the following reasons:

1. in order to care for a child following the child's birth, adoption, or placement in foster care with a City employee;
 - a. Leave must be taken within the twelve (12) month period following the child's birth or placement with the employee.
 - b. If married spouses work for the City, the total leave available to them for the birth or placement of a child may be limited to a combined total of twelve (12) weeks during a twelve (12) month period.
2. in order to care for an immediate family member (spouse, child or parent) if such family member has a serious health condition;
3. because of the employee's own serious health condition that makes the employee unable to perform the essential functions of his or her position; or
4. the employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

B. Eligibility and Coverage

To be eligible for Family and Medical Leave (FML), an employee must have worked for the City for at least twelve (12) months total and have worked at least 1250 hours over the previous twelve (12) month period.

C. Servicemember Family Leave

1. For purposes of this section, the following definitions apply:
 - a. **Covered active duty** means: 1) in the case of a member of a regular component of the Armed Forces, duty during deployment with the

Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.

- b. **Covered servicemember** means: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or 2) a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five (5) years.
- c. **Next of kin** means the nearest blood relative of a covered servicemember.
- d. **Serious injury or illness** means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.
- e. **Qualifying exigency** includes: 1) notification of a call to covered active duty seven (7) or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to five (5) days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and, 6) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.
- f. **Twelve (12) month servicemember period** means a single twelve (12) month period measured forward from the first day servicemember family leave is taken.
- g. **Veteran** means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.

2. Eligibility and Coverage

Eligible employees who are the spouse, child, parent, or next of kin of a covered servicemember are entitled to up to fourteen (14) weeks of additional leave during a single twelve (12) month servicemember period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered servicemember who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the twelve (12) month servicemember period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single twelve (12) month servicemember period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total servicemember family leave may be limited to a combined total of 26 weeks.

D. Intermittent or Reduced Leave

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to temporarily transfer to a position with equivalent pay and benefits that better accommodates recurring periods of leave. The employee must try to schedule the leave so as not to unduly disrupt the division's operations. An employee taking leave for a birth, adoption placement, or for foster care may take such leave intermittently or by working a reduced work period only with the City's prior approval, otherwise such leave must be taken consecutively.

E. Use of Paid Leave

An employee will be required to use accrued paid leave (including paid vacation, sick leave, catastrophic leave, compensatory time and workers' compensation) for any part of a family and medical leave. When an employee has used all of his or her accrued paid leave, the employee will go into an unpaid status for the remainder of the requested family and medical leave.

F. Employee Notice Requirements

1. Employees must give the City thirty (30) days' notice of intent to take leave for foreseeable events. A "Request for Family and Medical Leave" form should be completed by the department and returned to Human Resources. In unexpected or unforeseeable situations, an employee should provide as much notice as is practical, followed by the completed form. The notice must indicate that (a) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (b) the anticipated duration of the absence; and (c) whether the

employee intends to visit a health care provider or is receiving continuing treatment.

2. If an employee fails to give 30 days' notice of foreseeable leave with no reasonable excuse, leave may be denied until 30 days after the employee provides notice.
3. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.
4. In the event of leave to attend to a qualifying event, the employee must give notice to the City of the need for leave as soon as possible. It is expected that an employee will give notice to the City within one (1) or two (2) working days of learning of the need for leave.

G. Employer Notice Requirements

1. Within five (5) days after the employee requests leave or after the City learns the leave may be for an FML qualifying reason, the City will provide written notice stating whether the employee is eligible for FML leave, and if not eligible, at least one reason why the leave is ineligible.
2. Within five (5) days after the employee requests or the City learns of the need for FML leave, the City will provide a written notice stating whether leave is available, how much leave has been designated as FML leave, and how much leave remains. If any part of the requested leave is not designated as FML leave, the City will provide written notice of and reason for denial.

H. Medical and Military Certification

1. For leave taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "Physician or Practitioner Certification" form and return the form to the City. Medical certification must be provided by the employee within fifteen (15) days after it is requested. If the employee fails to provide adequate certification within this time period, the City will inform the employee, in writing, of the additional information that is necessary and will allow the employee at least seven (7) days to correct the certification. The City may delay leave until such certification is produced. In the case of a medical emergency, the employee must submit certification as soon as is reasonably possible.
2. The City may require a second or third opinion (at its own expense), periodic reports on status and intent to return to work, and a fit for duty report to return to work.

3. The employee requesting leave related to a family member's covered active duty or call to covered active duty will provide supporting documentation of such status issued by the applicable Armed Services branch.
4. Employees requesting extended servicemember family leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran that the veteran was a member of the Armed Forces within the preceding five (5) years.
5. Documentation related to the employee's or family member's medical condition will be held in strict confidence and separate from the employee's personnel file.

I. Effect on Benefits

1. An employee granted leave under this policy will continue to be covered under the City's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.
2. If an employee goes into an unpaid status, it is the employee's responsibility to contact Payroll in order to make arrangements to pay their portion of any voluntary deductions, employee and dependent health and/or dental coverage, supplemental life insurance, etc. Failure to make payment within thirty (30) days of the due date will result in cancellation of those unpaid coverages.
3. An employee who is in an unpaid status will not accrue paid leave.

J. Outside Employment

An employee on FML leave, sick leave, disability leave, or workers' compensation leave will not engage in outside employment as defined in the Outside Employment Policy (see [Section 2.11](#)) unless expressly authorized in writing in advance by the director and Risk Management. A copy of the written approval will be sent to Human Resources.

K. Return to Work

1. If family and medical leave is taken due to the employee's own medical condition, the employee is required to present a release to return to full duty, signed by the treating physician, prior to returning to work.

2. On return from FML leave, an employee is entitled to be returned to the same position the employee held when leave commenced or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. Ordinarily, an employee will be restored to the same position the employee held prior to FML leave with the same pay and benefits, if the position remains available. However, an employee has no right to return to the same position.
3. Per 29 CFR 825.216, the following are exceptions to an employee's right to return to work after FML leave: layoffs, shift eliminations, fraudulently obtaining leave, and the inability to perform essential job functions.

L. Termination

1. If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he or she will be considered to have abandoned the job.
2. After exhausting available family and medical leave, if deemed unfit for duty by a medical professional, the employee may be terminated in accordance with the Fit for Duty policy (*see Section [2.09](#)*).
3. An employee who fraudulently obtains Family and Medical Leave from the City is not protected by the FMLA's job restoration or maintenance of health benefits provisions. In addition, the City will take disciplinary action up to and including termination.
4. Leaves of absence for any reason may not last longer than twelve (12) months. Any regular employee, who for a job-related injury or a combination of work-related injuries, sick related leaves of absence, modified duty, or Family and Medical Leave (FML) qualifying events, misses a total of twelve (12) months of work in a twenty-four (24) month period, will be separated from employment due to unavailability for work. The twelve (12) month period will be measured cumulatively during a twenty-four (24) month period, by the rolling-backward method, beginning with the first date of absence related to the illness or injury. Any employee so separated will be eligible for rehire as long as they have not withdrawn money from the established retirement plan and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings. If the employee has withdrawn money from the retirement system, the employee must wait twelve (12) months to reapply for a full-time position.

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4.13 Catastrophic Leave

Amended 10.24.19

From time to time a City employee may experience an incapacity that prevents the employee from working for long periods of time. Such incapacity may necessitate that the employee take leave without pay. The City endorses a voluntary leave sharing policy that can help alleviate these burdens. Catastrophic leave is provided by the donation of sick/vacation hours from participating employees into a catastrophic leave sharing pool.

A. Eligibility

1. The employee requesting the donation must have been a full-time employee for a minimum of six (6) consecutive months.
2. The employee must have elected to participate in the catastrophic leave pool for the fiscal year during which their request occurs by donating hours during the annual election period. New employees must elect to participate during their new employee enrollment meeting. All other employees must elect coverage during open enrollment. The department is responsible for notifying employees not at work during the election period of the need to decide participation.
3. The employee requesting the donation must not have exhausted all of the employee's accrued leave, which includes sick, holiday, compensatory and vacation leave, at the time of the request. The leave donations will not be retroactive.
4. The employee's request for catastrophic leave must be recommended by the director. The requesting employee's history of usage will be considered by the director when determining whether to recommend the leave request to the committee.
5. An employee with written discipline regarding unsatisfactory attendance within the last twelve (12) months may not be eligible. The catastrophic leave committee will determine eligibility.
6. The illness or injury meets the definition of a catastrophic occurrence and the employee's request is due to their own serious health condition that makes the employee unable to perform the essential job functions, or the employee's request is to care for a qualifying family member's serious health condition. Leave must be taken continuously.

7. Any employee eligible for the long-term disability (LTD) benefit or other similar program must make application for those benefits upon requesting catastrophic leave, if not sooner. Failure to do so may result in the denial of a catastrophic leave request, or termination of any previously awarded catastrophic leave. Employees are no longer eligible for catastrophic leave once LTD or other similar benefits commence.
8. Part-time employees are not eligible for catastrophic leave under this section.

B. Definitions

1. **Catastrophic illness/injury** is defined as any illness, injury (including on-the-job injury after all workers' compensation benefits have been exhausted or denied), impairment, or physical or mental condition.

Examples of illness or injury that qualify for the catastrophic leave program may include heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, appendicitis, pneumonia, emphysema, severe arthritis, severe nervous disorders, and injuries caused by serious accidents on or off the job. Any period of incapacity due to complications from pregnancy that are life threatening for the mother or child is eligible for catastrophic leave; however, healthy pregnancies and deliveries, to include caesarean sections, are not eligible for catastrophic leave.

2. **Eligible Family Member** includes immediate family members. For the purpose of this policy, immediate family member means a spouse, child, or parent. An employee is ineligible for catastrophic leave if leave is requested for unqualified family members.

Note: An employee may be required to present satisfactory proof of family relationship and will be required to provide satisfactory proof of the family member's illness or injury, if the employee wishes to receive catastrophic leave to care for a family member.

C. Process

1. An employee must request catastrophic leave prior to depleting all sick, vacation, compensatory, and accumulated holiday leave. If the employee is unable to submit their request, the employee's department may initiate the request.
2. The employee's request must include a statement from a licensed health care provider explaining the catastrophic and/or life-threatening

nature of the illness and the anticipated date for returning to work, provided this information has not already been received.

- a. The employee must submit their request to their director for consideration of eligibility. The committee will approve or deny the request and determine the amount of hours that will be granted.
 - b. If the request is denied, the employee cannot reapply for the same injury.
 - c. If eligible, Human Resources will transfer hours from the leave bank to the recipient.
 - d. Employees using catastrophic leave will not accrue any paid leave while utilizing this benefit.
 - e. An employee will not receive more than 960 total hours while in the service of the City. Hours received for catastrophic leave will not allow the employee to exceed the twelve (12) month termination policy.
 - f. Upon an employee's return to work, termination, resignation, or retirement, all unused leave will be deposited back into the leave bank.
 - g. An employee may be dismissed if such employee fails to report to work promptly at the expiration of the period of approved/granted catastrophic leave.
 - h. Abuse of the catastrophic leave bank program will subject the employee to disciplinary action, up to and including termination.
3. Every year, full-time City employees, who have been employed at least six (6) months, will have the opportunity to voluntarily renew their membership by contributing hours to the leave bank with the number to be determined by the committee based on historic and anticipated usage. If in the event the bank is depleted to less than 500 hours, all participating City employees will be notified and given the opportunity to contribute additional hours in order to replenish the leave bank. If an employee chooses not to contribute in the event of depletion, they may be removed from the program as determined by the committee.
 4. The tax liability associated with donated leave will be the responsibility of the recipient, in compliance with IRS revenue ruling 90-29. Paid time will be subject to all tax liability associated with regular pay including federal and FICA withholdings, as well as TMRS and Fire Pension contributions.

D. Catastrophic Leave Committee

1. The purpose of the committee will be to review all catastrophic leave requests, ensure that all eligibility requirements are met, and make determinations of continuing eligibility. Additionally, the committee should report at least annually to the Executive Team concerning the current status of the leave bank, and the utilization of the system.
2. The committee is comprised of five (5) members representing a cross section of City employees who have contributed to the pool and have been employed by the City for at least one year. The committee head is the Director of Administration or his or her designee within Human Resources. This is a standing position within the committee without term limitations, and with no voting rights. The five (5) voting members should each be from different departments and not from Human Resources. The selection of the committee members and length of term will be commensurate with their position within the City as described below:
 - a. One (1) Executive Team member (other than the Director of Administration) will be appointed by the Executive Team to serve for a term of three (3) years.
 - b. Two (2) Administrative Team Members will be appointed by the Executive Team to serve for a term of two (2) years.
 - c. Two (2) At-large Members with at least one (1) year of service to the City, will be appointed by the Executive Team to serve for a term of one (1) year.
3. Committee decisions will be based on a simple majority of the members, with a tied decision being decided by the Executive Team member.
4. No committee member may serve more than two (2) consecutive terms.
5. Committee members who are promoted during the course of their term may serve the rest of their term with the approval of a majority of the committee, regardless of their resulting position or department.
6. Members may be removed from the committee by a majority vote of the remaining members for failing to attend more than 20% of the committee meetings.
7. Any vacated position will be filled as soon as practical through the appointment process outlined above.

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4.14 Military

Amended 10.24.19

- A. Any full-time employee who is a member of the National Guard, or a member of the Reserve Components of the Armed Forces, will be entitled to a leave of absence from their assigned duties with the City for a maximum of fifteen (15) days in any one (1) calendar year, with pay, to attend annual military training or for duty ordered or approved by the proper military authority.
1. This is to be computed as eight (8) hour days (seven and one-half shifts for fire personnel) or a total of 120 hours. The director/manager will require the employee to provide their military orders within 24 hours of receiving them.
 2. The director/manager must furnish Human Resources with the certification or copy thereof showing inclusive dates.
 3. Employees who have exhausted all available paid military leave must request the use of accumulated vacation, holiday or compensatory time to cover their remaining absences from work. Otherwise, the employee will be placed in an unpaid status, once their military leave is depleted, until the employee can return to work.
 4. If an employee goes into an unpaid status, it is the employee's responsibility to contact Payroll in order to make arrangements to pay their portion of any voluntary deductions, employee and dependent health and/or dental coverage, supplemental life insurance, etc. Failure to make payment within thirty (30) days of the due date will result in cancellation of those unpaid coverages.
- B. Active Military Duty
1. For purposes of this policy, the following definitions will apply.
 - a. **Active Military Duty** is defined as (a) military service inside a combat zone or (b) military service outside a combat zone but considered to be in support of a combat zone and said service qualifies for special military pay for duty subject to hostile fire or imminent danger.
 - b. **Combat Zone** is defined as an area in which the U.S. Armed Forces is engaging in combat. Combat zones will be designated as such by an Executive Order of the President of the United States.

- c. **Military Differential Pay** is defined as any payment made to an employee who is on active military duty for a period of more than thirty (30) days and represents all or a portion of the wages the employee would have received from the City if the employee were performing services for the City.
- 2. If a regular full-time employee is a reservist or member of the National Guard or other branch and is called to active military duty the City will:
 - a. extend COBRA benefits to the affected employee and dependents. This means the employee may elect to continue or extend City health benefits at the employee's expense until such time as similar benefits are available under an applicable military program.
 - b. not pay employee military differential pay, unless specifically requested by the employee and authorized by the City Manager and/or City Council.
 - (1) If military differential pay is requested for service in a combat zone, the employee must provide Human Resources with a copy of the orders listing the location of the service.
 - (2) If military differential pay is requested for service in support of a combat zone, the employee must provide Human Resources with (a) a copy of the order listing the location of the service and (b) proof of special military pay for duty subject to hostile fire or imminent danger.
 - c. continue City life insurance coverage on the employee until the last day of the month of the employee's activation to military service.
- 3. While on fully-paid military leave employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. While on unpaid military leave (this includes those receiving military differential pay), accruals will be suspended and will resume upon the employee's return to active employment.
- 4. At the time of return from military duty and provided the employee meets all preconditions and fulfills all obligations as set forth by Federal Law, the City will adhere to the following guidelines which are in accordance with "Reemployment Rights for Returning Veterans" as established by the Department of Labor (Chapter 43 of Part III of Title 38, U.S. Code, as amended).
 - a. Place employee in the same or similar position at the same or similar salary the employee would have attained if the employee

had remained on the job instead of being called to active military duty. This includes base pay, cost-of-living increases, length of service increases but would not include merit increases or other similar pay (such as "step-up" pay) based on performance.

- b. Restore the employee without loss of seniority as if employment had continued without interruption by active military service to include:
 - (1) reinstatement of the employee's personal health insurance benefits (and dependent's if applicable) on the first day of return to City employment.
 - (2) reinstatement of the employee's City sponsored life insurance benefits on the first day of return to City employment.
 - (3) service time credit for the Texas Municipal Retirement System (TMRS) or Longview Firefighter's Relief and Retirement System, whichever is applicable. To qualify for service credit, an employee must: return to work for the City within 90 days after discharge; receive an honorable discharge; and timely complete the necessary application. In order to receive monetary credit, an employee has the lesser of five (5) years or three (3) times the length of the military service to make up any contributions that were missed while on military leave. Employees will handle these payments directly through the pension plan.

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4.15 Bereavement Leave

Amended 10.19.17

A regular full-time employee, who experiences the death of an immediate family member, may be given bereavement leave of up to three (3) working days with pay per occurrence to be taken at the time of death. This time is to be computed as eight (8) hour days or a maximum total of 24 hours. Any unused leave will not be banked for use later. Documentation will be at the discretion of the manager/director.

- A. Immediate family, for purposes of this policy, includes all persons in the second degree by blood or first degree by marriage (see [Section 2.07](#)). If more than three (3) days are needed for members of the immediate family only, an employee may use accumulated sick leave for this purpose.
- B. Directors/managers may grant the employee vacation leave, compensatory time, flex time, and accumulated holiday time to attend a funeral of someone other than an immediate family member.
- C. An employee within the six-month probationary period may use bereavement leave but is not eligible to supplement leave with accrued leave.

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4.16 Group Health, Dental and Life Benefits

Amended 10.8.20

A. Group Health Plan

1. The City offers all full-time employees coverage in a group health and dental plan. Full-time employees may enroll themselves and their qualified dependents in the plans. The cost of coverage is deducted from the employee's paycheck. The amount established to pay for health and dental coverage is subject to change as necessary to pay for plan expenses and is determined by the Health Insurance Board of Trustees.
2. If a full-time employee began working at the city prior to August 31, 1991, and retires with at least twenty (20) continuous years of service to the City, the City will offer the retired employee standard coverage in a group health plan until the retired employee reaches the age of 65.
3. If a full-time employee began working at the city between September 1, 1991 and August 31, 1996 and retires with at least twenty (20) continuous years of service to the City, the City will pay 50% of the premium for the retired employee's standard coverage in a group health plan until the retired employee reaches the age of 65.
4. If a full-time employee began working at the city between September 1, 1996 and August 31, 2001 and retires with at least twenty (20) continuous years of service to the City, the City will pay 25% of the premium for the retired employee's standard coverage in a group health plan until the retired employee reaches the age of 65.
5. The City will not subsidize standard coverage in a group health plan for any retired employee who began working at the city after September 1, 2001.
6. A retired employee may elect such group health plan coverage for dependents as the retired employee had immediately prior to retirement from service with the City.
7. The City does not pay for dental insurance for retired employees. A retired employee may elect such dental coverage for dependents as the retired employee had immediately prior to retirement from service with the City.

8. Employees who leave the city for any reason, unless the reason is gross misconduct, may elect COBRA for up to eighteen (18) months for themselves and/or their dependents.
9. The actual terms of coverage are as described in the master plan document. This summary is provided only to inform employees of the general benefits and procedures in a more concise manner. The terms of coverage are subject to periodic revision by the Health Insurance Board of Trustees.
10. If an employee goes into an unpaid status for any reason, it is the employee's responsibility to contact Payroll in order to make arrangements to pay their portion of any voluntary deductions, employee and dependent health and/or dental coverage, supplemental life insurance, etc. Failure to make payment within thirty (30) days of the due date will result in cancellation of those unpaid coverages.

B. Group Life Insurance Plan

1. The City offers basic group life insurance to all full-time employees as well as retirees under the age of 65 that participate in the City's Health Plan
2. If a full-time employee began working at the city prior to September 1, 2001, and retires with at least twenty (20) continuous years of service to the City, the City will pay 100% of the premium for the retired employee's basic life insurance and accidental death and dismemberment (AD&D) coverage until the retired employee reaches the age of 65, if employee elects to participate in the health plan.
3. The amount of insurance is equal to one times an employee's annual salary, rounded up to the nearest thousand. In the event death is accidental, an additional benefit of one times annual salary is payable. Retiree's life insurance will be based upon one times their annual salary at the time of retirement.

C. Sponsored Insurance Plans

The City permits employees who wish to do so, to participate in certain other insurance programs that are sponsored by the City. These sponsored programs are only offered through Human Resources. The City's sole involvement in these plans is to allow employees to pay monthly premiums by payroll deduction. The City assumes no responsibility for any non-sponsored insurance programs.

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4.17 Retirement Plans

Amended 10.19.17

- A. The City participates in the Texas Municipal Retirement System, which provides retirement benefits to regular full-time employees. Full-time Fire Department personnel participate in the Longview Firefighter's Relief and Retirement Fund. A deduction from the employee's salary is supplemented by the City's matching funds. Participation in one of these retirement plans by every full-time regular employee is a condition of employment.

- B. The City participates in the Federal Social Security and Medicare Programs, which provide benefits upon retirement. A deduction from the employee's salary is matched by the City for this benefit. Participation by every employee is a condition of employment with the exception of certified fire personnel.

- C. An employee who retires from city employment, and withdraws money from the established retirement plan, is not eligible for rehire into a full-time position for twelve (12) months after the date of retirement. The retired employee can come back to work within a year, if he/she does not draw any retirement money out of the retirement system.

- D. If an employee who moves from full-time to part-time or temporary status, withdraws money from the established retirement plan, that employee will not be eligible for full-time employment for twelve (12) months. If the employee does not withdraw money from the established retirement plan, the employee can move back to full-time status when he or she is selected for full-time employment.

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4.18 Tuition Programs

Amended 10.8.20

This policy encourages the voluntary pursuit of higher education by employees through the Tuition Reimbursement or Educational Assistance Advance Programs (hereinafter programs). Availability of these programs is subject to funds being allocated.

A. Requirements of the Tuition Programs

1. The programs are available to regular, full-time employees to improve qualifications in their present position and to prepare them for more responsibility with the City. The programs are not applicable to employees on new hire probation or on disciplinary probation or employees not recommended by their supervisor.
2. The programs are designed to encourage and assist individual employees to obtain a higher level of education with monetary assistance from the City. This assistance, as authorized and funded, would provide funds for the following educational pursuits: GED certifications, associate degrees, bachelor degrees, or graduate degrees. Employees utilizing the tuition programs may only receive up to one (1) of each degree. Doctorate degrees will not be reimbursed under these programs.
3. Employees must pursue a degree that directly relates to their present job or is applicable to another position within the City. Degree fields are limited to:
 - a. Undergrad Degrees

Accounting, Business Administration, Civil Engineering, Computer Science, Economics, Emergency Management, Fire Science, Human Resources, Law Enforcement/Criminal Justice, Psychology, Sociology, or Urban Planning
 - b. Graduate Degrees

Business Administration, Criminal Justice, Emergency Management, Fire Science, Human Resources, or Masters of Public Administration
 - c. Degree fields, other than those listed above, must be approved by the City Manager.

4. If an employee is eligible for scholarships or grants, the employee must utilize that funding first. The City will cover the remainder of the cost of tuition.
5. The programs are not applicable when an employee takes classes to obtain a certificate or license that is required by their present position or is needed to obtain incentive/certification pay. At the manager's discretion, these types of expenses should be covered by the division's training budget or by the employee directly.
6. The City will reimburse or advance funds for specific expenses, as authorized and funded. Supplies, travel, parking, and insurance are ineligible under both programs.
7. When entering either of these programs for the first time, employees are required to furnish Human Resources with a degree plan. Courses taken with a pass/fail option are ineligible under both programs.
8. Employees will only be offered a reimbursement or advancement for accredited courses and institutions. See Human Resources for a list of approved accreditation agencies. Each course must relate to the employee's area of responsibility or be part of an approved degree plan that is job related or would benefit the City.
9. The reimbursement or advancement amount will correspond to the exact dollar amount paid, but will not exceed \$5,250 per calendar year. This amount may also include fees for placement testing.
10. Courses must be taken on the employee's own time. Employees will not be permitted to attend courses during normal working hours unless pre-arranged with their manager.
11. Employees must submit a corresponding application to Human Resources prior to enrollment in order to be eligible for either program. Applications must be submitted each semester.
12. All participating employees in these programs must supply any documentation, as requested by the City related to costs, registration and proof of participation. Failure to provide the requested documentation could result in termination of participation in either program and immediate repayment of any funds disbursed in accordance with that program. (see [Section 4.01](#))
13. Participants will be required to remain employed with the City (performing in a satisfactory manner), in a full-time position for two (2) years after receiving either a reimbursement or an advancement.

Employees completing less than one (1) year of satisfactory performance in a full-time position with the City, will be responsible for repaying 100% of the funds disbursed. Employees completing at least one (1) year and less than two (2) years of satisfactory performance in a full-time position with the City will repay 50% of the funds disbursed.

B. Tuition Reimbursement Program

1. Employees must attain a final course grade equivalent to “C” or better in each course to be eligible for reimbursement. Reimbursement will not occur for classes not completed successfully.
2. At the end of the course work, the employee must furnish Human Resources with evidence of satisfactory completion of approved courses with a passing grade of “C” or above, along with detailed paid receipts for tuition and mandatory fees. This request should be made on the Tuition Reimbursement Request for Payment Form. All required paperwork must be received prior to reimbursement. Information must be submitted within four (4) weeks of class completion for reimbursement to be made.
3. The City will not reimburse expenses for books under the Tuition Reimbursement Program.

C. Educational Assistance Advance Program

1. The City has an annual salary limitation for participation in the Educational Assistance Advance Program. To be eligible, an employee’s annual gross salary must be less than \$50,000.
2. Participating employees are required to execute an Educational Assistance Advance Agreement prior to the first day of the school term or starting course date whichever is earlier. After enrollment is complete, employees must forward course registration and any receipts to Human Resources within one (1) week.
3. Employees must attain a final course grade equivalent to “C” or better in each course to avoid repayment of the tuition assistance advance. Final course grade information must be submitted within four (4) weeks of class completion or the tuition assistance advance must be repaid.
4. If an employee makes below a “C” in any course, the employee must transition to the Tuition Reimbursement Program.
5. If an employee drops a course, the employee must immediately contact Human Resources and make arrangements for repayment of the tuition

assistance advance. If the employee fails to notify Human Resources, the employee must transition to Tuition Reimbursement for future classes.

6. Employees already enrolled through the Tuition Reimbursement Program are ineligible for the Educational Assistance Advance Program.
7. The City may reimburse expenses for books under the Educational Assistance Advance Program. Rental of books is required when possible.
8. Graduate degrees are not eligible for the Educational Assistance Advance Program.

**City of Longview
Personnel Policies and Procedures**

4.19 Language Pay

Amended 4.9.15

To better serve the community, full-time and regular, part-time employees in eligible positions who demonstrate the necessary verbal fluency in a foreign language may receive additional pay for the use of the skill while on the job.

A. Responsibilities

1. Directors and managers are responsible for identifying and approving of positions and/or persons within their department that may qualify for language pay.
2. Human Resources is responsible for ensuring that each position and employee receiving additional language pay meets the criteria of eligibility.

B. Qualifications

To qualify, an employee must meet the following criteria:

1. Language skills must be beneficial in the performance of position duties and have a positive impact on the department's delivery of service. Said language skills must meet both community and department needs. The employee's director must approve of the employee taking the test.
2. The position is one where public contact is frequent enough to benefit from the employee's foreign language skills.
3. The normal workstation of the qualifying employee makes them reasonably available to others who need assistance with translating languages.

C. Testing

1. Arrangements to take the language certification test must be made through the Human Resources department.
2. An employee can test on any available foreign language, as long as the employee's director determines the department has a need for translating that language.
3. Eligible employees must make a passing score. This applies to both employees who claim a foreign language as their native tongue as well as those that claim English as their native language.

4. Testing will primarily involve verbal skills. Examiners will provide written documentation on the employee's skill level.
5. Human Resources will procure the services of an examiner who is fluent in verbal foreign language skills. The examiner will create a testing process based on City guidelines that will accurately measure language skill proficiencies.
6. The City will pay for an employee's first language certification test. The employee must pay the cost of subsequent attempts to be certified and must wait six (6) months to retest.

D. Compensation

1. Employees in eligible positions who can demonstrate sufficient foreign language skills will be paid an additional \$100 per month for full-time employees and \$50 per month for regular, part-time employees.
2. If an employee receiving language pay is reassigned to a position where such skill will not be used, the additional pay may be discontinued.
3. Language pay may be discontinued if the functions of the position or the needs of the department no longer meet the qualifying criteria.
4. If an employee is available to provide language assistance to other employees/departments within the City but refuses to do so, their pay may be discontinued.
5. Each division is responsible for reevaluating the need for foreign language skills on a periodic basis and contacting Human Resources when the need changes.

**City of Longview
Personnel Policies and Procedures**

4.20 Raises

Amended 11.10.11

- A. Salary plan increases/adjustments are determined by the City Council and the City Manager through the budget process. Once direction has been given with regard to a salary plan adjustment, Human Resources will coordinate the implementation.

- B. The City Manager or the City Manager's designee will have the authority to adopt detailed rules governing the implementation and administration of this section.

**City of Longview
Personnel Policies and Procedures**

4.21 Step Pay Plan for Police & Fire Personnel

Amended 11.10.11

- A. Sworn Police Department personnel and uniformed Fire Department personnel will have a step pay plan, based on available funds.
- B. Salary plan increases are determined by the City Council and the City Manager through the budget process. Once direction has been given with regard to a salary plan adjustment/increase, Human Resources will coordinate the implementation.
- C. The City Manager or the City Manager's designee will have the authority to adopt detailed rules governing the implementation and administration of the step plan described in this section.

**City of Longview
Personnel Policies and Procedures**

4.22 Employee Assistance Program (EAP)

Amended 2.23.06

- A. The City's Employee Assistance Program (EAP) is available to provide assistance to full-time employees who may be experiencing personal or family problems, financial burdens, problems with alcohol or drug abuse, or legal issues. Employees who feel they may have an alcohol or drug problem are encouraged to use the program's resources before the problem adversely affects their job performance or employment status.

- B. Participation in this program is typically voluntary and confidential.

**City of Longview
Personnel Policies and Procedures**

5.01 Motor Vehicle Accidents

Amended 10.24.19

A. City Owned/Leased Vehicles

1. The employee driving a City vehicle will take the following actions when involved in an accident:
 - a. Stop immediately.
 - b. Call for an ambulance if anyone appears to be in need of emergency medical service.
 - c. Notify the Police Department and their supervisor immediately. The employee will request a police report in the following situations:
 - (1) a collision with another vehicle regardless of the damage, severity, or location of the accident.
 - (2) a collision with other property (telephone pole, guardrail, tree, etc.) regardless of the owner, if the supervisor determines the damage is over \$500.
 - (3) a collision that requires a vehicle to be towed.
 - (4) a collision that causes injury to any party to the accident.
 - d. Make no admission of fault or negligence to anyone. Do not apologize. Be courteous but do not discuss the accident except with the police, and do not sign any statements or releases for anyone, other than medical processing required by the City.
 - e. Exchange names and addresses with drivers of all involved vehicles; and obtain the names, phone numbers and policy numbers of all drivers' insurance companies.
 - f. Move the vehicle to the nearest point of safety when necessary or as instructed by a police officer.
 - g. Complete a vehicle accident report immediately, and file it with their department.

2. The supervisor/manager will take the following actions when their employee is involved in an accident in a City vehicle:
 - a. Upon receiving notice of an accident, the employee's manager or supervisor will contact Risk Management as soon as possible and advise them of the accident and known details.
 - b. The manager or supervisor should go to the accident scene and take photographs showing visible damage to all vehicles and the position of the vehicles.
 - c. Comply with the City's Controlled Substance & Alcohol Abuse Policy.
 - d. It will be the direct responsibility of the supervisor or manager in charge of the employee to see that a vehicle accident report is immediately prepared concerning such accident.
 - e. All accident reports will be transmitted to Risk Management as soon as possible, but not later than the next business day.

B. Vehicles Owned by Employees

1. At times, employees will use personally owned vehicles on City business. If an accident should occur while on City business, employees should follow the procedures set forth in subsections A(1) and A(2).
2. It is the employee's responsibility to notify their insurance carrier.
3. The City provides no insurance for damage to personally owned vehicles. Any damage to a personally owned vehicle is the employee's responsibility.

C. Employee Injuries

Any injury incurred by an employee driving on City business will be treated as a workers' compensation injury, and the guidelines for workers' compensation claims should be followed. (See [Section 5.03](#).)

D. Consequences of Failure to Promptly Report

1. Delay in reporting an accident will result in disciplinary action up to and including termination.
2. Failure to timely report an accident or injury will preclude the employee from being eligible for safety leave, even if the safety committee rates the accident as being non-preventable.

**City of Longview
Personnel Policies and Procedures**

5.02 Vehicle Use / Operation

Amended 10.24.19

- A. City vehicles, equipment and facilities must be used for official purposes only. Personal use will require prior supervisor approval. Employees will be held responsible for the proper use, care, and operation of a vehicle or piece of equipment assigned to them.

- B. City vehicles are to be used only in the performance of City business.
 - 1. Any out of town travel in a City vehicle must have prior approval by the employee's director.

 - 2. City vehicles will not be taken home at night, unless such vehicles are designated as "take home" vehicles. Take home vehicles are defined as vehicles necessary to take an employee and equipment to assess an after-hours situation in the field. All take home vehicles must be recommended in writing by the director and approved by the City Manager.

 - 3. Take home vehicles leaving the city limits of Longview must also be approved by the City Manager.

 - 4. City vehicles will be operated in a safe and courteous manner. The driver and passengers will wear seatbelts when a vehicle is in operation. The driver will refrain from texting while driving. Failure to properly operate a City vehicle will result in discipline, up to and including termination.

 - 5. Managers/directors must approve non-employee passengers.

- C. Positions Assigned City Vehicles
 - 1. Directors will determine which positions are given a City vehicle.

 - 2. The employee must ensure that all required preventive maintenance and repair work is done on the vehicle. Failure to ensure proper maintenance will result in discipline, including loss of the assigned vehicle.

 - 3. Employees are expected to report vehicular accidents regarding a City vehicle immediately. These reports should be made to the supervisor.

 - 4. Employees using a City assigned vehicle are expected to follow IRS reporting requirements for incidental personal use.

D. Personal Use of City Vehicle

IRS Regulation 1.61-21F requires personal use of a City vehicle be a taxable benefit to the employee. The use of a City vehicle to commute to and from work is considered personal use of the City vehicle under this regulation. The City has elected to report the value of personal use at \$3.00 per round trip to the employee.

1. Each employee who uses a City vehicle will be required to sign a letter acknowledging IRS regulations concerning personal use of the City's vehicle.
2. Each employee who uses a City vehicle for commuting to and from work must maintain a monthly record of personal use to include the number of round trips made and the number of days used. This record is submitted to their supervisor or manager at the end of each month.
3. The employee's supervisor or manager is responsible for submitting this information to payroll with the first time sheet of each month.
4. Payroll will include the taxable value of the vehicle use in the employee's gross taxable wages. Value is computed at \$3.00 per round trip.

E. Qualified Non-Personal Use Vehicles

There is generally no taxable income recognized by an employee for "qualified non-personal use vehicles." Included in this group are clearly marked police and fire vehicles, officially authorized unmarked law enforcement vehicles, in certain limited cases, ambulances, etc. The following restrictions apply to clearly marked police and fire vehicles for them to be exempted as qualified non-personal use vehicles.

1. The employee commutes in the vehicle because they are required to respond directly to scenes of emergency or other needed service when called upon.
2. Personal use, other than incidental stops while commuting to and from duty locations, is prohibited.
3. Unmarked law enforcement vehicles will be designated by the Police Chief or Fire Chief for law enforcement personnel under their command. The use of a City vehicle to commute to and from work is considered personal use of the City vehicle under this regulation. Provided that these restrictions are met, fire and police personnel have no income from personal commuting use.

F. Sixteen and Seventeen Year-old Employees

1. No 16-year-old employees may drive on public roadways as part of their employment.
2. Seventeen-year-olds may drive on public roadways as part of their employment, but only if all the following requirements are met:
 - a. The driving is limited to daylight hours.
 - b. The 17-year-old holds a state license valid for the type of driving required on the job.
 - c. The 17-year-old has successfully completed a state approved driver education course and has no record of any moving violations at the time of hire.
 - d. The automobile or truck is equipped with a seat belt for the driver and passengers, and the supervisor has instructed the employee that the seat belts must be used when driving.
 - e. The automobile or truck does not exceed 6,000 lbs. gross vehicle weight.
 - f. The driving may not involve transporting more than three (3) passengers, including employees of the employer.
 - g. These requirements apply whether the employee is driving a personal or City vehicle.
3. The following documentation will be required from 17-year-old employees who drive as part of their job: evidence of the employee's age, completion of a driver education course, a clean driving record, and an appropriate state driver's license.

**City of Longview
Personnel Policies and Procedures**

5.03 On the Job Injury

Amended 10.8.20

A. Medical Care

1. Employees injured on the job will be promptly taken to a first aid facility for any necessary medical treatment. For routine first aid, employees should use the City's selected medical facility. For serious injuries an employee should use the nearest appropriate medical facility.
2. In the event of an injury, the employee will be required to fill out a HIPAA form.
3. For policies concerning drug/alcohol testing, please refer to the City's Controlled Substance and Alcohol Abuse Policy. All other employees involved in an on-the-job accident and who incur more than a minor injury must also undergo drug and alcohol testing. Minor injuries include such things as small cuts, abrasions, bruises, insect bites, poison ivy, etc. The employee's supervisor is responsible for ensuring the testing follows the City's Controlled Substance and Alcohol Abuse Policy.
4. Injured employees will submit to medical treatment by their attending physician. Refusal to abide by instructions may constitute a barrier to further medical expenditures and weekly indemnity payments.
5. Medical treatment required for a job incurred illness or accident covered under the Workers' Compensation Act is paid by the City.

B. Reporting Accidents

1. Employees are charged with the responsibility to immediately report all accidents and injuries to their supervisor. Employees failing to report accidents and injuries within 24 hours are subject to disciplinary action up to and including termination. Failure to timely report an accident or injury will preclude the employee from being eligible for safety leave, even if the safety committee rates the accident as being non-preventable.
2. It is the responsibility of the supervisor in charge of the employee to see that the appropriate reports are completed as soon as possible following an accident. The supervisor must complete the "Employers First Report of Injury or Illness" and the "Supervisor's Injury Report". The reports must be transmitted electronically to Risk Management not later than the end of the next business day following the accident. Both reports are required for all workplace incidents including "Reporting Purposes Only".

3. When an employee's injury is serious and results in lost time beyond the day of injury, Risk Management must be advised at once, along with the anticipated return to work date. An injured worker becomes eligible for temporary income benefits on the eighth day of disability. Benefits are not paid for the first week of lost wages (defined as the "waiting period") unless disability lasts for fourteen (14) days or more.
 - a. Employees that have completed the New Employee probation period are allowed to use any applicable paid leave during the "waiting period" following an on-the-job injury. Departments are not to pay an employee using administrative leave or any other departmental leave. Employees in a New Employee probationary status may only use accrued compensatory time during the waiting period. Vacation, sick, and holiday leave will not accrue or accumulate while the employee is on unpaid workers' compensation leave. After fourteen (14) calendar days of lost time, benefits are paid retroactively for the seven-day waiting period to both classes of employees.
 - b. Employees will be paid weekly indemnity benefits, called Temporary Income Benefits, according to the Texas Workers' Compensation Act for any injury lasting more than seven (7) calendar days. The weekly indemnity benefit will be paid to the employee by the City's insurance carrier.
 - c. Employees will also receive salary continuation to begin after the required seven (7) calendar day waiting period is complete. With salary continuation, the City will pay the employee the difference between the employee's net preinjury weekly wage and the weekly indemnity benefit paid by the City's insurance carrier. This amount will be paid to the employee on a bi-weekly basis.
4. Risk Management should be advised by phone of all job related injuries as soon as possible, as the emergency medical facilities rendering first aid generally will be asking Risk Management to confirm that an injured person is in fact a City employee and that the City will be responsible for payment of medical treatment.
5. Any violation of any of these policies by an employee may result in disciplinary action up to and including termination.

C. Employee Responsibility

1. It is the responsibility of the employee to immediately advise their supervisor of all scheduled appointments pertaining to medical treatment of

the work related injury, prior to the appointment. Following each appointment, employees are charged with the responsibility of providing their supervisor with a copy of the Texas Workers' Compensation Work Status Report (DWC 73) within 24 hours of the appointment. Injured employees will make their best efforts to recuperate from injuries and not engage in any activity that would hinder full recovery.

2. When an employee's injury results in an unpaid status, it is the employee's responsibility to contact Payroll in order to make arrangements to pay their portion of any voluntary deductions, employee and dependent health and/or dental coverage, supplemental life insurance, etc. Failure to make payment within thirty (30) days of the due date will result in cancellation of those unpaid coverages.
3. An employee on unpaid leave has the option to maintain their pension service credit by contributing to their retirement fund while receiving Temporary Income Benefits (TIBs). The employee must coordinate this with the City's payroll department.

D. Outside Employment

An employee on FMLA leave, sick leave, disability leave, or workers' compensation leave will not engage in outside employment as defined in the Outside Employment Policy (see [Section 2.11](#)) unless expressly authorized in writing in advance by the director and Risk Management. A copy of the written approval will be sent to Human Resources.

E. Accidents Caused by Non Employees

If an employee is injured because of the negligence or wrongdoing of a third party (not an employee), the City is entitled to be subrogated to the employee's right of recovery against the third party, to the extent of all payments made to the employee by the City for such related injury. The City will have a right of first recovery against any payments made by or on behalf of such third parties to the employee, to the extent that such payments are in compensation for an element of injury that the City has already paid.

F. Fraudulent Claims

Evidence that workers' compensation medical treatment, weekly indemnity, or injury leave was secured by fraudulent statements or deceptive practices will be sufficient cause to immediately terminate the employee involved.

G. Modified Duty

In some cases, regular full-time employees who have missed work due to an injury sustained on-the-job are unable to return directly to the duties that they previously performed. In these cases, employees may be assigned to modified duty positions pending return to their previous employment positions, if such modified duty is available, and if judged by the attending physician to be within the abilities of the employee.

Modified duty assignments will not be appropriate for all employees who have suffered a job-related injury. Such assignments will be made on a case-by-case basis where appropriate. If available, modified duty assignments will be provided only to regular full-time employees who have sustained an on-the-job injury. The following procedures are established.

1. **Supervision.** Risk Management will coordinate all modified duty assignments with the department/division where the employee is placed. The employee will report to Risk Management for all administrative matters related to the employee's relationship with the City. Actual supervision of the employee will be performed by the department/division in which the employee is placed, with such supervision being coordinated with Risk Management.
2. **Assignments.** Whenever possible, Risk Management will assign employees to modified duty positions within the employee's department. If no modified duty placement is available within that department, Risk Management will attempt to find other modified duty work for the employee. The responsibilities of the modified duty position will, where possible, relate to the position for which the employee was hired. Assignments will not be made for the purpose of demeaning or humiliating an employee. Modified duty work should be necessary, constructive, rehabilitative, and supportive of the City's overall operations.
3. **Bona Fide Offer of Employment.** A job offer (bona fide offer of employment) letter will be prepared for an injured employee when applicable. The intent of the letter is to note the doctor's work restrictions and the employee's duties, hours, schedule, wage, and location of the modified work assignment.
4. **Time Limitations.** It is the purpose of modified duty assignments to allow an employee to perform constructive and productive labor while continuing to recuperate from a work-related injury. Modified duty assignments will not be of a permanent nature. Progress toward returning to an employee's prior duties will be regularly monitored and periodically evaluated; however, in no instance will an employee be allowed to remain on modified duty for a period of over 180 cumulative calendar days (six months) from the date of the doctor's first release to modified duty. Modified duty

will count toward the twelve (12) month cumulative leave of absence as stated in Section H of this policy.

5. Hours of Work. Most modified duty assignments are typically for 8:00 a.m. to 5:00 p.m. and Monday through Friday. However, some modified duty jobs will require working evenings, weekends and holidays.
6. Vacation, Holiday and Sick Leave. The provisions of the City of Longview Personnel Policies and Procedures Guide relating to vacation, holiday and sick leave will apply to employees on modified duty.
7. Evaluations. Employees assigned to modified duty positions will not be evaluated until such time as they return to the position for which the employee was otherwise employed and have performed a sufficient length of time in that position to be evaluated.
8. Probationary Employees. The probationary period of employees assigned to modified duty will be extended for an additional period equivalent to the period of time that the employee is absent from work due to the illness or injury and such additional period of time the employee is assigned to a modified duty position.
9. Change in Assignments. All assignment changes for modified duty personnel will be coordinated through and approved by Risk Management. The division for which the employee worked at the time of injury will be responsible for paying the employee's salary during the modified duty period.
10. Requests for Modified Duty Personnel. All City departments/divisions will report to Risk Management the need of that department/division for modified duty personnel. Risk Management will be responsible for assigning priority to filling such positions, and where the employee is not placed within the employee's own department/division, the employee will be placed in accordance with priority requests.
11. Seniority. The time that an employee spends while on modified duty assignments will count toward that employee's seniority with the City and within the department/division for which the employee was working at the time of the work-related illness or injury.

H. Termination

Leaves of absence for any reason may not last longer than twelve (12) months. Any regular employee, who for a job-related injury or a combination of work-related injuries, sick related leaves of absence, modified duty, or Family and Medical Leave (FML) qualifying events, misses a total of twelve (12) months of work in a twenty-

four (24) month period, will be separated from employment due to unavailability for work. The twelve (12) month period will be measured cumulatively during a twenty-four (24) month period, by the rolling-backward method, beginning with the first date of absence related to the illness or injury. Any employee so separated will be eligible for rehire as long as they have not withdrawn money from the established retirement plan and will be able to apply for any vacancies that may exist at any given time, depending upon qualifications and availability of job openings. If the employee has withdrawn money from the retirement system, the employee must wait twelve (12) months to reapply for a full-time position.

**City of Longview
Personnel Policies and Procedures**

5.04 Driving Record Checks

Amended 10.19.17

For the safety of the employees of the City and the citizens of the community, driving standards have been established for all City employees who drive for the City. Traffic laws of the State of Texas impose requirements on the City to ensure that employees are properly licensed and that their driving behavior, both on and off the job, reflects obedience to the laws of the state and the City. This driving record policy is a means to assure this compliance.

- A. On a quarterly basis, Risk Management will request from the Department of Public Safety (DPS) a copy of each employee’s driving record history. Risk Management will also compile those fleet accidents that are not maintained by DPS. This includes all investigated on or off road motor vehicle accident reports that are not required to be reported to DPS, but are maintained by Human Resources.

- B. Upon receipt, each record will be reviewed, and points will be assessed against the employee’s City driving record. A maximum of ten (10) points is allowable on City driving records in a consecutive three (3) year period immediately preceding the date of the record check. The point system is based on the actions of the driver, any property damage, and the Texas Department of Transportation’s (TxDOT) Vehicle Damage Severity codes. Points will be assessed as follows:

Class	Description	Points
NCI	Non-classifiable incident; not a collision	0
Non-Preventable A	Collisions in which the vehicle was parked or was otherwise standing in a position where it had a legal right to be standing	0
Non-Preventable B	Collisions where the vehicle was in motion, but it can be determined the collision was clearly and absolutely beyond the control of the City driver	0
Preventable C	Collisions with little or no property damage where the City driver failed to take reasonable action that could have avoided or prevented the collision or where preventability can be shared with others (backup spotters, landfill attendants, flaggers, etc.)	1 to 3

Preventable D	Collisions with moderate to more serious property damage or personal injury where the City driver failed to take reasonable measures to prevent the collision despite the actions of others or adverse conditions	4 to 6
Preventable E	Collisions of a very serious nature, normally resulting in hospitalization or major property damage, where it is determined that the responsibility rests entirely on the City driver	7 to 10
Citations	Any moving vehicle violation or citation, no insurance, expired license or seat belt violation	3

- C. Points will be assessed by the Safety Committee for violations arising from a preventable accident. The safety committee will then forward their recommendation for the points assessment to the director for review and final disposition. The director will report the final outcome to Risk Management. Duplicate points will not be assessed for violations arising from a preventable accident and an accompanying citation.
- D. No employee will be allowed to operate any vehicle for the City and may be subject to immediate termination, if convicted, placed on deferred adjudication or disposition for any of the following violations in the immediately preceding three (3) years:
1. driving while intoxicated;
 2. driving under the influence of alcohol or drugs (including prescription drugs);
 3. negligent homicide arising out of the use of a motor vehicle (gross negligence);
 4. operating a motor vehicle while a driver's license is suspended or revoked;
 5. using a motor vehicle for the commission of a felony;
 6. aggravated assault with a motor vehicle;
 7. operating a motor vehicle without the owner's authority;
 8. reckless driving; or
 9. leaving the scene of an accident involving bodily injury or property damage.

E. Any employee who drives for the City and who accumulates more than ten (10) points in any consecutive three (3) year period will be immediately removed from any driving position and be subject to reassignment or termination.

F. Any employee who is required to drive as an essential function of their job and who receives notice that their license to drive has been suspended or revoked, or an employee who fails to renew an expired license, must report this to his manager or supervisor no later than the beginning of the first workday following receipt of the notice of suspension or revocation, or knowledge of the expiration. An employee who properly reports a suspension or a revoked or expired driver's license may be reassigned to a non-driving position for the period of the suspension or revocation or until the license is renewed, if such a position exists, or may be terminated at the discretion of the director. Reassignment will require the employee to be fully qualified for the new position and must be in the best interest of the City. If no such position exists, the employee may be subject to termination. An employee who fails to report a suspension or revocation, or failure to renew an expired license, which is later discovered or reported, may be subject to disciplinary action up to and including termination. Any reassignment or disciplinary action needs to be coordinated through Human Resources.

G. Improvement Points

1. If an employee has points on their City driving record and then drives for a period of twelve (12) months, without any further violations or accidents being charged against them, up to three (3) improvement points may be credited to the employee's driving record.
2. Every twelve (12) months after this, if the employee's record shows no additional violations or accidents, the employee's driving record may be credited with up to three (3) points. This may continue until all accumulated points are removed.

H. City Driving Record

Risk Management will maintain a City driving record for each employee. The record will contain all DPS reported citations, violations, or accidents, and all accidents occurring while the employee is driving for the City (whether or not reported to the police and/or DPS). The employee's driving record will reflect any points assessed as a result of citations, violations or preventable accidents recorded by DPS. The employee's City driving record will be assessed points for preventable accidents while operating City vehicles or equipment (even if these accidents do not result in a police report or DPS record).

**City of Longview
Personnel Policies and Procedures**

5.05 Defensive Driving Training (DDC)

Amended 5.10.07

A National Safety Council Defensive Driver Training Course (DDC) will be established and maintained for city employees.

A. This course is required for:

1. all City employees who drive City equipment or are authorized to drive their personal vehicles on City business;
2. any employee involved in an on duty vehicle accident rated “Preventable” and recommended by the Safety Committee; and
3. all new-hire employees employed in a position that will, or may, require driving.

B. Frequency

1. All of the persons listed above will be required to attend DDC at least once every three (3) years.
2. New-hire employees who will, or may be required to drive, will be required to attend DDC within 90 days of their employment.
3. Employees involved in “preventable” accidents will be required to attend DDC within 90 days of the date the preventable rating decision was reached.
4. A DDC class will be presented at least once every 60 days and more often as need dictates or for special classes or groups of students.

C. Additional Availability

All other full-time employees whose duties do not require driving may enroll as course availability allows.

**City of Longview
Personnel Policies and Procedures**

5.06 Accident and Injury Reporting Training

Amended 10.8.20

The Accident and Injury Reporting Training course will be established and maintained by Risk Management for City employees. The course will cover proper reporting procedures for motor vehicle accidents, equipment damage accidents, general liability incidents, and on the job injuries/illnesses.

- A. This course is required for all supervisors, managers, and directors.
- B. Frequency
 - 1. New hires who have direct reports will be required to take the training within 90 days of their employment.
 - 2. Employees who transfer or promote from positions without direct reports into positions that have direct reports are required to take the training within 90 days of the transfer or promotion.

SUPPLEMENTAL FUNDING FROM GREGG COUNTY FOR LIBRARY SERVICES

DESCRIPTION: Gregg County authorized supplemental funds for Library Services in September 2020, in the sum of \$30,000.00 for fiscal year commencing October 1, 2020. The sum for this fiscal year is at the same amount funded for fiscal year 2019-2020. However, it is a \$10,000.00 or 25% decrease from the \$40,000.00 in funds provided for fiscal year 2018-2019. Funding will be provided in two equal payments during the fiscal year. Gregg County has provided funding to the library for a number of years as early as 1944. In turn, the Library assumes the functions of a County Free Library within Gregg County. The Library will be responsible for maintaining a certificate from the Texas State Library and Archives Commission indicating the Longview Public Library is a County Free Library. This year's funding will be utilized solely for the purchase of books.

RECOMMENDED ACTION: Consider approval of annual contract with Gregg County for the receipt of \$30,000.00 for fiscal year 2020-21.

SOURCE OF FUNDS: Gregg County: \$30,000 for Library line item Books – Gregg Co., acct # 001-053-688-2271.

STAFF CONTACT: Jennifer Eldridge, Library Manager
903-237-1340
jeldridge@longviewtexas.gov

COUNCIL DATE: October 08, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY SECRETARY TO ATTEST TO AN AGREEMENT BETWEEN THE CITY OF LONGVIEW AND GREGG COUNTY ACCEPTING SUPPLEMENTAL FUNDS FOR LIBRARY MATERIALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Gregg County has provided funding to the Longview Public Library for a number of years, as early as 1944; and,

WHEREAS, the Longview Public Library assumes the functions of a county free library within Gregg County; and,

WHEREAS, the Longview Library will continue to maintain certification from the Texas State Library and Archives Commission; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this Resolution are hereby in all things approved and adopted.

Section 2. That the Mayor is hereby authorized to execute and the City Secretary attest to any and all contracts and other documents, as approved by the City Attorney's Office, incident to the acceptance of funds in the amount of \$30,000.00 for books for the fiscal year commencing October 1, 2020, from Gregg County for library services provided by the City of Longview.

Section 3. That the sum of \$30,000.00 shall be paid in two equal payments over the twelve-month period of the contract.

Section 4. That the City of Longview Library shall continue to function as a county free library within Gregg County.

Section 5. That the meeting at which the aforesaid resolution passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall be effective from and after its date of passage.

PASSED and APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R LIB GREGG COUNTY FUNDS 10-8-20

**APPROVE ACCEPTING A TEXAS STATE LIBRARY AND ARCHIVES
COMMISSION REIMBURSEMENT GRANT FOR EXPENDITURES USED
FOR INTER-LIBRARY LOAN SERVICES**

DESCRIPTION: Consider a resolution approving the acceptance of a reimbursement grant from the Texas State Library and Archives Commission in the amount of \$13,026.38 for FY20. The funds provide reimbursement revenue to compensate for the cost of Inter-Library Loan (ILL) services. Due to the COVID-19 Pandemic, ILL services were inactive for two and a half months. This lowered our library's reimbursement amount considerably from years past. During FY19, the ILL reimbursement amounted to \$22,968.00 and for FY18 the amount was \$24,879.41.

ILL is a free service to patrons that the library has provided for the past 30 years. It is a requirement by the Texas State Library and Archives Commission that the library provides this service in order to maintain accreditation status. In this service, staff ship and receive library materials all over the country to other libraries who are either loaning us materials or we are loaning materials to them. By doing so, both libraries benefit by not having to purchase each individual item new. This is particularly important for sometimes expensive, rare, or popular items, in which the only expense each library incurs is the cost to ship to and from the lending library. The phrase coined for this service is "If we don't have it, we can get it from another library for you and bring it here!"

Late fees and replacement fees for ILL materials borrowed by patrons are subject to incur fees and due to the demand of newly released items, libraries do not have to loan anything newer than one year or with extensive waiting lists. Moreover, items particularly rare or expensive are at the discretion of the library to loan. Each library is responsible for paying for or replacing any items lost or damaged by patrons.

RECOMMENDED ACTION: Approval of resolution.

SOURCE OF FUNDS: \$0, No Match Required

STAFF CONTACT: Jennifer Eldridge, Library Manager
903-237-1340
jeldridge@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY OF LONGVIEW TO APPLY FOR, ACCEPT AND EXPEND GRANT FUNDS IN THE AMOUNT OF \$13,026.38 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION FOR THE REIMBURSEMENT OF FUNDS USED TOWARDS INTER-LIBRARY LOAN SERVICES; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR COMPLIANCE WITH PROGRAM RULES OF THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION; PROVIDING FOR FUNDING; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the purpose of Inter-Library Loan services is to assist libraries in borrowing items from other libraries throughout the country; and,

WHEREAS, this grant would provide funds to recover the costs to ship approximately 1,877 items to and from the library each year; and,

WHEREAS, the Longview Public Library may use this grant money to continue to provide Inter-Library Services as a requirement for annual state accreditation from the Texas State Library and Archives Commission; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview is hereby authorized to apply for, accept and expend funding totaling \$13,026.38 from a grant from the Texas State Library and Archives Commission to reimburse shipping costs for Inter-Library Services provided by the library.

Section 3. That the City of Longview hereby accepts and agrees to all program rules imposed by the Texas State Library and Archives Commission in connection with the aforementioned grant.

Section 4. Providing that no matching funds are required.

Section 5. That the meeting at which the aforesaid resolution passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED this 8th day of October 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R LIB GRANT TSLACILL 10-8-20

APPROVE APPLYING AND ACCEPTING THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION CARES CYCLE TWO GRANT: TO PROVIDE TECHNOLOGICAL SUPPORT TO LIBRARIES IMPACTED BY COVID-19

DESCRIPTION: Consider a resolution approving the applying and acceptance of a grant from the Texas State Library and Archives Commission in the amount of \$20,000.00 for FY20-21. The funds provide libraries with critical technology that is needed now due to COVID-19. This grant would help fund an annual subscription to BrainFuse, a database that provides free online tutoring. The library has been providing in-person tutoring as a program since 2015 and has assisted over 960 children with free tutoring since then. Due to the pandemic, we are unable to provide this critical service at this time. BrainFuse would offer patrons of all ages free tutoring for the full year at the price of \$11,000. The grant would also pay for a Super Book Sanitizer that costs \$8,900. The Sanitizer uses UV-C light and high pressure to sanitize up to 20 books in about 5 minutes. This would help considerably with making sure library materials are virus free and circulating to patrons faster than the required 8 days of quarantine.

RECOMMENDED ACTION: Approval of resolution.

SOURCE OF FUNDS: \$0, No Match Required

STAFF CONTACT: Jennifer Eldridge, Library Manager
903-237-1340
jeldridge@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING THE CITY OF LONGVIEW TO APPLY FOR, ACCEPT AND EXPEND GRANT FUNDS IN THE AMOUNT OF \$20,000.00 FROM THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION CARES GRANT CYCLE TWO THAT PROVIDES FUNDING FOR TECHNOLOGY USEFUL TO LIBRARIES IMPACTED BY THE COVID-19 PANDEMIC; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING FOR, SECURING AND EXPENDING SAID GRANT; PROVIDING FOR COMPLIANCE WITH PROGRAM RULES OF THE TEXAS STATE LIBRARY AND ARCHIVES COMMISSION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Texas State Library and Archives Commission (TSLAC) is offering libraries the opportunity to apply for Cycle two of CARES Act grants that assist with the libraries needs and equipment as a result of the COVID-19 pandemic; and,

WHEREAS, if awarded, the Longview Public Library may use this grant money to purchase tutoring services for unlimited free tutoring to all library patrons and a book sanitizer to be utilized on all returned materials; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview is hereby authorized to apply for, accept and expend funding totaling \$20,000.00 from a grant from the Texas State Library and Archives Commission to assist with technology and equipment useful to libraries impacted by the COVID-19 Pandemic.

Section 3. That the City of Longview hereby accepts and agrees to all program rules imposed by the Texas State Library and Archives Commission in connection with the aforementioned grant.

Section 4. That the meeting at which the aforesaid resolution passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED this 8th day of October 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R LIB GRANT TSLAC CARES 10-8-20

HYDROFLUROSILICIC ACID

DESCRIPTION:	<p>This item is for an annual requirements style agreement for hydrofluorosilicic acid for use at the City of Longview Water Treatment Plant. We are required by City Ordinance to provide for fluoridation of the City's municipal water supply. Fluoride is for dental health and hygiene. In this agreement hydrofluorosilicic acid is provided on an as needed basis.</p> <p>This bid was advertised in the local newspaper as required by law. On September 18, 2020 three bids were on file.</p> <p>The bids were as follows:</p> <p>Shannon Chemical Corporation of Malvern, PA- \$669.69 per ton Pencco, Inc. of San Felipe, TX - \$457.00 per ton Univar of Kent, WA - \$480.00 per ton</p>
RECOMMENDED ACTION:	<p>Approval of the Resolution awarding Pencco, Inc. of San Felipe, TX the Hydrofluorosilicic Acid Bid # 2021-01.</p>
SOURCE OF FUNDS:	<p>010-074-000-2390</p>
STAFF CONTACTS:	<p>Selina Tabor, Utility Plant Manager 903-237-2781 stabor@longviewtexas.gov</p> <p>Rolin McPhee, Director of Public Works 903-237-1336 rmcphee@longviewtexas.gov</p>
COUNCIL DATE:	<p>October 8, 2020</p>

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF PENCCO, INC. OF SAN FELIPE, TEXAS, FOR HYDROFLUOROSILICIC ACID; AUTHORIZING AND DIRECTING THE CITY MANAGER, OR THE CITY MANAGER'S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND PENCCO, INC. FOR SAID PURCHASE; AUTHORIZING THE RENEWAL OF SAID CONTRACT AT THE CITY MANAGER'S DISCRETION FOR UP TO FOUR ADDITIONAL ONE-YEAR TERMS PROVIDED THAT THE TOTAL AMOUNT SPENT UNDER SAID CONTRACT FOR ANY ONE RENEWAL TERM SHALL NOT EXCEED FUNDS BUDGETED FOR SAID CONTRACT IN THE CONCURRENT BUDGET YEAR; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIRMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview issued and advertised an invitation to bid for hydrofluorosilicic acid for use at the City of Longview water treatment plant; and,

WHEREAS, City of Longview water treatment plant is required by city ordinance to add hydrofluorosilicic acid (fluoride) to the municipal water supply; and,

WHEREAS, Pencco, Inc. of San Felipe, Texas, submitted the lowest and best bid for hydrofluorosilicic acid; and,

WHEREAS, funding will be provided from budgeted funds; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the bid submitted by Penccco, Inc. of San Felipe, Texas, is the lowest and best bid submitted to the City of Longview for hydrofluorosilicic acid.

Section 3. That the City of Longview hereby accepts the aforementioned bid from Penccco, Inc. of San Felipe, Texas.

Section 4. That the total amount of the contract for hydrofluorosilicic acid to be provided by Penccco, Inc. of San Felipe, Texas, shall not exceed budgeted funds.

Section 5. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, as approved by the City Attorney's Office incident to the acceptance on behalf of the City of Longview of aforesaid bid from Penccco, Inc. of San Felipe, Texas, for said purchase of hydrofluorosilicic acid.

Section 6. That the City Manager, the City Manager's designee or other official of the City of Longview as shall be required, is hereby authorized to renew said contract at the City Manager's discretion for up to four additional one-year terms provided that the total amount spent under said contract for any one renewal term shall not exceed funds budgeted for said contract in the concurrent budget year.

Section 7. That the process by which the aforementioned bid was received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 8. That the meeting at which this resolution was approved was in all things conducted in strict compliance with Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall become effective immediately from and after its passage.

PASSED AND APPROVED this 8th day of October 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R BID PW HYDROFLUOROSILICIC ACID WTP 10-8-20

WASTEWATER SYSTEM IMPROVEMENTS (BERRY, 350 COTTON, NINTH & VILLAGE)

DESCRIPTION: Consider a resolution awarding a contract in the amount of \$954,956.90 to Miller Construction Co., Inc., of Judson, Texas, for the construction of the reference project. The following bids were opened on September 24, 2020:

Bidder	Amount
Miller Construction Co., Inc. Judson, Texas	\$954,956.90
D&D Pipeline Consultants, LLC Longview, Texas	\$964,468.00
Wicker Construction, Inc. Shreveport, Louisiana	\$1,007,581.50

This project provides for the installation of approximately 4,026 linear feet of sewer line to replace existing sewer line that is beyond maintenance life at Berry Lane, Cotton Street, Ninth Street, Village Drive, and miscellaneous work as necessary to complete the installations.

The engineer, Johnson & Pace, Inc., has examined the low bid and the qualifications of the bidder, and have recommended award of the contract to Miller Construction Co., Inc. Staff concurs with their recommendation.

RECOMMENDED ACTION: Passage of the resolution.

SOURCE OF FUNDS: Funding is available from Utilities CIP

STAFF CONTACT: Rolin McPhee, P.E., Director of Public Works
903-237-1336
rmcphee@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, ACCEPTING THE BID OF W. M. MILLER CONSTRUCTION CO. INC., OF JUDSON, TEXAS, FOR CONSTRUCTION OF THE PROJECT ENTITLED "WASTEWATER SYSTEM IMPROVEMENTS (BERRY, 350 COTTON, NINTH & VILLAGE)"; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY BETWEEN THE CITY OF LONGVIEW AND W. M. MILLER CONSTRUCTION CO. INC., FOR THE ABOVE REFERENCED PROJECT; DETERMINING THAT THE CITY COMPLIED WITH ALL APPLICABLE BIDDING REQUIREMENTS IN ACCEPTING SAID BID; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview desires to begin construction of the project known as "Wastewater System Improvements (Berry, 350 Cotton, Ninth & Village)"; and,

WHEREAS, this project provides for the installation of approximately 4,026 linear feet of sewer line to replace existing sewer line that is beyond the maintenance life at Berry Lane, Cotton Street, Ninth Street, Village Drive, and miscellaneous work as necessary to complete the installations; and,

WHEREAS, funding for this project is provided from the Utilities CIP Fund;
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the bid submitted by W. M. Miller Construction Co. Inc., of Judson, Texas for construction of the project known as “Wastewater System Improvements (Berry, 350 Cotton, Ninth & Village)” in the amount of \$954,956.90 is the lowest bid submitted to the City of Longview for construction of said project.

Section 3. That the City of Longview hereby accepts the aforementioned bid by W. M. Miller Construction Co. Inc., of Judson, Texas in the amount of \$954,956.90.

Section 4. That the City Manager, his designee or other official of the City as shall be required, are hereby authorized and directed to execute any and all contracts and other documents, incident to the acceptance on behalf of the City of Longview of a bid by W. M. Miller Construction Co. Inc., of Judson, Texas for the project known as “Wastewater System Improvements (Berry, 350 Cotton, Ninth & Village)”.

Section 5. That the process by which the aforementioned bid was received and accepted in all things complied with the applicable purchasing requirements of state and federal law, including but not limited to the requirements of Chapter 252 of the Texas Local Government Code.

Section 6. That the meeting at which the aforesaid bid was accepted was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 7. That this resolution shall become effective from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW BID 2019 WASTEWATER IMPROVEMENTS 10-8-20

HIGH HAZARD POTENTIAL DAMS GRANT PROGRAM

DESCRIPTION: The City of Longview is eligible for a dam rehabilitation grant. This grant requires a 25% match that can be cash or in-kind.

To be eligible dams must:

1. Be located in a state with a dam safety program
2. Meet classification requirements set by the state
3. Have an Emergency Action Plan (EAP)
4. Meet qualifying state dam safety standards and public risk parameters.

The Lake Lamond Dam Engineering Report (2015) documents the dam's eligibility to meet these grant requirements. The grant would be used to address issues described in the Engineering Report and in TCEQ's Dam Safety Inspection for Lake Lomond Dam (2019).

City staff requests approval to pursue grant funding for the rehabilitation of Lake Lamond Dam to reduce risk and increase community preparedness. The Hazard Mitigation Assistance (HMA) grant application period opened on September 30, 2020. The City is only obligated to provide the 25% match once the grant funds have been awarded.

RECOMMENDED ACTION: Passage of resolution.

SOURCE OF FUNDS: Funding is available from the drainage fund.

STAFF CONTACT: Rolin McPhee, P.E., Director of Public Works
903-237-1336
rmcphee@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR THEIR DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS FOR THE APPLICATION, RECEIPT, AND EXPENDITURE OF MATCHING GRANT FUNDS NOT TO EXCEED \$702,000.00 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE DAM REHABILITATION GRANT PROGRAM TO FUND THE REHABILITATION OF LAKE LAMOND DAM; PROVIDING FOR FUNDING; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING, SECURING AND EXPENDING FOR SAID GRANT FUNDING; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview is eligible for a Dam Rehabilitation Grant; and,

WHEREAS, grants provided through the Federal Emergency Management Agency require up to a 25% match that can be cash or in-kind; and,

WHEREAS, to be eligible dams must: be located in a state with a dam safety program, meet classification requirements set by the state, have an Emergency Action Plan (EAP), and meet qualifying state dam safety standards and public risk parameters; and,

WHEREAS, the lake Lamond Dam Engineering Report (2015) documents the dam's eligibility to meet the grant requirements; and,

WHEREAS, the grant would be used to address issues described in the Engineering Report and in TCEQ's Dam Safety Inspection for Lake Lamond Dam (2019); and,

WHEREAS, the City staff would like to pursue grant funding for the rehabilitation of Lake Lamond Dam; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview through the City Manager or their designee are hereby authorized to execute any necessary documents for the application, receipt, and expenditure of matching grant funds not to exceed \$702,000.00 from the Federal Emergency Management Agency, Hazard Mitigation Grant Program to fund rehabilitation of high hazard potential dams.

Section 3. That the anticipated funding said grant will be matching funds provided largely by in-kind matches any cash matches will come from the drainage fund for rehabilitation.

Section 4. That the City Manager or their designee are hereby authorized to execute all necessary documents, as approved by the City Attorney's Office, incident to applying for, securing and expending said grant.

Section 5. That the meeting at which the aforesaid resolution passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall be effective from and after its date of passage.

PASSED, APPROVED AND ADOPTED this 8TH day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW GRANT FEMA LAKE LAMOND 10-8-20

GRANT APPLICATION

DESCRIPTION: Consider a Resolution authorizing and directing the City Manager or the City Manager's designee to apply for and execute any necessary documents to accept a grant in an amount not to exceed \$11,250.00 from the Texas State University, Texas School Safety Center, for the Longview Police Department to conduct controlled buy/stings and follow-ups of tobacco permitted retail outlets and sales and use tax permitted e-cigarette retail outlets involving the use of minors in accordance with Chapter 161, Texas Health and Safety Code.

RECOMMENDED ACTION: Resolution and Council approval

SOURCE OF FUNDS: N/A

STAFF CONTACT: Mike Bishop, Chief of Police
903-237-1101
mbishop@longviewtexas.gov

COUNCIL DATE: October 8, 2021

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LONGVIEW POLICE DEPARTMENT AND TEXAS STATE UNIVERSITY; AUTHORIZING THE APPLICATION, ACCEPTANCE AND EXPENDITURE OF UP TO \$11,250 IN FUNDING REGARDING A TOBACCO COMPLIANCE GRANT; AUTHORIZING THE TIMELY SUBMITTAL OF SAID APPLICATION; AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL NECESSARY DOCUMENTS INCIDENT TO APPLYING, SECURING AND EXPENDING FOR SAID GRANT FUNDING; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED WAS OPEN TO THE PUBLIC; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Texas State University has made funding available to be used for tobacco enforcement; and,

WHEREAS, the Longview Police Department plans to use the grant funds for on-site compliance inspections of tobacco permitted retail outlets; and,

WHEREAS, both the Police Department and the City Council and the City of Longview desire to conduct controlled buy/stings and do follow-ups of tobacco permitted retail and e-cigarette retail outlets to determine compliance with applicable Texas laws;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City of Longview Police Department is hereby authorized to file an application and all attendant documents necessary to qualify for funding from the Texas State University to be used for controlled buy/stings and follow-ups of tobacco and e-cigarette retail outlets to determine compliance with applicable Texas laws.

Section 3. That the Longview Police Department is hereby authorized to submit a grant application with the Texas State University in a timely manner and to undertake all procedures necessary for applying for and acceptance of said funding associated with said grant.

Section 4. That the Police Chief and the City Manager are hereby authorized and directed to execute all necessary documents, as approved by the City Attorney's office, incident to the application, acceptance and expenditure on behalf of the City of Longview of a said grant award.

Section 5. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 6. That this resolution shall be effective from and after its date of passage.

PASSED AND APPROVED on this 8th, day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R POLICE GRANT ECIG TOBACCO COMPLIANCE 10-8-20

APPLICATION #Z20-08

STAFF REPORT
October 8, 2020

APPLICANT: Timothy & Brianna Teel
LOCATION: Approximately 0.498 acres of the Hamilton McNutt Survey located at 411 N. Spur 63 at the northwest corner of Joplin Drive and N. Spur 63.
REQUEST: Rezone from Planned Development (PD24) to Heavy Commercial (C-2).

	<u>ZONING</u>	<u>LAND USE</u>
SUBJECT PARCEL	PD24	Proposed Restaurant with Drive-Thru
NORTH	PD24	Auto Repair
SOUTH	C-2	Restaurant
WEST	C-2	Motel
EAST	C-2	Car Wash

COUNCIL DISTRICT:
District 6 – Council Member Steve Pirtle

FUTURE LAND USE:
The Comprehensive Plan designates this area for Retail (RET) and Flood Plain (FP).

STAFF COMMENTS:
The applicant is requesting a rezone of approximately 0.489 acres of the Hamilton McNutt Survey from Planned Development (PD24) to Heavy Commercial (C-2) Zoning District located at 411 N. Spur 63 at the northwest corner of Joplin Drive and N. Spur 63.

N. Spur 63 is maintained by TXDOT and is a principal arterial roadway. Principal arterial roadways serve major centers of metropolitan areas and provide a high degree of mobility. They are designed to service relatively high traffic volumes, have high operational speeds, and service a significant portion of through travel. This type of development is appropriate along this roadway, as long as access management is followed.

Staff finds the proposed zoning change is consistent with surrounding uses.

STAFF RECOMMENDATION:
The Planning and Zoning Commission (7-0) and Staff recommend approval for this request.

STAFF CONTACT:
Angela Choy, AICP, City Planner
achoy@longviewtexas.gov
903-237-1073

**APPLICATION FOR AMENDMENT TO THE DISTRICT ZONING MAP
 (REZONING)**

Application is hereby made to amend the Zoning Ordinance and to change the Zoning District Map of the City of Longview, Texas, as hereinafter set forth, and in support of such request the following facts are shown:

APPLICANT Timothy & Brianna Teel 230 Ashbriar Ln Longview, TX
(Name) (Mailing Address, City, and Zip) 75605
708-703-2383 skmarcol@gmail.com/brewinkie@hotmail.com
(Phone) (E-mail address)
979-492-7545
 LEGAL DESCRIPTION OF PROPERTY LT 1B BLK 1415 TOWNE LAKE
(Lot, Block, and Subdivision or Abstract, Survey, Tract and Section)

STREET ADDRESS 411 N Spur 63 Longview, TX 75601
 WIDTH IN FEET 114 DEPTH IN FEET 181

APPLICANT'S INTEREST IN PROPERTY Purchaser
(Owner, Agent, Lease, Option, etc.)

CHANGE REQUESTED FROM PD 24 DISTRICT TO C-2 DISTRICT

REASON FOR REQUEST/ PROPOSED USE OF PROPERTY Request change from Planned Development to Commercial Zoning; proposed use of property is Drive-Thru Coffee shop

ARE THERE DEED RESTRICTIONS THAT WOULD PREVENT THIS PROPERTY BEING USED IN THE MANNER HEREIN PROPOSED? YES NO IF YES, PLEASE PROVIDE DEED RESTRICTIONS.

HAVE ALL PERSONS HAVING ANY FINANCIAL INTEREST IN THE REQUEST BEEN LISTED OR ARE SIGNATORIES TO THIS APPLICATION? YES NO

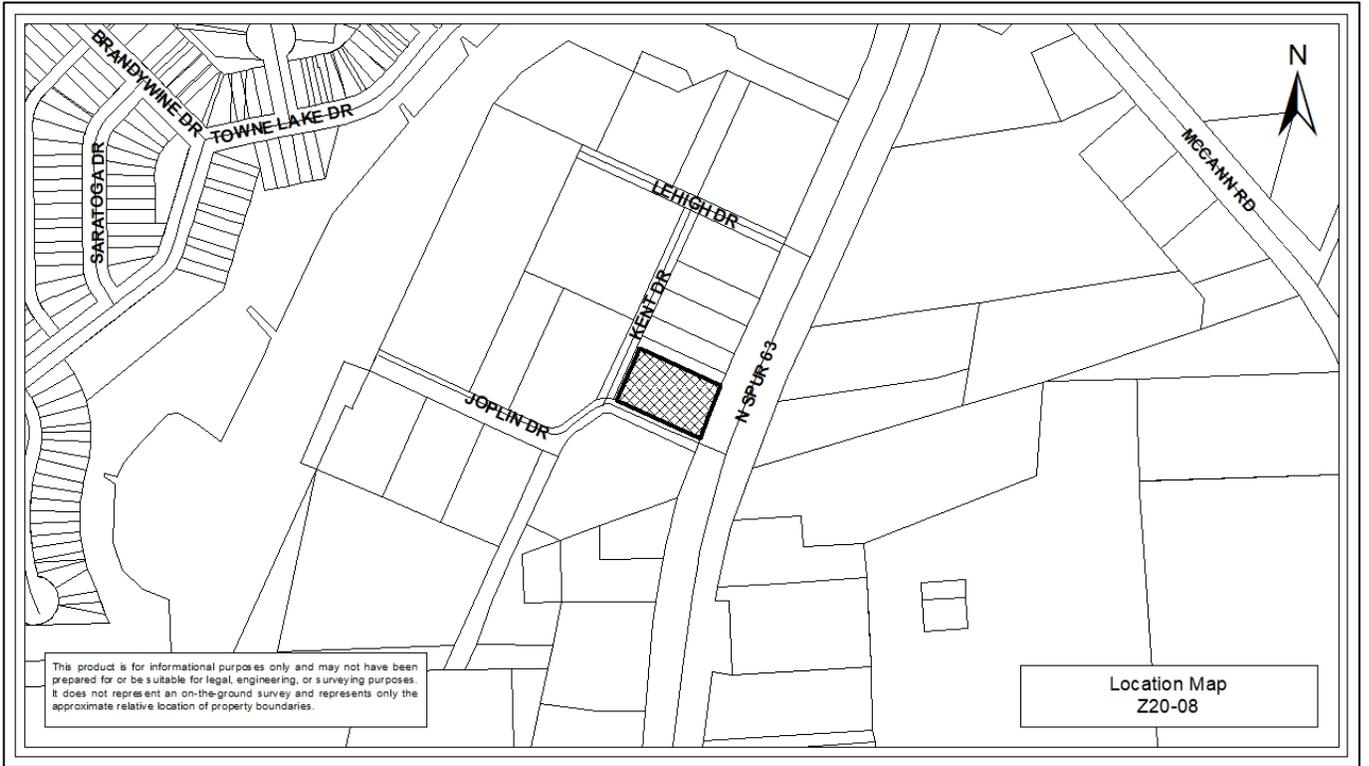
08/22/2020 04:52 AM GMT
 Date _____ Signature of Property Owner Bujar Bauta

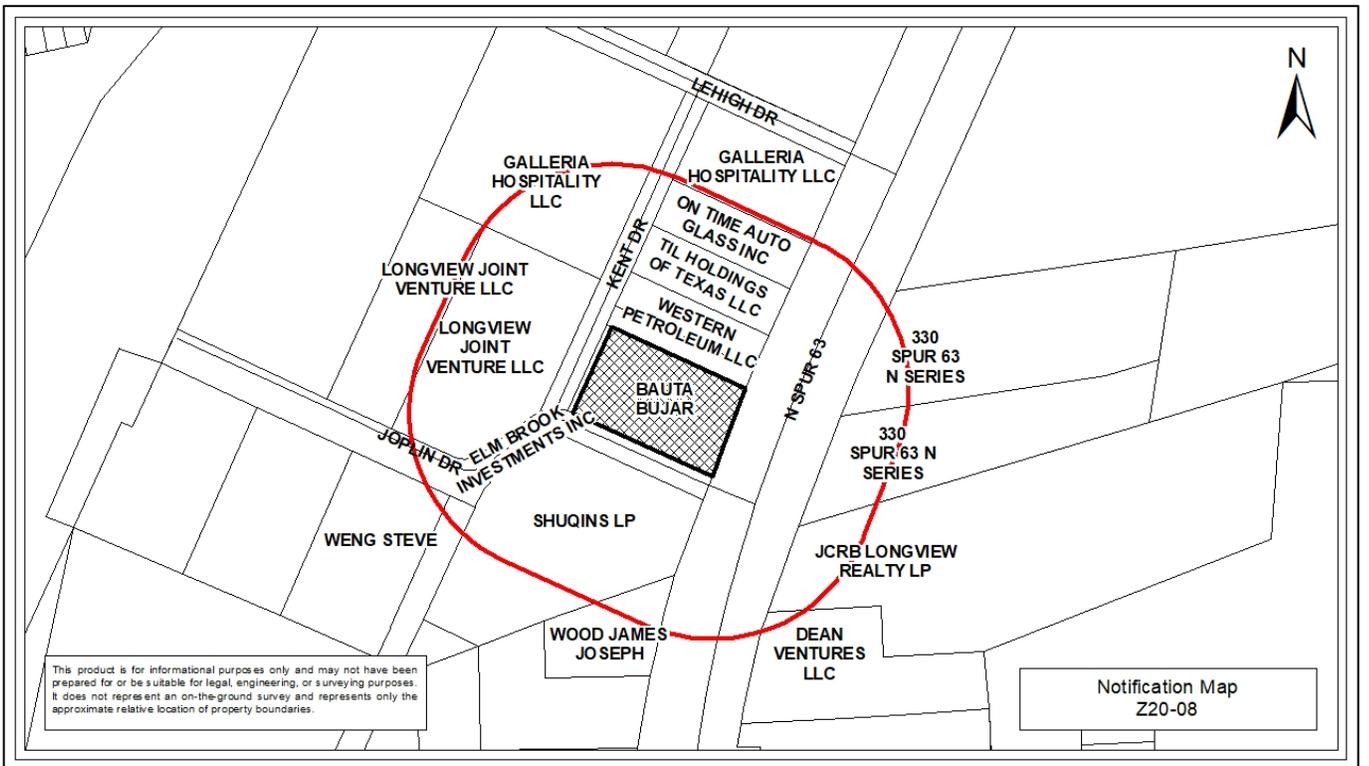
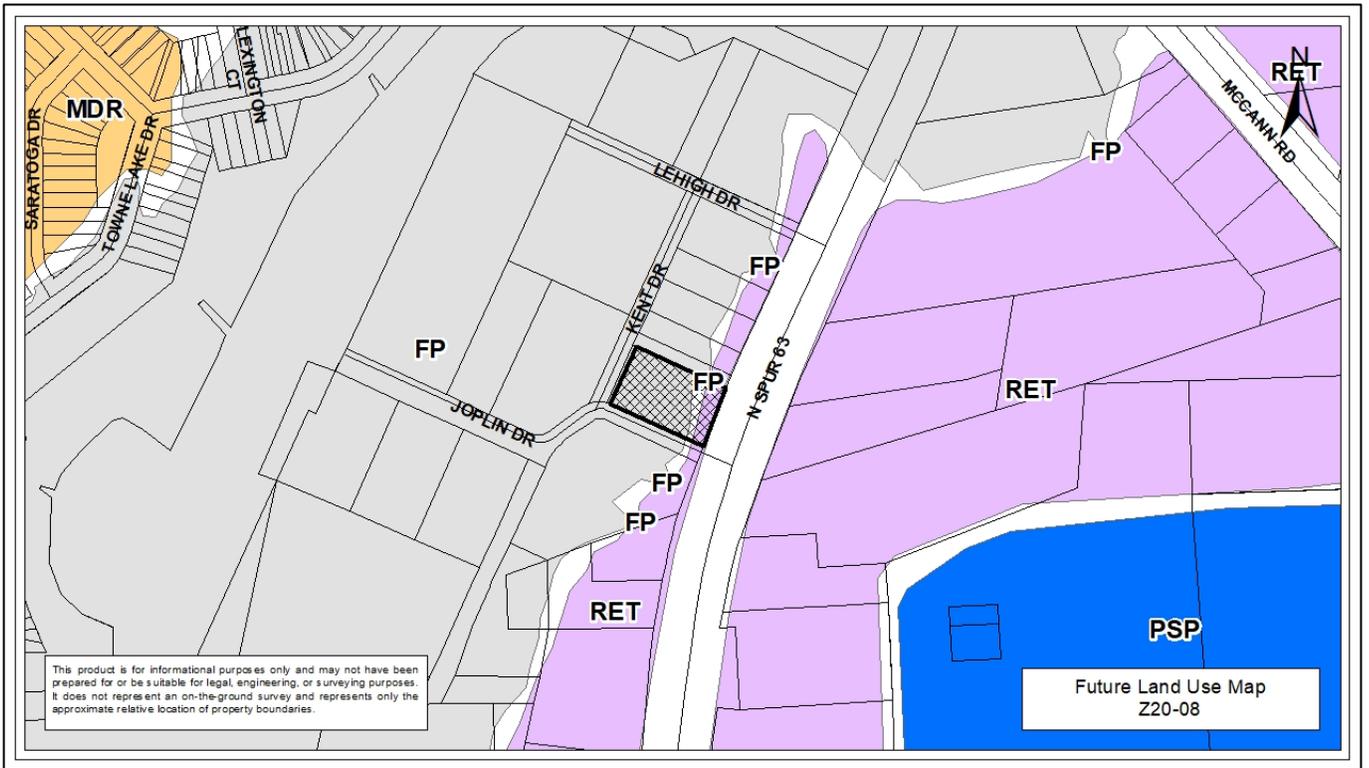
THE FOLLOWING IS TO BE COMPLETED ONLY IF A PERSON (S) OTHER THAN THE OWNER IS MAKING THIS APPLICATION.

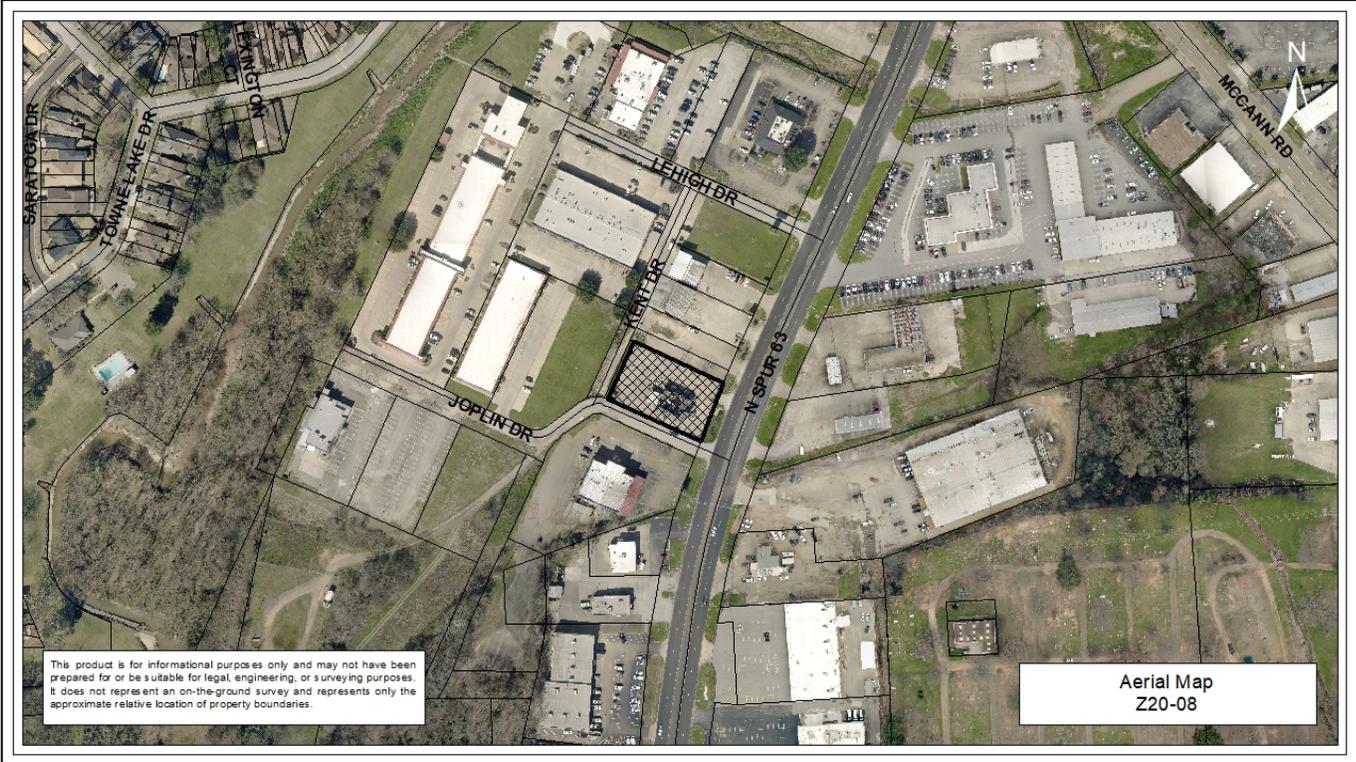
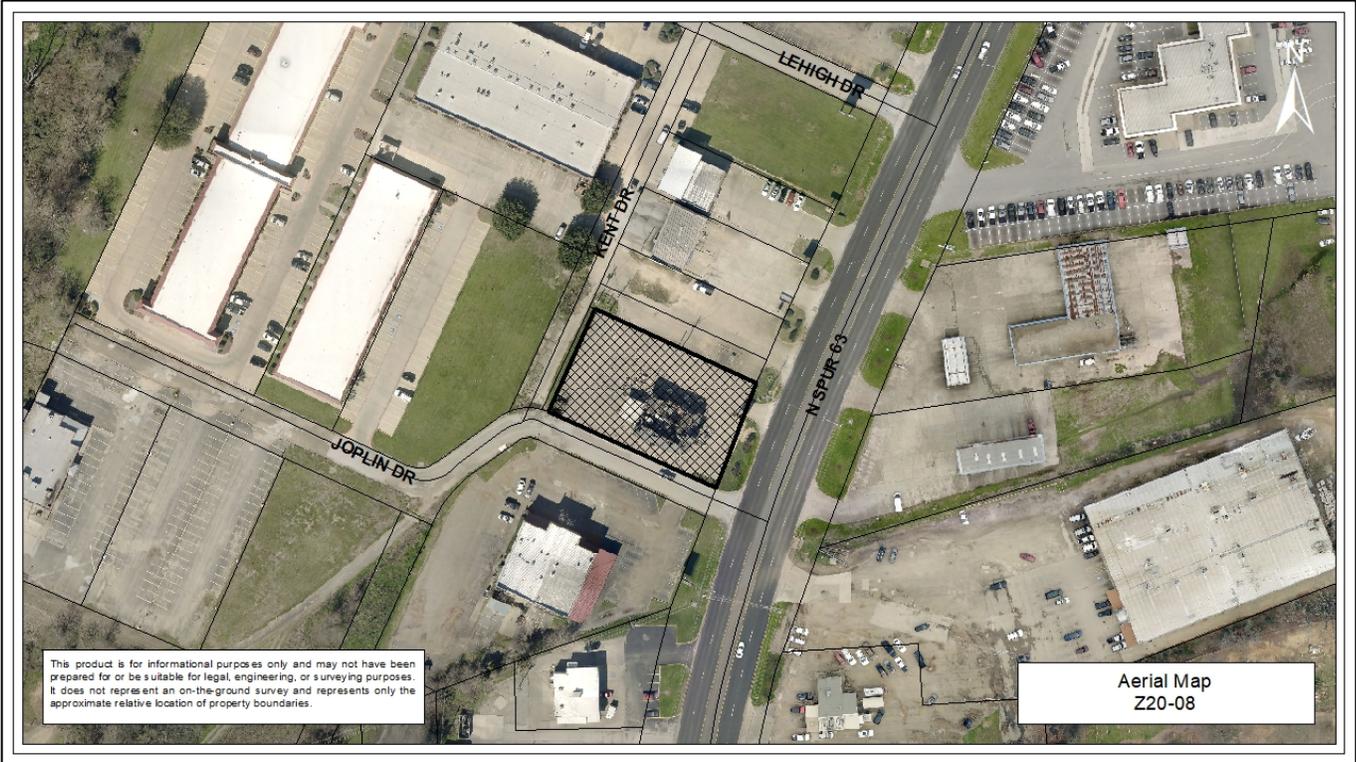
I, Timothy Teel + Brianna Teel, do certify that I am authorized to act for Bujar Bauta owner of the above property in making this zoning application.

B. J. L. [Signature] 8/19/2020
 Signature Date

FOR OFFICE USE ONLY	
APPLICATION FEE:	\$307.00
CASE NO:	
PERMIT NO:	<u>72020-9151</u>















9/4/2020

City of Longview Mail - application# Z20-08



Anna Scott <ascott@longviewtexas.gov>

application# Z20-08

psmaytag@aol.com <psmaytag@aol.com>
Reply-To: psmaytag@aol.com
To: "ascott@longviewtexas.gov" <ascott@longviewtexas.gov>

Fri, Sep 4, 2020 at 10:28 AM

Longview Planning and Zoning,

330 Spur 63 N Series also known as Scrubbies Wash USA is in favor of this request to rezone 411 N Spur 63 to Heavy Commercial.

Thanks
Paul Sewell

ORDINANCE NO.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, TEXAS, ORDINANCE NO. 96, AS AMENDED, WHICH SAID ORDINANCE ADOPTS THE ZONING REGULATIONS, USE DISTRICTS, AND A ZONING MAP IN ACCORDANCE WITH A COMPREHENSIVE PLAN, BY CHANGING THE ZONING AND CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: THAT APPROXIMATELY 0.489 ACRES HAMILTON MCNUTT SURVEY, BE REZONE FROM PLANNED DEVELOPMENT (PD24) TO HEAVY COMMERCIAL (C-2) ZONING DISTRICT LOCATED AT 411 N. SPUR 63 AT THE NORTHWEST CORNER OF JOPLIN DRIVE AND N. SPUR 63; FINDING THAT THE PLANNING AND ZONING COMMISSION MEETING AND THE CITY COUNCIL MEETING AT WHICH THIS ORDINANCE PASSED COMPLIED WITH THE OPEN MEETINGS ACT; PROVIDING THAT VIOLATIONS OF THIS ORDINANCE SHALL BE SUBJECT TO THE SAME PENALTIES AND ENFORCEMENT AS VIOLATIONS OF THE ZONING ORDINANCE OF THE CITY OF LONGVIEW, INCLUDING WITHOUT LIMITATION A FINE OF UP TO \$2,000.00 PER VIOLATION; REPEALING OTHER PROVISIONS IN CONFLICT HERE WITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY OF THE PROVISIONS HEREOF; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Planning and Zoning Commission of the City of Longview, Texas, and the City Council of the City of Longview, Texas, in compliance with the Charter of the City of Longview and the State laws in reference to the Zoning Ordinance regulations of the zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners, generally and to persons interested, situated in the affected area and in the vicinity thereof, the City Council of the City of Longview, Texas, being of the

opinion that the zoning changes should be made as set forth herein; NOW,
THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LONGVIEW, TEXAS:

Section 1. That the basic Zoning Ordinance of the City of Longview, Texas, Ordinance No. 96, of the Ordinance of the City as amended, be, and the same is hereby amended insofar as the property herein described is concerned, and such property shall be classified and placed into the use district hereinafter set forth and be subject to the provisions of said ordinance generally, and the official zoning map of said city, is hereby amended and corrected so that the following described real property, to-wit: that approximately 0.489 acres of the Hamilton McNutt Survey, be rezone from Planned Development (PD24) to Heavy Commercial (C-2) Zoning District located at 411 N. Spur 63 at the northwest corner of Joplin Drive and N. Spur 63.

Section 2. The City Planner is hereby directed to correct the Official Zoning District Maps in the office of the City Secretary, the Building Inspector and the City Planner to reflect the herein changes in zoning.

Section 3. That in all other respects the use of the herein above-described property shall be subject to all the applicable regulations of the Zoning Ordinance of the City of Longview, as amended.

Section 4. That both the Planning and Zoning Commission meeting and the City Council meeting at which this ordinance was approved were in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 5. That this ordinance is adopted in accordance with Chapter 211 of the Texas Local Government Code.

Section 6. That violations of this ordinance shall be subject to such penalties and enforcement as provided for violations of the City of Longview Zoning Ordinance (Ordinance No. 96 of the City of Longview, Texas, as amended).

Section 7. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict only; provided, however, that the repeal of an ordinance by this ordinance does not affect the prior operation of the ordinance or any prior action taken under it, any obligation or liability previously acquired, accrued, or incurred under such prior ordinance, any violation of the prior ordinance or any penalty, forfeiture, or punishment incurred under said ordinance before its repeal, and any investigation, proceeding, or remedy under said prior ordinance and the penalty, forfeiture, or punishment imposed as a result of such investigation, proceeding, or remedy shall be imposed as if the prior ordinance had not been repealed.

Section 8. That if any section, paragraph, subdivision, clause, subsection, phrase, sentence, or other provision of this ordinance shall be judged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 9. That the City Secretary is directed to publish this ordinance in the official newspaper of the City of Longview in compliance with the provisions of Section 4.07 of the City Charter, which publication shall be sufficient if it contains the

title of this ordinance and the penalty provided therein for violation thereof.

Section 10. That this ordinance shall be effective immediately from and after its passage and publication as required by law.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

O P&Z Z20-08 10-8-20

**PROPERTY ACQUISITION FOR LONGVIEW POLICE
DEPARTMENT BY EMINENT DOMAIN - 2019-P-012**

DESCRIPTION: Consider a resolution authorizing city staff to acquire fee simple title in and to certain property described as LT 37 NCB 223, Hamilton McNutt Survey A-129, designated as parcel 2019-P-012 through eminent domain, upon the completion and satisfaction of all required prerequisites as is required to complete the construction of the new Longview Police Department

RECOMMENDED ACTION: Passage of resolution

SOURCE OF FUNDS: Public Safety Bond Funds

STAFF CONTACT: Rolin Mcphee, P.E, Director of Public Works
903-237-1336
rmcphee@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE FEE SIMPLE TITLE TO CERTAIN PROPERTY ALONG PEARL ST, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, SAID PROPERTY WITH A PARCEL OF LAND CONSISTING OF APPROXIMATELY 0.419 ACRES DESCRIBED AS LT 37, NCB 223, HAMILTON MCNUTT SURVEY, A-129, DESIGNATED AS PARCEL 2019-P-0012 THROUGH EMINENT DOMAIN; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE CONSTRUCTION OF THE NEW LONGVIEW POLICE DEPARTMENT; AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN OR OTHERWISE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") provides certain Public Safety services to its citizens, including Law Enforcement and related services; and,

WHEREAS, such services require the construction of capital improvements and the acquisition of parcels, rights-of-way, and easements; and,

WHEREAS, the new Police Department construction project (sometimes called the "Project" hereinafter) will involve, among other things, providing proper Law Enforcement Services; and,

WHEREAS, the City of Longview Public Works Engineering Department has identified a parcel of land required to enable the City to implement said Project, which is legally described as LT 37, NCB 223, Hamilton McNutt Survey, A-129; and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the acquisition of the fee simple title to the identified parcel of land is a public necessity; and,

WHEREAS, the City has obtained a professional appraisal for the aforesaid parcel and has determined the reasonable and appropriate total market value of said parcel to be the value shown on the attached Attachment B; and,

WHEREAS, the City has provided the aforesaid appraisal to the owner of the parcel; and,

WHEREAS, as required by Texas Property Code Section 21.0112, the City has provided a copy of the "landowner's bill of rights statement" to the owner of the parcel; and,

WHEREAS, the parcel described herein will be acquired by and owned by the City of Longview and will be used for a public use, as described herein; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Council of the City of Longview, Texas, hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of fee simple title to a certain parcel in, over and across certain tracts of real property located in Gregg County, Texas, as described in the attached Attachment A.

Section 3. That it is the City of Longview's intention to acquire the parcel described in said Attachment A, said attachment being attached hereto and made a part of this resolution for all purposes, as a necessary part of providing proper law enforcement services; all in furtherance of the Project described herein.

Section 4. That the aforesaid intention includes the necessity for, and so that the public welfare and convenience will be served, the acquisition, whether by purchase, eminent domain or otherwise, of real property for, but not limited to providing proper law enforcement services; all in furtherance of the Project described herein.

Section 5. That the Director of Public Works or said director's designee is hereby directed to comply with all provisions of law applicable to the acquisitions authorized in this resolution and required precedent to the filing of a condemnation petition, including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code.

Section 6. That the Director of Public Works or said director's designee, is hereby authorized and directed to offer the sum set forth in the attached Attachment B (said attachment being attached hereto and made a part of this resolution for all purposes) as consideration for acquisition of the parcel.

Section 7. That, in the event such offer is not accepted, and after the Director of Public Works has complied with all provisions of law required precedent to the filing of a condemnation petition to institute the eminent domain proceedings authorized herein (including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code), the City Attorney, or the City Attorney's designee, is hereby authorized and empowered to institute proceedings in

eminent domain to acquire such easements for the Project and to take such other action necessary to carry out the terms of this resolution against any persons referenced above and all other owners of or claimants in the property described in Attachment A.

Section 8. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW CONDEMNATION 2019 P-012 10-8-20

HAMILTON McNUTT SURVEY

A-129

Lot 39, NCB 223
JOHN WILLIAMS
GCC #200915054

GUM STREET

AUDREY DENISE BLAKE
GCC#201706945
0.417 AC

Edge of Pvmnt

PEARL STREET

Edge of Pvmnt

LOT 38 NCB 223
LESSIE L. JONES
50x150'

SAVANAH WHITAKER
VOL. 130, PG. 218

0.419 Acres
18270 sq. ft.
LOT 37 NCB 223
THERESA SPENCER

Res. 1.9 ACRES
ARIE THOMAS
VOL. 44, PG. 98

LOT 50 NCB 223
Res. 1.9 ACRES
COLLIE WILKERSON
VOL. 44, PG. 103

FRAME HOUSE

FRAME HOUSE

LOT 36H NCB 223
GREGG COUNTY, TRUSTEE
GCC#201324244

DISTRICT COURT RECORDS
VOL. 40, PG. 262
JA L. BRITTON

FRAME HOUSE

EMMANUEL LILLY
GCC201020951

LOT 32, NCB 223
ANNIE RUTH LEE
VOL. 868, PG. 437

LOT 31 AND EAST HALF
OF LOT 32, NCB 223
WILLIE E. LEE, ET UX
ANNIE R. LEE
VOL. 568, PG. 28

LOT 30, NCB 223
HOLY TRUTH MINISTRIES
GCC#200809539

INDICATES 1/2" IRON ROD WITH
○ PLASTIC CAP STAMPED "KSA ENG"
SET UNLESS OTHERWISE NOTED

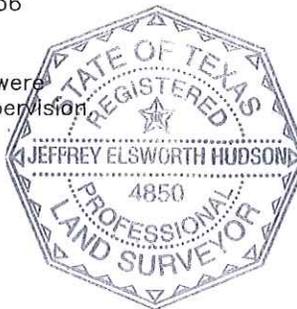
Bearings based on the Texas State Plane Coordinate System
(NAD 83), North Central Zone, using NGS monuments DP0856
(TXMV), DG5394 (TXY), and DG7396 (SHRV).

This plat and corresponding metes and bounds description were
prepared from a survey made on the ground under my supervision.

29 MARCH 2019

Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

Date



0 50
SCALE: 1"=50'

KSA
ENGINEERS

140 E. Tyler St., Suite 400 Longview, Texas 75601
T. 903-234-7700 F. 903-234-7779
www.ksaeng.com
TSP&S Firm Reg. No. 10119200

0.419 ACRES (18270 sq. ft.)
HAMILTON McNUTT SURVEY, A-129
CITY OF LONGVIEW
GREGG COUNTY, TEXAS

EXHIBIT A
LOT 37, NCB 223
THERESA SPENCER

**EXHIBIT B
METES AND BOUNDS DESCRIPTION OF
0.419 ACRES (18270 SQUARE FEET)
HAMILTON McNUTT SURVEY, A-129
GREGG COUNTY, TEXAS**

Being 0.419 acres (18270 square feet) of land, situated in the Hamilton McNutt Survey, A-129, Gregg County, Texas, and being a portion of a tract which was conveyed to Arie Thomas by an instrument recorded in Volume 44, Page 98, Gregg County Deed Records (GCDR), the same also being known as Lot 37 NCB 223, said 0.419 acres (18270 square feet) of land being more particularly described by metes and bounds, as follows;

BEGINNING at a ½” iron pipe found in the east boundary line of the above mentioned 1.9 acre tract, the same being the southeast corner of a tract which was conveyed to Savannah Whitaker by an instrument recorded in Volume 130, Page 218, GCDR, the same also being in the east boundary line of a 1.9 acre tract which was conveyed to Collie Wilkerson by an instrument recorded in Volume 44, Page 103, GCDR;

THENCE S 00° 46’ 24” E, along said east boundary line, 113.75 feet to a 60d nail set at the southeast corner of said Thomas 1.9 acre tract, the same being the southwest corner of said Wilkerson 1.9 acre tract, and also being in the north boundary line of Lot 30, NCB 223;

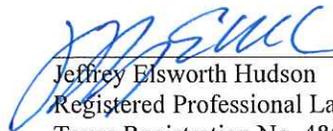
THENCE S 80° 37’ 42” W, along the common line between said Lot 30, and said Thomas 1.9 acre tract, 37.09 feet to a 60d nail set at the northwest corner of said Lot 30, the same being the northeast corner of Lot 31, NCB 223;

THENCE S 89° 33’ 26” W, along the south boundary line of said Thomas 1.9 acre tract the same being the north boundary line of said Lot 31, and the north boundary line of Lot 32, a distance of 113.52 feet to a 60d nail set at the southeast corner of a tract which was conveyed to Emmanuel Lilly by an instrument recorded under instrument number 201020951, Gregg County Public Official Records (GCPOR);

THENCE N 00° 46’ 24” W, along the east boundary line of said Lilly tract and the east boundary line of a 20 foot wide strip of land which was conveyed to A. L Bruton by an instrument recorded in Volume 40, Page 262, District Court Records, a distance of 125.18 feet to a wooden fence corner post found at the southwest corner of said Whitaker tract;;

THENCE S 88° 16’ 47” E, along the south boundary line of said Whitaker tract, 150.34 feet to the **PLACE OF BEGINNING** and containing 0.419 acres (18270 square feet) of land, more or less.

The bearings recited herein are based on the Texas State Plane Coordinate System (NAD83), North Central Zone, using NGS monuments DP0856 (TXMV), DG5394 (TXTY), and DG7396 (SHRV). This description and corresponding plat were prepared from a survey made on the ground under my supervision.



Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

29 MARCH 2019
Date



Michael D. Reader, Appraiser
P.O. Box 9754
Longview, TX 75608
903-759-8210

08/30/2019

City of Longview / Theresa Spencer
P.O. Box 1952, Longview, TX 76069

Re: Property: 213 S Gum St
Longview, TX 75601
Borrower: N/A
File No.: 190814

Opinion of Value: \$ 38,500.00
Effective Date: 08/14/2019

In accordance with your request, I have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as improved, in unencumbered fee simple title of ownership for an asset valuation and possible purchase.

This report is based on a physical analysis of the site and improvements, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



Michael D. Reader
License or Certification #: TX1321082G
State: TX Expires: 06/30/2021
mdreader2@gmail.com

**PROPERTY ACQUISITION FOR LONGVIEW POLICE
DEPARTMENT BY EMINENT DOMAIN - 2019-P-005**

DESCRIPTION: Consider a resolution authorizing city staff to acquire fee simple title in and to certain property described as LT 36D, NCB 223, Hamilton McNutt Survey, A-129, City of Longview, Gregg County, Texas designated as parcel 2019-P-005 through eminent domain, upon the completion and satisfaction of all required prerequisites as is required to complete the construction of the new Longview Police Department

RECOMMENDED ACTION: Passage of resolution

SOURCE OF FUNDS: Public Safety Bond Funds

STAFF CONTACT: Rolin Mcphee, P.E, Director of Public Works
903-237-1336
rmcphee@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE FEE SIMPLE TITLE TO CERTAIN PROPERTY ALONG PEARL ST, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, SAID PROPERTY WITH A PARCEL OF LAND CONSISTING OF APPROXIMATELY 0.097 ACRES DESCRIBED AS LT 36D, NCB 223, HAMILTON MCNUTT SURVEY, A-129, DESIGNATED AS PARCEL 2019-P-005 THROUGH EMINENT DOMAIN; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE CONSTRUCTION OF THE NEW LONGVIEW POLICE DEPARTMENT; AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN OR OTHERWISE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") provides certain Public Safety services to its citizens, including Law Enforcement and related services; and,

WHEREAS, such services require the construction of capital improvements and the acquisition of parcels, rights-of-way, and easements; and,

WHEREAS, the new Police Department construction project (sometimes called the "Project" hereinafter) will involve, among other things, providing proper Law Enforcement Services; and,

WHEREAS, the City of Longview Public Works Engineering Department has identified a parcel of land required to enable the City to implement said Project, which is legally described as LT 36D, NCB 223, Hamilton McNutt Survey, A-129; and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the acquisition of the fee simple title to the identified parcel of land is a public necessity; and,

WHEREAS, the City has obtained a professional appraisal for the aforesaid parcel and has determined the reasonable and appropriate total market value of said parcel to be the value shown on the attached Attachment B; and,

WHEREAS, the City has provided the aforesaid appraisal to the owner of the parcel; and,

WHEREAS, as required by Texas Property Code Section 21.0112, the City has provided a copy of the "landowner's bill of rights statement" to the owner of the parcel; and,

WHEREAS, the parcel described herein will be acquired by and owned by the City of Longview and will be used for a public use, as described herein; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Council of the City of Longview, Texas, hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of fee simple title to a certain parcel in, over and across certain tracts of real property located in Gregg County, Texas, as described in the attached Attachment A.

Section 3. That it is the City of Longview's intention to acquire the parcel described in said Attachment A, said attachment being attached hereto and made a part of this resolution for all purposes, as a necessary part of providing proper law enforcement services; all in furtherance of the Project described herein.

Section 4. That the aforesaid intention includes the necessity for, and so that the public welfare and convenience will be served, the acquisition, whether by purchase, eminent domain or otherwise, of real property for, but not limited to providing proper law enforcement services; all in furtherance of the Project described herein.

Section 5. That the Director of Public Works or said director's designee is hereby directed to comply with all provisions of law applicable to the acquisitions authorized in this resolution and required precedent to the filing of a condemnation petition, including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code.

Section 6. That the Director of Public Works or said director's designee, is hereby authorized and directed to offer the sum set forth in the attached Attachment B (said attachment being attached hereto and made a part of this resolution for all purposes) as consideration for acquisition of the parcel.

Section 7. That, in the event such offer is not accepted, and after the Director of Public Works has complied with all provisions of law required precedent to the filing of a condemnation petition to institute the eminent domain proceedings authorized herein (including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code), the City Attorney, or the City Attorney's designee, is hereby authorized and empowered to institute proceedings in

eminent domain to acquire such easements for the Project and to take such other action necessary to carry out the terms of this resolution against any persons referenced above and all other owners of or claimants in the property described in Attachment A.

Section 8. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW CONDEMNATION 2019 P-005 10-8-20

HAMILTON McNUTT SURVEY

A-129

Lot 39, NCB 223
JOHN WILLIAMS
GCC #200915054

LOT 1, NCB 224
RLP ENTERPRISES
GCC 200323261

PEARL STREET

N 89°30'16" E 160.50'

P.O.B.

Fnd. 1/2" IR w/ Cap

LOT 36B NCB 223
CURTIS LEE PORTER
VOL. 2847, PG. 133

LOT 36C NCB 223
K. C. JONES
VOL. 2843, PG. 501

LOT 36D NCB 223
FRANK SMITH
VOL. 518, PG. 1

LOT 36E NCB 223
GENEVA COLLINS
VOL. 388, PG. 226

LOT 36H NCB 223
GREGG COUNTY, TRUSTEE
GCC#201324244

0.097 Acres
4223 sq. ft.

Tract 2
77'x175'
R W Rowley Properties, LLC
GCC#201314891

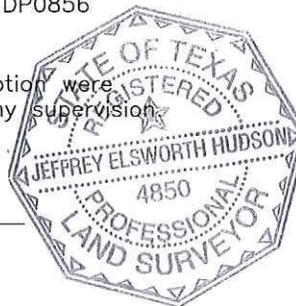
RLP ENTERPRISES
GCC 200323261

Tract 1
1.655 Ac
R W Rowley Properties, LLC
GCC#201314891

- INDICATES 1/2" IRON ROD WITH
- PLASTIC CAP STAMPED "KSA ENG"
- SET UNLESS OTHERWISE NOTED

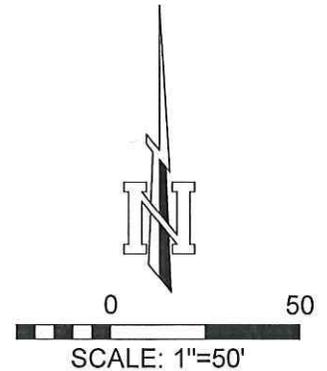
Bearings based on the Texas State Plane Coordinate System (NAD 83), North Central Zone, using NGS monuments DP0856 (TXMV), DG5394 (TXY), and DG7396 (SHRV).

This plat and corresponding metes and bounds description were prepared from a survey made on the ground under my supervision.



Jeffrey Elsworth Hudson
Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

9 MAY 2019
Date



KSA
ENGINEERS

140 E. Tyler St., Suite 600 Longview, Texas 75601
T. 903-236-7700 F. 903-236-7779
www.ksaeng.com
TSPS Firm Reg. No. 10115000

0.097 ACRES (4223 sq. ft.)
HAMILTON McNUTT SURVEY, A-129
CITY OF LONGVIEW
GREGG COUNTY, TEXAS

EXHIBIT A
LOT 36D, NCB 223
FRANK SMITH

**EXHIBIT B
METES AND BOUNDS DESCRIPTION OF
0.097 ACRES (4223 SQUARE FEET)
HAMILTON McNUTT SURVEY, A-129
GREGG COUNTY, TEXAS**

Being 0.097 acres (4223 square feet) of land, situated in the Hamilton McNutt Survey, A-129, Gregg County, Texas, and being all of a tract which was conveyed to Frank Smith by an instrument recorded in Volume 518, Page 1, Gregg County Deed Records (GCDR), the same also being known as Lot 36D, NCB 223, said 0.097 acres (4223 square feet) of land being more particularly described by metes and bounds, as follows;

BEGINNING at a 60d nail set at the northeast corner of the above mentioned Smith tract, the same being the northwest corner of Lot 36E, NCB 223, and also being in the apparent south right-of-way line of Pearl Street;

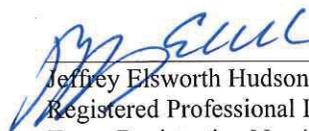
THENCE S 00° 48' 10" E, along the common line between said Smith tract, and Lot 36E, a distance of 163.39 feet to a 60d nail set for corner;

THENCE N 87° 00' 28" W, along the south boundary line of said Smith tract, the same being the north boundary line of a 1.655 acre tract which was conveyed to R. W. Rowley Properties, LLC, a distance of 26.00 feet to a 60d nail set at the southwest corner of said Smith tract, the same being the southeast corner of Lot 36C, NCB 223;

THENCE N 00° 49' 23" W, along the common line between said Smith tract and said Lot 36C, a distance of 161.81 feet to a 60d nail set at the point of intersection with said apparent south right-of-way line;

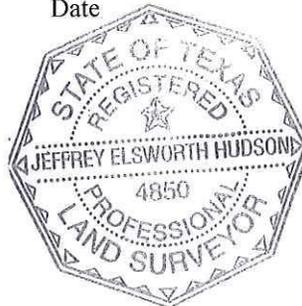
THENCE N 89° 30' 16" E, along said right-of-way line, 26.00 feet to the **PLACE OF BEGINNING** and containing 0.097 acres (4223 square feet) of land, more or less.

The bearings recited herein are based on the Texas State Plane Coordinate System (NAD83), North Central Zone, using NGS monuments DP0856 (TXMV), DG5394 (TXTY), and DG7396 (SHRV). This description and corresponding plat were prepared from a survey made on the ground under my supervision.


Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

7/22/2019

Date



192

Michael D. Reader, Appraiser
P.O. Box 9754
Longview, TX 75608
903-759-8210

10/14/2019

Ms. Jennifer Malone, City of Longview / Frank Smith
P.O. Box 1952, Longview, TX 75606

Re: Property: 516 W Pearl St
Longview, TX 75601
Borrower: N/A
File No.: 191004

Opinion of Value: \$ 1,550.00
Effective Date: 10/10/2019

In accordance with your request, I have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, in unencumbered fee simple title of ownership for an asset valuation and possible acquisition.

This report is based on a physical analysis of the site, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me if I can be of additional service to you.

Sincerely,



Michael D. Reader, Appraiser
License or Certification #: TX1321082G
State: TX Expires: 06/30/2021
mdreader2@gmail.com

**PROPERTY ACQUISITION FOR LONGVIEW POLICE
DEPARTMENT BY EMINENT DOMAIN - 2019-P-013**

DESCRIPTION: Consider a resolution authorizing city staff to acquire fee simple title in and to certain property described as LT 50 NCB 223 (W PT LT 50), Hamilton McNutt Survey A-129, designated as parcel 2019-P-013 through eminent domain, upon the completion and satisfaction of all required prerequisites as is required to complete the construction of the new Longview Police Department

RECOMMENDED ACTION: Passage of resolution

SOURCE OF FUNDS: Public Safety Bond Funds

STAFF CONTACT: Rolin Mcphee, P.E, Director of Public Works
903-237-1336
rmcphee@longviewtexas.gov

COUNCIL DATE: October 8, 2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE FEE SIMPLE TITLE TO CERTAIN PROPERTY ALONG PEARL ST, CITY OF LONGVIEW, GREGG COUNTY, TEXAS, SAID PROPERTY WITH A PARCEL OF LAND CONSISTING OF APPROXIMATELY 0.15 ACRES DESCRIBED AS LT 50, NCB 223, HAMILTON MCNUTT SURVEY, A-129, DESIGNATED AS PARCEL 2019-P-0013 THROUGH EMINENT DOMAIN; GIVING NOTICE OF AN OFFICIAL DETERMINATION TO ACQUIRE PROPERTY FOR THE CONSTRUCTION OF THE NEW LONGVIEW POLICE DEPARTMENT; AUTHORIZING THE ACQUISITION OF SAID PROPERTY BY EMINENT DOMAIN OR OTHERWISE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS PASSED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Longview (the "City") provides certain Public Safety services to its citizens, including Law Enforcement and related services; and,

WHEREAS, such services require the construction of capital improvements and the acquisition of parcels, rights-of-way, and easements; and,

WHEREAS, the new Police Department construction project (sometimes called the "Project" hereinafter) will involve, among other things, providing proper Law Enforcement Services; and,

WHEREAS, the City of Longview Public Works Engineering Department has identified a parcel of land required to enable the City to implement said Project, which is legally described as LT 50, NCB 223, Hamilton McNutt Survey, A-129; and,

WHEREAS, as a result of the foregoing, the City Council hereby finds and determines that the acquisition of the fee simple title to the identified parcel of land is a public necessity; and,

WHEREAS, the City has obtained a professional appraisal for the aforesaid parcel and has determined the reasonable and appropriate total market value of said parcel to be the value shown on the attached Attachment B; and,

WHEREAS, the City has provided the aforesaid appraisal to the owner of the parcel; and,

WHEREAS, as required by Texas Property Code Section 21.0112, the City has provided a copy of the "landowner's bill of rights statement" to the owner of the parcel; and,

WHEREAS, the parcel described herein will be acquired by and owned by the City of Longview and will be used for a public use, as described herein; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LONGVIEW, TEXAS:

Section 1. That the findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. That the City Council of the City of Longview, Texas, hereby officially determines that there is a public necessity for, and the public welfare and convenience will be served by, the acquisition of fee simple title to a certain parcel in, over and across certain tracts of real property located in Gregg County, Texas, as described in the attached Attachment A.

Section 3. That it is the City of Longview's intention to acquire the parcel described in said Attachment A, said attachment being attached hereto and made a part of this resolution for all purposes, as a necessary part of providing proper law enforcement services; all in furtherance of the Project described herein.

Section 4. That the aforesaid intention includes the necessity for, and so that the public welfare and convenience will be served, the acquisition, whether by purchase, eminent domain or otherwise, of real property for, but not limited to providing proper law enforcement services; all in furtherance of the Project described herein.

Section 5. That the Director of Public Works or said director's designee is hereby directed to comply with all provisions of law applicable to the acquisitions authorized in this resolution and required precedent to the filing of a condemnation petition, including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code.

Section 6. That the Director of Public Works or said director's designee, is hereby authorized and directed to offer the sum set forth in the attached Attachment B (said attachment being attached hereto and made a part of this resolution for all purposes) as consideration for acquisition of the parcel.

Section 7. That, in the event such offer is not accepted, and after the Director of Public Works has complied with all provisions of law required precedent to the filing of a condemnation petition to institute the eminent domain proceedings authorized herein (including without limitation, the applicable provisions of Section 21.0111 and Section 21.0113 of the Texas Property Code), the City Attorney, or the City Attorney's designee, is hereby authorized and empowered to institute proceedings in

eminent domain to acquire such easements for the Project and to take such other action necessary to carry out the terms of this resolution against any persons referenced above and all other owners of or claimants in the property described in Attachment A.

Section 8. That the meeting at which this resolution was passed was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

Section 9. That this resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this 8th day of October, 2020.

Dr. Andy Mack
Mayor

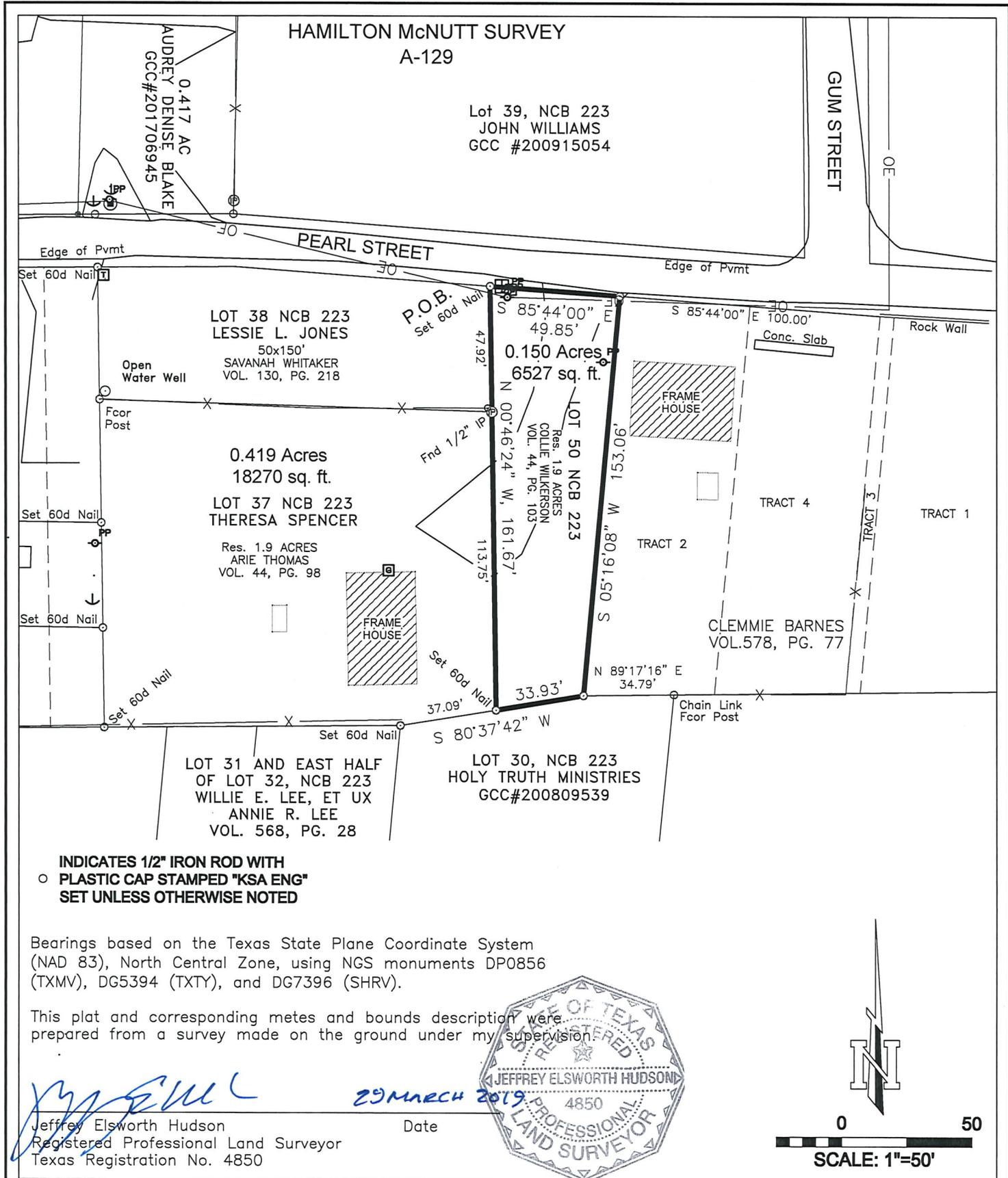
ATTEST:

Angie Shepard
City Secretary

APPROVED AS TO FORM:

Jim Finley
City Attorney

R PW CONDEMNATION 2019 P-013 10-8-20



**KSA
ENGINEERS**

140 E. Tyler St., Suite 600 Longview, Texas 75601
T. 903-236-7700 F. 903-236-7779
www.ksaeng.com
TSP-LS Firm Reg. No. 10112000

0.150 ACRES (6527 sq. ft.)
HAMILTON McNUTT SURVEY, A-129
CITY OF LONGVIEW
GREGG COUNTY, TEXAS

EXHIBIT A
LOT 50, NCB 223
TOM WILKERSON ESTATE

**EXHIBIT B
METES AND BOUNDS DESCRIPTION OF
0.150 ACRES (6527 SQUARE FEET)
HAMILTON McNUTT SURVEY, A-129
GREGG COUNTY, TEXAS**

Being 0.150 acres (6527 square feet) of land, situated in the Hamilton McNutt Survey, A-129, Gregg County, Texas, and being a portion of a 1.9 tract which was conveyed to Collie Wilkerson by an instrument recorded in Volume 44, Page 103, Gregg County Deed Records (GCDR), the same also being known as all of Lot 50 NCB 223, said 0.150 acres (6527 square feet) of land being more particularly described by metes and bounds, as follows;

BEGINNING at a 60d nail set at the northwest corner of the above mentioned 1.9 acre tract, the same being the northeast corner of a tract which was conveyed to Savannah Wilkerson by an instrument recorded in Volume 130, Page 218, GCDR, the same also being in the apparent south right-of-way line of Pearl Street;

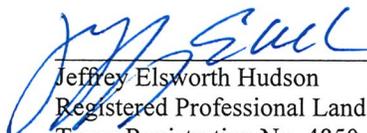
THENCE S 85° 44' 00" E, along said apparent south right-of-way line, 49.85 feet to a ½" iron rod with a plastic cap stamped "KSA ENG" set at the northwest corner of a tract called Tract 2 which was conveyed to Clemmie Barnes by an instrument recorded in Volume 578, Page 77, GCDR, the west end of a rock retaining wall bears S 85° 44' 00" E, 100.00 feet;

THENCE S 05° 16' 08" W, along the west boundary line of said Barnes tract 153.06 feet to a ½" iron rod with a plastic cap stamped "KSA ENG" set at the southwest corner of same, and also being in the north boundary line of a tract which was conveyed to Holy Truth Ministries by an instrument recorded under clerk's file number 200809539, Gregg County Public Official Records (GCPOR);

THENCE S 80° 37' 42" W, along the south boundary line of said 1.9 acre tract, the same being the north boundary line of said Holy Truth Ministries tract, 33.93 feet to a 60d nail set at the southwest corner of said 1.9 acre tract;

THENCE N 00° 46' 24" W, along the west boundary line of said Wilkerson 1.9 acre tract, the same being the east boundary line of a 1.9 acre tract which was conveyed to Arie Thomas by an instrument recorded in Volume 44, Page 98, GCDR, at a distance of 113.75 feet pass a ½" iron pipe found at the southeast corner of the aforementioned Savannah Wilkerson tract, and continuing for a total distance of 161.67 feet to the **PLACE OF BEGINNING** and containing 0.150 acres (6527 square feet) of land, more or less.

The bearings recited herein are based on the Texas State Plane Coordinate System (NAD83), North Central Zone, using NGS monuments DP0856 (TXMV), DG5394 (TXTY), and DG7396 (SHRV). This description and corresponding plat were prepared from a survey made on the ground under my supervision.


Jeffrey Elsworth Hudson
Registered Professional Land Surveyor
Texas Registration No. 4850

29 MARCH 2019
Date



ATTACHMENT B

Michael D. Reader
P.O. Box 9754
Longview, TX 75608
903-759-8210

04/30/2019

Ms. Jennifer Malone, City of Longview / Tom Wilkerson Estate
P.O. Box 1952, Longview, TX 75606

Re: Property: 400 Block Pearl St
Longview, TX 75601
Borrower: N/A
File No.: 190412

Opinion of Value: \$ 5,650.00
Effective Date: 04/24/2019

In accordance with your request, I have appraised the above referenced property. The report of that appraisal is attached.

The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, in unencumbered fee simple title of ownership for an asset valuation and possible acquisition.

This report is based on a physical analysis of the site, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me if I can be of additional service to you.

Sincerely,



Michael D. Reader
License or Certification #: TX1321082G
State: TX Expires: 06/30/2021
mdreader2@gmail.com