



## CITY OF WATAUGA – PERSONNEL, ADMINISTRATION AND FINANCIAL POLICIES AND PROCEDURES MANUAL

<b>POLICY TITLE</b>	<b>Performance and Conduct Expectations</b>
<b>INITIAL EFFECTIVE DATE</b>	<b>March 28, 2016</b>
<b>LAST REVISION DATE</b>	<b>March 7, 2019</b>
<b>POLICY NUMBER</b>	<b>10.10</b>

**OBJECTIVE** The purpose of this policy is to outline the expectations for appropriate work performance and conduct.

**SCOPE** This policy applies to all employees. Police Officers and Fire Fighters are subject to the applicable provisions of Texas Local Government Code Chapter 143, the Rules of the City of Watauga Firefighters and Police Officers Civil Service Commission, and the general and special orders of the Police and Fire Departments, which may incorporate some or all of the provisions of this policy.

### **POLICY**

Following are examples of expectations for appropriate work performance and conduct. It is the employee's responsibility to meet all work-related expectations. If the employee does not, disciplinary action may be appropriate. Some of the specific examples listed below may fit under more than one of the broader categories. This section provides guidelines only, and is not intended to be an exhaustive or all-inclusive list.

#### **A. Absences**

1. **Failure to Report Absence:** An employee who cannot report for work or who will be tardy must notify their immediate supervisor or designee within the time limits established by the employee's department, or if there are no department guidelines, at the beginning of the shift.
2. **Unauthorized Absence:** An employee shall not be absent from work without supervisory approval. This rule applies to any scheduled activity, emergency response, standby, or overtime duty to which the employee is assigned.
3. **Abandonment of Job:** An employee who fails to give notice of an absence or in an emergency situation fails to have another person give notice on his/her behalf within three (3) scheduled workdays will be considered to have abandoned his/her position with the City and will be discharged.
4. **Unsatisfactory Attendance:** An employee shall not be excessively absent and/or tardy from work.

#### **B. Appearance**

1. **Failure to Maintain Personal Appearance:** An employee shall comply with City and department dress codes, uniform requirements, and grooming requirements.

## C. Conduct

1. **Unbecoming Conduct and Conduct Prejudicial to Good Order:** An employee will conduct themselves at all times, both on and off the job, in such a manner so as to reflect favorably on the City. An employee will refrain from unbecoming conduct and from conduct prejudicial to good order. Conduct unbecoming an employee includes that which tends to bring the City into disrepute, which reflects discredit upon the employee as a City employee, or which tends to impair or unduly disrupt the operation of the City or the employee. This section should not be understood to prohibit or interfere with the ability of a City employee to comment on matters of public concern or interest.

Examples of unbecoming conduct and conduct prejudicial to good order include, but are not limited to:

- a. Provoking or engaging in fighting;
  - b. Exhibiting threatening or intimidating conduct that would cause an individual to reasonably fear for their personal safety or the safety of family, friends and/or property; and
  - c. Offensive personal conduct.
2. **Abuse of Authority:** An employee will not engage in any of the following conduct:
    - a. Attempting to have any summons to appear in court, court complaint, or traffic citation voided or stricken from the docket except through proper court procedures;
    - b. Recommending a dismissal, reduction of charges, reduction in fine, or other disposition of a pending criminal case which has been previously filed in any court or before any grand jury, except through proper court procedures;
    - c. Communicating in any manner, either directly or indirectly, any information which may assist in the commission of a criminal act, in escaping detection of a criminal act, or to dispose of or secrete evidence of unlawful activity, money, merchandise, or other property unlawfully obtained except as required by law;
    - d. Recording any conversation with a coworker or supervisor without first obtaining the approval of the co-worker or supervisor to record the conversation unless authorized by the City Manager.
    - e. Obtaining or helping any person to obtain any City permit which the applicant is not authorized or legally allowed to have; or
    - f. Assisting a citizen or coworker in circumventing established City or departmental procedures and/or policies.
  3. **Failure to Exercise Courtesy:** An employee will be courteous to the public and to fellow employees. An employee's conduct and behavior will always be civil, orderly, and courteous. The employee will be diplomatic and tactful in the performance of assigned duties, controlling his/her temper and exercising reasonable patience and discretion.
  4. **Discrimination:** An employee, in the course of their duties as a City of Watauga employee, will not discriminate against any individual on the basis of race, color, religion, gender, national origin, age, disability, veteran status, genetic information, gender identity or sexual orientation or any other protected classification under state law.
  5. **Visiting Prohibited Establishments:** An employee, while on duty or in uniform, will not knowingly frequent, visit, or enter a house of prostitution or a gambling place in which the laws of the United States, State of Texas, or City are violated, except in the performance of duties as directed by a supervisor.
  6. **Volunteer Activities:** An employee should not engage in volunteer activities where such activities create a conflict of interest or adversely affect the employee's job performance or

the interests of the City

#### D. City Business

1. **Failure to Attend to City Business:** An employee will remain alert, observant, and occupied with City business during the work period unless authorized by their supervisor.
2. **Abandonment or Neglect of Duty:** An employee will not neglect or abandon their duties or do anything which is detrimental to the proper performance of the functions of the City. Though not exclusive, the following are examples of abandonment or neglect of duty:
  - a. Failure to observe and give effect to the policies of the employee's department or the City. An employee will not engage in any activity while on duty that would cause the employee to neglect or be inattentive to the employee's assigned duties unless authorized by the Department Director; or
  - b. Failure to deliver to the employee's supervisor any property found by, confiscated by, or relinquished to employees of the City without undue delay and, in any event, before the work period is ended.
3. **Fraudulent Employment:** An employee will not obtain employment, promotion, or other job change with the City by means of willful misrepresentation or omission of any fact concerning the employee's personal, educational and employment history, qualifications for employment or physical condition, and/or criminal history.
4. **Failure to Properly Use City Time, Equipment, Materials, and Property:** An employee will utilize City equipment or property, whether owned or leased, in accordance with procedures established by a supervisor and will not intentionally abuse, damage, or lose City equipment or property. In no event will City time, equipment, materials, or property be used for any personal unauthorized use. If a supervisor assigns City equipment to an employee for standby or after-hours use, the employee will promptly return the equipment to its place of normal deployment before the next regular work shift unless a supervisor has continued the assignment into the next regular work shift.
5. **Failure to Report Equipment in Need of Maintenance:** An employee will promptly report to his/her supervisor the need for repairs of any City-owned or leased property issued to, used, or possessed by the employee.
6. **Prohibited Equipment Alteration:** An employee will not alter, repair, add to, or remove any parts or accessories from any City-owned or leased property, without the permission of a Department Director. This includes buildings, office equipment, computers, machines, clothing, tools, communication equipment, motor vehicles, and other equipment.
7. **Abuse of Process/Withholding Evidence:** An employee will not, at any time, intentionally manufacture, falsify, destroy, or withhold information or evidence regarding disciplinary matters nor knowingly or intentionally make any false accusation or criminal charge.
8. **Failure to Return Evidence/Property:** An employee will promptly deliver any evidence, abandoned property, confiscated property, or City property to the proper authority as designated by the supervisor.
9. **Failure to Submit to Medical Examinations and/or Tests:** Upon the order of the Department Director and Human Resources Director, an employee will submit to any medical, chemical, drug, intoxicants, ballistics, or other test, photograph, or fingerprinting and will sign any related forms necessary for the test or examination to be administered. All examinations carried out under this paragraph will be related to activities concerning the scope of employment and in accordance with the appropriate City policy.

10. **Incurring Unauthorized Expenses:** An employee will not spend money or incur debt in the name of the City or an employee's department, unless a supervisor authorizes the expenditure.
11. **Seeking or Accepting Gifts or Gratuities:** An employee will not receive, seek, solicit, ask, or share in any benefit, discount, fee, reward, or other reimbursement or gratuity for the performance of the employee's official duties, except as directed by the employee's Department Director. An employee will immediately report any offer or attempt to offer any gift or gratuity, which another person may have made in an effort to affect the employee's official conduct, to his/her Department Director. This policy does not prohibit the exchange of gifts among friends or family or discounts offered to all City employees. The City Manager must approve discounts offered to employees.
12. **Accepting Consideration in Exchange for Job or Working Conditions:** An employee will not offer or receive money or other valuable consideration in exchange for obtaining a job, a better working place, or better working conditions.
13. **Performance of Duty:** An employee will maintain sufficient competence to properly perform his/her duties and to assume the responsibilities of his/her position. The employee will direct and coordinate the employee's efforts in such a manner as will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the City. The fact a supervisor deemed the employee competent at the time of hiring will not preclude a judgment of incompetence later demonstrated, for example, through an inability or apparent unwillingness to perform assigned tasks. Further examples of incompetence include the inability or unwillingness to complete tasks or assignments by deadlines, the inability or unwillingness to produce sufficient work product during duty hours, the inability or unwillingness to effectively supervise employees, exercising poor judgment, the inability or unwillingness to effectively interact with co-workers and citizens, being absent without authorized leave, or having an unnecessary absence from the assigned work area during assigned hours of work.
14. **Unauthorized Disclosure of Information:** An employee will not make known any information concerning the progress of an investigation, a known or reported law violation, or any proposed law enforcement action to any person not authorized to receive such information. An employee who wants to know whether a person is authorized to receive information should seek clarification from his/her immediate supervisor. An employee will not release departmental information that is not public information unless authorized to do so by the employee's Department Director.
15. **Failure to Report Accidents:** An employee will not fail to immediately report personal knowledge of any accidents or personal injuries involving City property or on-duty employees to their supervisor and/or to City personnel authorized to receive such reports.
16. **Inappropriate Use of Information Systems:** An employee will not use nonpublic information gained from any information system with limited access for anything other than official City business.

## **E. Public Service**

1. **Failure to Assist the Public:** When a member of the public asks for assistance or advice, either by telephone, electronic means, or in person, an employee will obtain all pertinent information from the inquirer in an official and courteous manner, and will act on it promptly, properly, and judiciously, consistent with procedures established by a supervisor.
2. **Failure to Handle Complaints:** An employee will courteously attend to a complaint made by any person against any City employee by referring the person to the employee's supervisor or other individual as specified by the employee's departmental policy. An employee will immediately notify their supervisor if the complaint involves loss or destruction

of property, personal injury, alleged violation of criminal or civil law, or any other circumstance the employee determines to justify the immediate notice.

#### **F. Required Response to Authority**

1. **Insubordination:** An employee will promptly obey and execute any and all lawful orders of a supervisor. This includes orders relayed from a supervisor through another employee. Insubordination includes, but is not limited to, the following:
  - a. Directly disregarding a supervisor's authority;
  - b. Disobeying a supervisor's orders - particularly in front of others. (If the order is unlawful, or creates a safety hazard it should be reported to the next level of supervision.)
  - c. Deliberately defying clearly stated City or department policies, rules, regulations, and procedures;
  - d. Criticizing, contradicting, or arguing with a supervisor in public or in front of other employees in any way that is negative and inappropriate;
  - e. Blatantly ignoring the supervisor's lawful instructions;
  - f. Displaying disrespect toward a supervisor including, but not limited to, tone of voice, facial expressions, hand or body gestures, or sarcastic comments;
  - g. Refusing to speak to or hanging up on a supervisor; or,
  - h. Leading or participating in an effort to undermine the authority of a supervisor. For the purposes of this section only, "supervisor" includes any employee designated by a Department Director to exercise authority in a given situation.
2. **Answering Questions and Giving Statements:** Upon the order of a supervisor, an employee will truthfully and completely answer all questions asked of the employee and render statements and materials related to the department or the City.
3. **Giving Testimony as to Investigations:** An employee shall not falsify or withhold evidence when an accident, claim, disciplinary matter, or other incident related to the City operation or an employee's job is being investigated by authorized City personnel. A City employee will not discuss a matter that could be or is included in any litigation involving the City without first obtaining authorization to discuss the matter from the employee's supervisor and City Attorney's Office.
4. **Violation of Law Prohibited:** An employee will not engage in, attempt, or conspire to engage in any conduct prohibited by Federal, State, or local law.
5. **Violation of City Policy Prohibited:** An employee will not engage in, or attempt or conspire to engage in, any conduct violating City policies, directives, procedures, or written departmental rules.
6. **Conflicting Orders:** An employee who is given a proper order that is in conflict with a previous order or regulation issued by a supervisor will respectfully bring to the attention of the supervisor issuing the order that it is in conflict with a previous order. If the supervisor giving the order does not alter or retract the conflicting order, then the last order issued by the supervisor will stand unless it is unlawful or creates an unsafe situation. Under these circumstances, the responsibility belongs to the last supervisor. In such situations, no supervisor will discipline or otherwise hold an employee responsible for following a subsequent, lawful order. When a subsequent order contrary to the provision of any previous lawful order, regulation, directive, or manual is given to an employee, the employee may submit a written report stating the facts and circumstances to his/her Department Director.

## G. Abuse of Position

1. **Fraudulent Orders for Materials:** An employee will not knowingly or intentionally use fraudulent purchase orders (PO), the City of Watauga City's purchasing system, or City credit cards in obtaining materials, property, or services. Additionally, an employee will not use his/her position with the City to fraudulently order materials.
2. **Abuse of Official Position:** No employee will sell or lend to another any City identification, such as an official identification card, badge, uniform, City business card, or health benefit card for any purpose. No employee will allow any other person to have access, directly or indirectly, to their employee passwords, codes, or user identification to access any electronic data systems, sites, or entrances to City facilities unless authorized by their Department Director. An employee will not reveal, directly or indirectly, any information they have as a result of their position with the City that has been deemed confidential by the City and/or the employee's department.
3. **Abuse of Position Through Political Activities:** An employee will not campaign for a political candidate or political action committee while in uniform or on duty. An employee will not, in their official capacity endorse a candidate, support a political issue, or participate in a political action committee. This section does not affect an employee's right to vote, support a candidate in their private capacity, or express their views, as long as doing such does not unduly disrupt the operations of the City.

## H. Employee Integrity

1. **Employee Truthfulness:** An employee will submit only truthful documents, records, and reports. No employee will knowingly enter or cause to be entered any inaccurate, false, or improper information, neither will the employee misrepresent the facts in any City record or report, nor will any employee alter any City record or report to reflect inaccurate, false, or improper information or misrepresent the facts. An employee will be truthful at all times in oral or written reports, whether under oath or not. No employee will knowingly omit a material fact from any report.
2. **Ignorance of Rules:** Ignorance of the rules and regulations is not an excuse or justification for any violation of them by an employee. An employee is responsible for his/her own acts. An employee will not attempt to shift the burden of responsibility for executing or failing to execute the employee's assigned instructions or responsibilities to any other person or entity.
3. **Recommendations Pertaining to Services:** An employee will not recommend to non-City employees or officials, or suggest in any manner (except as authorized by proper authority or in the transaction of personal business) the employment or procurement of a particular product, professional or commercial service (such as an attorney, doctor, ambulance service, towing service, plumber, mechanic, etc.) except as permitted by applicable City ordinance. This section does not apply to recommendations made in the transaction of an employee's personal business.

## I. Strikes

**Participating in Labor Strikes:** An employee will not engage in a strike or other unlawful work action against the City.

## **J. City Property**

1. **Unapproved Use of City Uniform:** An employee will not wear a City of Watauga City uniform while under disciplinary suspension or on leave, paid or unpaid.
2. **Unsafe Operation of Vehicles and/or Equipment:** An employee operating a vehicle and/or equipment will operate it in a careful and prudent manner, will obey all city and state laws, and will follow City policies, regulations, and procedures pertaining to vehicle and equipment operation.
3. **Processing Property:** Property, which has been received while on official business, will be processed in compliance with established departmental procedures. An employee will not convert to the employee's own use, manufacture, destroy, or remove any property found in connection with official business, except in compliance with established departmental procedures.

## **K. On Premises Rules**

**Possession of Prohibited Weapons and Fireworks:** An employee will not carry or possess privately owned firearms, explosives, fireworks, or any weapons while on duty. An employee will not carry, possess, or stored said items in City buildings or in City vehicles. It is an exception to this policy if the person must carry or possess such items in connection with their official duties as a City employee.