

## **CAMINO REAL REGIONAL MOBILITY AUTHORITY BOARD RESOLUTION**

**WHEREAS**, effective January 1, 2010, all entities that receive financial assistance from the Texas Department of Transportation (TxDOT) pursuant to 43 Tex. Admin. Code §27.50 *et. seq.* (the "Toll Equity Rules") are required to adopt and enforce an ethics and compliance program that meets certain requirements set forth in 43 Tex. Admin. Code §1.8;

**WHEREAS**, the Camino Real Regional Mobility Authority (CRRMA) is permitted to seek funding pursuant to the Toll Equity Rules and the CRRMA recognizes the importance of adopting and implementing an ethics and compliance program that addresses standards of conduct for CRRMA officers and employees and ensures that such standards are effectively communicated and enforced;

**WHEREAS**, CRRMA consultants have prepared a proposed Ethics and Compliance Policy, attached hereto as Exhibit "A", describing ethical obligations and duties of CRRMA officers and employees, setting forth an employee code of conduct and providing for appropriate oversight and enforcement of the CRRMA's ethics and compliance standards and procedures; and

**WHEREAS**, the CRRMA is committed to ensuring that its compliance standards and procedures are effectively communicated to CRRMA employees and agents and are consistently enforced and that the CRRMA Board receives appropriate information on ethics and internal compliance issues;

**NOW, THEREFORE, BE IT RESOLVED BY THE CAMINO REAL REGIONAL MOBILITY AUTHORITY:**

**THAT** the CRRMA hereby approves and adopts the CRRMA Ethics and Compliance Policy, attached hereto as Exhibit "A"; and **THAT** the CRRMA Ethics and Compliance Policy may be amended from time to time at the discretion of the CRRMA Board; and **THAT** the Chair is directed to take such steps as may be necessary to effectively communicate the CRRMA's ethics and compliance program to CRRMA employees and agents and to enforce the requirements of the program; and **THAT** CRRMA staff and consultants shall develop and implement a program to provide information on ethics and internal compliance issues to members of the CRRMA Board.

**PASSED AND APPROVED THIS 16<sup>TH</sup> DAY OF DECEMBER 2009.**

**CAMINO REAL REGIONAL  
MOBILITY AUTHORITY**

\_\_\_\_\_  
Harold W. Hahn, Chair

ATTEST:

\_\_\_\_\_  
Dr. Tony Payan (Alternate Secretary)

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Raymond L. Telles  
Executive Director

**HAROLD W. HAHN**  
CHAIR

**RALPH ADAME**  
VICE CHAIR

**TONY PAYAN**  
ALTERNATE SECRETARY



**DAVID MARCUS**  
TREASURER

**SCOTT McLAUGHLIN**  
MEMBER

**SUSAN A. MELENDEZ**  
MEMBER

**EXHIBIT "A"**  
**CRRMA ETHICS AND COMPLIANCE POLICY**

**CAMINO REAL REGIONAL MOBILITY AUTHORITY**  
**ETHICS & COMPLIANCE POLICY**

**I. General Statement of Policy**

The Camino Real Regional Mobility Authority (“CRRMA”) is committed to conducting its business in an ethical, honest, and open manner and to maintaining high ethical standards among its officers and employees. In furtherance of that commitment, the CRRMA adopts the following Ethics & Compliance Policy.

In addition to complying with the requirements of this Policy, CRRMA officers and employees must at all times abide by applicable federal and state laws and rules, the CRRMA bylaws, and CRRMA policies.

**II. Employee Code of Conduct**

Employees of the CRRMA and/or employees of the City of El Paso who are assigned to spend more than 20 hours per week working on behalf of the CRRMA and are subject to supervision or direction by the Executive Director or the CRRMA Board of Directors (collectively, “Employees”) must at all times comply with the City of El Paso Employee Handbook, a copy of which is attached as Attachment “A”, including, without limitation, the City of El Paso’s policies on Equal Employment Opportunity, Sexual Harassment, and Reporting of Fraud and Illegal Activity discussed therein. Additionally, Employees must comply with the standards of conduct set forth below.

*Conflicts of Interest, etc.*

Employees are prohibited from engaging in any activity that could create a conflict of interest or even the appearance of a conflict of interest with the employee’s duties and responsibilities to the CRRMA. Activities that could create a conflict of interest include, but are not limited to:

1. Transaction of CRRMA business with any entity in which the Employee is an officer, agent, member, or owner of a controlling interest;
2. Participation in a CRRMA project in which the Employee has a direct or indirect monetary interest;
3. Outside business or professional activities that could interfere with the Employee’s performance of duties on behalf of the CRRMA or impair the Employee’s independence of judgment with respect to the Employee’s performance of CRRMA duties;
4. Personal investments that are likely to create a substantial conflict between the Employee’s private interest and the interest of the CRRMA; and

5. Any activity that could result in the disclosure of confidential or sensitive information that the Employee has access to as a result of the Employee's position with the CRRMA.

Additionally, Employees of the CRRMA are subject to the conflict of interest provisions contained in Section 2.1 of the CRRMA's Policies and Procedures Governing the Procurement of Goods and Services.

If an Employee is uncertain as to whether a particular activity could create a conflict of interest, the Employee should consult the CRRMA's Executive Director or Outside Counsel prior to engaging in the activity.

#### *Gifts and Honoraria*

Employees are prohibited from accepting gifts, favors, benefits, or other compensation, whether in the form of money or other thing of value, which could influence them or even have the appearance of influencing them in the performance of their official duties. Additionally, as provided by Section 2.1 of the CRRMA's Policies and Procedures Governing the Procurement of Goods and Services, Employees may not accept or solicit any gift, favor, or service that might reasonably tend to influence them in the making of procurement decisions or that the Employee knows or should have known is being offered with the intent to influence the Employee's making of procurement decisions. Employees may accept meals offered in the course of normal business relationships and promotional items that do not exceed an estimated \$25 in value and are distributed as a normal means of advertising; provided, however, that Employees are explicitly prohibited from accepting any meals, gifts, or other items of value from potential vendors during pending procurements of the CRRMA involving such potential vendors or from individuals or firms reasonably expected to become a potential vendor to the CRRMA.

Employees may not accept an honorarium for appearing at a conference, workshop seminar, or symposium as a representative of the CRRMA other than reimbursement for food, transportation, or lodging.

If an Employee is uncertain as to whether he or she may accept a gift, favor, or benefit, the Employee should consult the CRRMA's Executive Director or Outside Counsel prior to acceptance.

#### *Use of CRRMA and City of El Paso Property*

Computers, including all software, hardware, internet, and email systems; modems; printers; telephones; cellular phones; fax machines; copy machines; and other electronic and communications equipment owned or leased by the CRRMA or provided by the City of El Paso for use by the CRRMA may be used for official CRRMA purposes only. Employees may, however, make brief personal telephone calls for which neither the CRRMA nor the City of El Paso incurs any additional charges. Employees do not have an expectation of privacy when using CRRMA or City of El Paso electronic and communications equipment, and all emails, computer files, and telephone records are the property of the CRRMA and are subject to disclosure under the Texas Public Information Act, discovery in litigation, and/or examination by managers or supervisors.

Employees must immediately report lost or stolen CRRMA or City of El Paso property to the Executive Director or to the Chairman of the CRRMA. Misuse or theft of CRRMA or City of El Paso property may result in disciplinary action, including criminal prosecution.

#### *Criminal Activity*

The CRRMA will perform criminal background checks on all final applicants for any position involving the disbursement of CRRMA funds or the handling of cash, checks or credit cards; negotiable documents and materials; or highly confidential or sensitive information. All applicants admitting a felony conviction on their application materials will also be subject to a criminal background check. Additionally, the CRRMA may at its discretion perform criminal background checks on applicants for any other position.

If an Employee is charged with a felony or a misdemeanor other than a traffic violation, the Employee is required to immediately inform the Executive Director of the CRRMA. If the Executive Director is charged with a felony or a misdemeanor other than a traffic violation, the Executive Director is required to immediately inform the Chairman of the CRRMA. The CRRMA may take steps to respond to criminal violations consistent with Section V below, up to and including termination of employment.

#### *Records Retention and Open Records*

Employees must maintain all CRRMA records in accordance with the CRRMA's Policies and Procedures for Retention of Records. In the event that litigation is filed against the CRRMA or is reasonably anticipated to be filed, the CRRMA's Outside Counsel may determine that it is necessary to implement a litigation hold in order to ensure the preservation of all records related to the lawsuit. Employees must refrain from destroying any records that are the subject of a litigation hold.

Members of the public may make written requests for records maintained by the CRRMA. In the event that an Employee receives a written request for information, the Employee must notify the Executive Director immediately so that the CRRMA may respond to the request within the time frame prescribed by the Texas Public Information Act. Employees must refrain from destroying any records that are the subject of a pending public information request.

#### *Acknowledgement*

All Employees must sign an acknowledgment, in the form attached as Attachment "B", acknowledging that they have received, read, and understand this Code of Conduct and that they will comply with the requirements herein.

### **III. Training Regarding Ethics & Compliance Standards**

Upon beginning service or employment with the CRRMA, all officers and Employees shall be provided with a copy of this Ethics & Compliance Policy and shall receive orientation on ethics laws and policies. Additionally, officers and Employees of the CRRMA shall receive

periodic training on the requirements of this Ethics & Compliance Policy and on ethics issues generally.

#### **IV. Oversight & Reporting of Suspected Violations**

The Executive Director of the CRRMA is responsible for monitoring and enforcing Employee compliance with this Ethics & Compliance Policy and has full authority over all Employee functions and activities.

If an officer or Employee becomes aware of a suspected violation of this Ethics & Compliance Policy, a violation of law, or a breach of fiduciary duty by any officer, Employee, or agent of the CRRMA, he or she must immediately report the suspected violation to the Executive Director or the Chairman of the CRRMA. The Executive Director or Chairman shall respond to evidence of any suspected violation or breach by taking appropriate action, including adopting or enforcing appropriate remedial measures or sanctions. Retaliation against those who come forward to raise concerns or report suspected violations will not be tolerated by the CRRMA.

#### **V. Enforcement & Response to Offenses**

Conduct that violates state or federal law or this Ethics & Compliance Policy or that discredits or interferes with operations of the CRRMA will not be tolerated and may result in an Employee's immediate dismissal. Additionally, Employees are subject to discipline and dismissal under the terms of the City of El Paso Employee Handbook.

Examples of behavior that may result in an Employee's immediate dismissal include, but are not limited to:

- gross negligence of job duties
- theft or misuse of CRRMA or City of El Paso property
- fraud, dishonesty, or falsification of CRRMA records
- unlawful use, sale, manufacture, distribution, dispensation, or possession of narcotics, drugs, or controlled substances while on CRRMA or City of El Paso premises
- violation of the City of El Paso's policy on sexual harassment or offensive or degrading remarks about another person's race, ethnicity, color, ancestry, national origin, disability, religion, creed, age, gender, sex, sexual orientation, or any other characteristic protected by law
- assault of or verbal threat to a fellow Employee, officer, agent, or customer
- criminal conduct
- insubordination
- job abandonment
- violation of safety rules
- failure to address a recurring problem for which the Employee has already been disciplined
- unprofessional conduct or behavior that negatively impacts the CRRMA's public image, credibility, or integrity.

The CRRMA may, but is not required, to take corrective action to make an Employee aware of a problem related to the Employee's conduct and to provide an opportunity for the employee to remedy the problem. Such corrective action may include an oral conference, a written warning, and/or suspension. However, nothing herein shall limit the CRRMA's right to terminate an at will employee at any time, for any reason, with or without cause or notice.

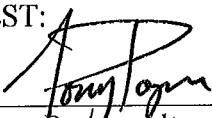
**APPROVED AND ADOPTED THIS 16<sup>TH</sup> DAY OF DECEMBER, 2009.**

CAMINO REAL REGIONAL  
MOBILITY AUTHORITY



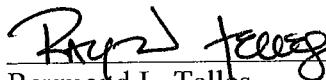
Harold W. Hahn, Chair

ATTEST:



Dr. Tony Payan, Alternate Secretary

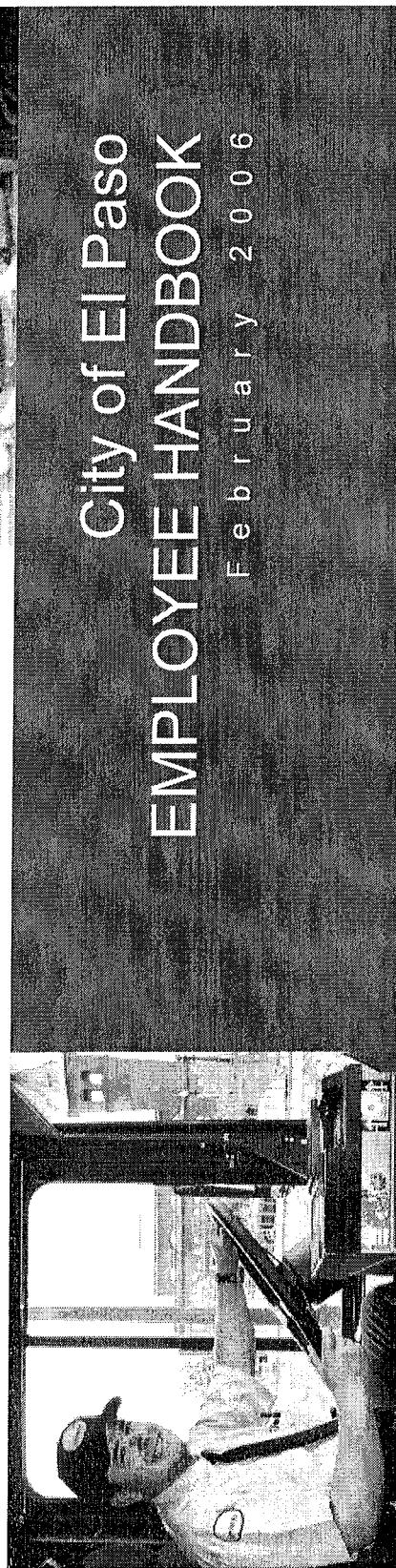
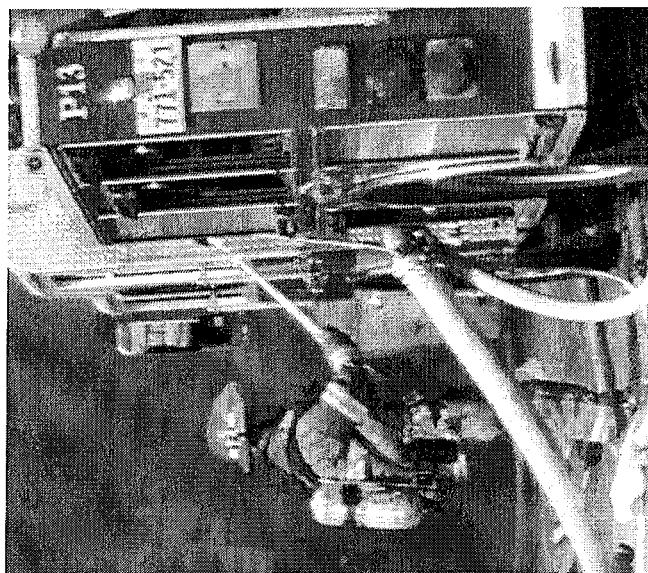
APPROVED AS TO CONTENT:



Raymond L. Telles  
Executive Director

**Attachment "A"**

**City of El Paso Employee Handbook**





W E L C O M E

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We welcome you as a new employee of the City of El Paso. It is our sincere hope that you find your work here enjoyable and rewarding.

As a new employee you will want to get acquainted, not only with your job and your co-workers, but also with our procedures and programs. This handbook will assist you in learning your responsibilities as a City employee and understanding City Government.

This handbook is not an official rulebook, employment contract or legal document. It is an introduction and a guide designed to help you make a smooth adjustment to your job. If, after reading this handbook and attending New Employee Orientation, you find that something is still unclear, do not hesitate to ask your supervisors. If they do not have the answers to your questions, please do not hesitate to contact the Human Resources Department. We are here to serve you in any way we can.

CONGRATULATIONS on your new job. We hope that your employment with the City of El Paso will be a satisfying and productive experience.

EQUAL OPPORTUNITY EMPLOYER

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## Y O U R C I T Y G O V E R N M E N T

A Mayor and eight District Representatives govern the City of El Paso. These officials, as well as the Judges of the Municipal Courts, are elected. The City Manager is appointed by a majority of vote of the Council. All other employees are appointed by the City Manager or by Department Heads. The City Manager is the Chief Administrative Officer and is responsible for the operation of all departments within the City.

The City Council is the lawmaking body and sets the policy for matters over which the municipal government has jurisdiction. City laws must be introduced at a public hearing and passed at a Council meeting. Our City operates under a City Charter that may be revised by the voters. Normally a majority vote of the Council is required to establish policies, rules or ordinances. A majority of the Council constitutes a quorum and, with or without the Mayor, they can take official action. The Mayor can veto any Ordinance or Resolution, except for any City Council action that removes the City Manager, and the Representatives can override a veto with a three-fourths vote of the entire body.

The Mayor and Representatives appoint members of various advisory boards and committees to assist in the operation of city government. The members of these boards and committees are volunteers and receive no compensation.

## C I V I L   S E R V I C E   C O M M I S S I O N

The Civil Service Commission oversees the operation of the Civil Service system and ensures its fairness, economy and efficiency. The Mayor and City Council, in consultation with the Commission, appoint nine Civil Service Commissioners. Commissioners serve staggered three-year terms. The Commission meets on the second and fourth Thursday of each month and holds special and emergency meetings when necessary. The members of the Commission serve without salary.

The Commission recommends, to the Council, amendments to the Civil Service Rules and hears appeals or complaints by or concerning employees of the classified service.

# What the CITY EXPECTS OF YOU

You are now part of an active and progressive City Government. You must set the example for our fellow citizens and co-workers. We are continuously working to make El Paso a more enjoyable and attractive place to live. Your personal contribution is required to make our City government responsive and efficient for the citizens of El Paso and your co-workers.

Our primary function is to provide service. You are a very important person to the citizens and your co-workers. They will be the recipients of the service that you provide. The effectiveness of our organization depends upon each employee. Our combined efforts will result in a well-run, efficient City Government. Employees, who are required to answer a phone, will answer not later than the third ring, identify their department and give their name. Be knowledgeable about your department and the City organization so you may assist the caller in the most efficient manner. If necessary, take a message, get the information requested and return the call.

Whether your job demands enforcement of laws, ordinances, paving streets, filing cards, or answering inquiries, it is extremely important that your contacts with the public and your co-workers be professional, fair and courteous. Treat all inquiries as if you were on the receiving end of the information or assistance. Just as the City Government believes each City employee is an important individual, the rights of citizens and your co-workers should be respected. It is essential that every citizen and co-worker be treated with dignity and consideration. The public will judge your department and all of El Paso City Government by your attitude and efficiency.

You are expected to carry out your responsibilities and to follow all City Charter provisions, Civil Service Commission Rules, City policies and Departmental rules and procedures as they relate to you and your job.

## I N F O R M A T I O N   A B O U T   Y O U R   J O B

### **EQUAL OPPORTUNITY**

It is the policy and practice of the City to recruit, hire, train and promote employees without discrimination on the basis of race, religion, color, political affiliation, physical or mental disability, national origin, sex, marital status, age, sexual orientation, gender identification, or membership or non-membership in any employee association or any other non-job related characteristic.

able person who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

The City has a policy which ensures that no qualified individual with a disability shall solely by reason of their disability, be excluded from participation in, denied the benefits of, or be subjected to discrimination under any programs, activities or employment practices. The City abides by all state and federal regulations regarding employment discrimination and has established both an "Affirmative Action Plan" and an "Equal Employment Opportunity Plan" to comply with all Equal Employment Opportunity laws.

In accordance with the Americans with Disabilities Act (ADA), employment discrimination against a "qualified individual" with regards to all aspects of employment activities of the City of El Paso is a violation of the Act and is strictly forbidden. "Qualified" is defined as a dis-

<p>It is the policy of the City to maintain a working environment free of harassment and intimidation, and to foster the fair and respectful treatment of employees and individuals interested in employment with the City.</p>	<p>The City is ONLY interested in your ability to perform your duties. This policy and practice applies to all aspects of Human Resources administration such as recruiting of applicants, testing, interviewing, hiring, training, promoting, disciplining, transferring, compensating, granting leaves of absences, and participating in benefit programs.</p>	<p><b>TRAINING</b> An orientation, conducted by the Human Resources Department, is held for new employees within the first few months of employment. This program is designed to acquaint you with the history and functions of the City organization. It will inform you of what to expect and what is expected of you as a City employee.</p>	<p><b>HIV/AIDS POLICY</b> The City prohibits employment discrimination against persons infected with HIV. It is the policy of the City of El Paso to treat all medical information regarding HIV/AIDS as confidential. The City considers AIDS a medical disability as defined under the American with Disabilities Act and as defined by the Texas Commission on Human Rights Act. The City ensures that its HIV/AIDS policies are consistent with current information from public health authorities, such as the Center for Disease Control of the United States Public Health Services, and with State and Federal laws and regulations.</p>
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employment records of present and former employees. Your personnel file is a record of your employment application, correspondence, performance evaluation ratings and changes in your official status such as salary changes, promotions and transfers.

A record of awards earned, training completed, commendations received, disciplinary actions and similar information is also maintained in your file. You may want to include in your personnel record any academic studies you have completed that may be a factor in furthering your career with the City. It is important that you keep your personnel file current.

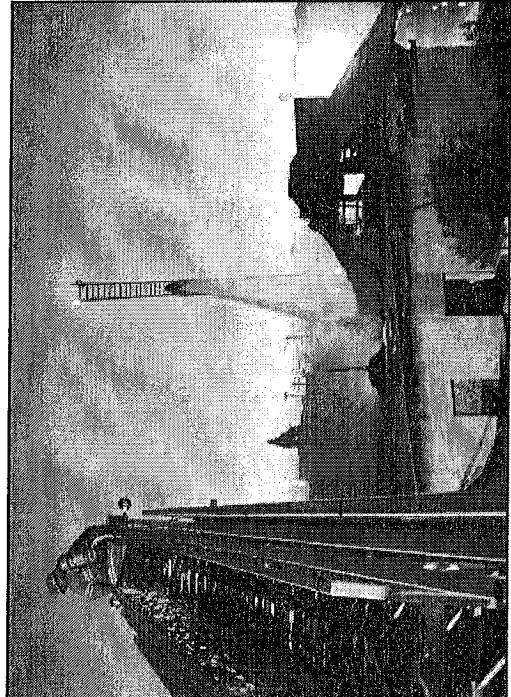
You have an obligation to help your department and the Human Resources Department keep your records up-

to-date. They should be advised immediately of any changes in your name, marital status, number of dependents, address, telephone number and beneficiaries. You may review the contents of your personnel file, but you may not remove or change any document or information.

You may also request a copy of any document in your file. Appointments to review your file should be made with the Payroll and Records Section of the Human Resources Department.

#### WORKING HOURS

The City renders service 24 hours a day, seven days a week. As a consequence, the daily hours of work and the work-week of City employees varies according to the services rendered by the particular department or division.



Most employees work from 8:00 A.M. to 5:00 P.M., Monday through Friday with a one-hour lunch period. Some departments may vary this schedule. Your department supervisor will inform you of your work, break and lunch schedule. In order to meet operational needs, some Departments may not allow "breaks" or "lunch". Breaks are a privilege extended by the Department and may not be combined or accrued. Employees may not leave their work site during "breaks". Your supervisor must approve all work schedule adjustments. Firefighters, Police Officers and some other City employees have "shift" schedules and work accordingly.

#### TARDINESS OR ABSENCE

You are expected to report to work on time at the beginning of your scheduled work period. If you know in advance that you are going to be late or absent, be sure to notify your supervisor prior to your report time so arrangements can be made for someone to cover your workstation. An unexcused absence of three or more successive days will be cause for suspension, demotion or termination.

#### PAY DAY AND DEDUCTIONS

You will be paid bi-weekly by check at your workstation or through direct deposit. Bi-weekly pay dates are every other Friday throughout the year. In the event these dates fall on a City holiday, the City customarily issues the paychecks on the day preceding the holiday.

As you may know, the net amount you receive in your paycheck is not the full amount of money you earn. An earnings statement showing your total gross earnings, deductions, the year-to-date dollar amounts and leave balances will be provided to you each pay period. It is your responsibility to check this earnings statement for any errors.

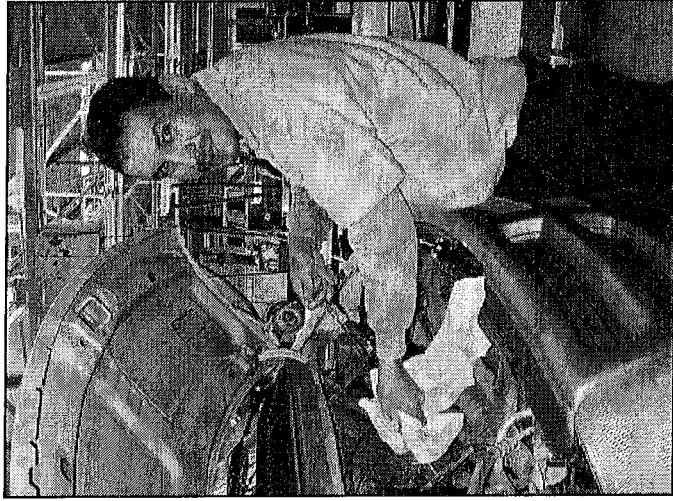
#### DRUG FREE WORKPLACE

It is the policy of the City of El Paso to provide a drug-free, healthful, safe and secure work environment. This policy applies to all City employees. Any use, possession, manufacture, sale or distribution of illegal drugs, inhalants or drug paraphernalia on City premises, vehicles or work sites during working hours or reporting to

work under the influence of drugs, inhalants or alcohol are causes for disciplinary action up to and including termination.

City employees shall not report to work, remain on duty, or be on-call for duty while under the influence of illegal drugs or alcohol. It is also the policy of the City that employees shall not have their ability to work impaired as a result of the use of alcohol or drugs. All employees are required to comply with this policy. Any employee engaging in such activities will be subject to disciplinary action for misconduct, up to and including termination.

The Director of Human Resources will inform employees of the existence and content of the Drug-Free Workplace policy and possible consequences of violation of its requirements. Employees who are convicted of any alcohol, inhalant, or drug violation which occurs in the workplace or while off duty must report the conviction to their Department Head and to the Director of Human Resources within five (5) calendar days of the conviction. Employees are also required to report deferred adjudications and or pleas of nolo contendere. Employees who are convicted of any alcohol, inhalant or drug violation which occurs in the workplace or while off duty may be subject to disciplinary action, up to and including termination.



#### **SMOKING POLICY**

It is the policy of the City of El Paso "Workplace Smoking Policy" to prohibit smoking in its buildings and vehicles.

and other verbal or physical conduct of a sexual nature will be considered harassment when:

- Submission to such conduct is made either openly or by implication of a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that person; or
- Such conduct unreasonably interferes with the individual's work performance or creates an intimidating, hostile, or offensive working environment.

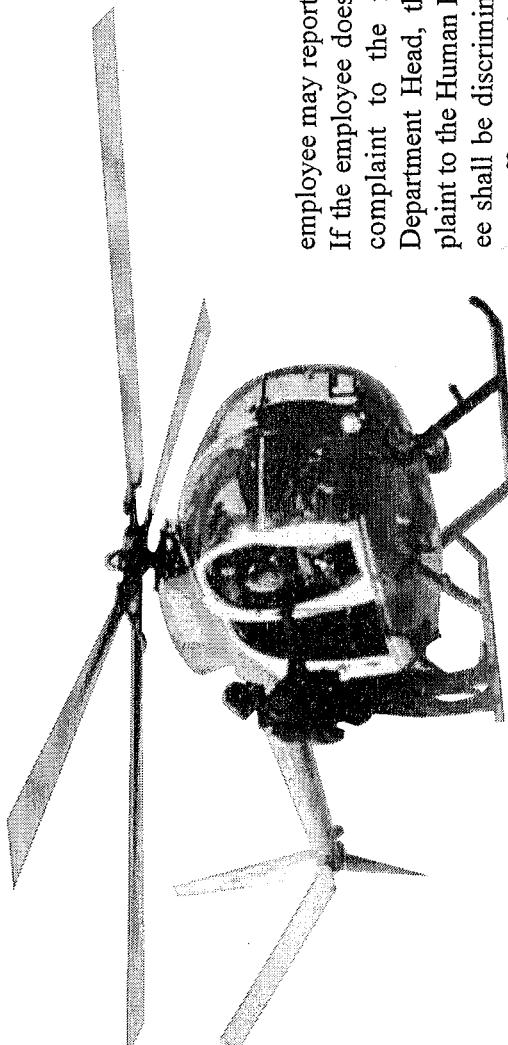
#### **SEXUAL HARASSMENT**

Sexual harassment, which is any unwelcome sexual conduct which occurs under one or more of the following conditions, is prohibited and shall not be tolerated. Unwelcome sexual advances, requests for sexual favors,



Any manager, supervisor or employee who engages in such conduct is subject to discipline up to and including termination.

Sexually oriented jokes, remarks, gestures, or pictures will not be tolerated.



employee may report it directly to the Department Head. If the employee does not feel comfortable reporting the complaint to the immediate supervisor or to the Department Head, the employee may report the complaint to the Human Resources Department. No employee shall be discriminated against, harassed, intimidated, nor suffer any reprisal as a result of reporting violations of this policy in good faith.

#### **REPORTING VIOLATIONS OF SEXUAL HARASSMENT OR OTHER TYPE**

##### **DISCRIMINATION**

Employees who experience discrimination based on race, gender, national origin, sex, marital status, age, or sexual harassment,—should immediately report it to their supervisor. However, if the employee, for whatever reason, does not want to report it to the immediate supervisor, the

#### **REPORTING FRAUD OR OTHER ILLEGAL ACTS**

Any City employee who has reason to believe that there may have been an instance of fraud, or other illegal act in connection with a City program, function or activity shall report it immediately to their supervisor or manager or to their department head, the City Manager's Office or the City Auditor as soon as possible.

Reports will be investigated as expeditiously as possible. Where investigation confirms that fraud or another illegal act has occurred, appropriate corrective action will be taken. Employees who commit fraud or other illegal acts will be subject to disciplinary action up to and including termination of employment.

Employees who report incidents of fraud or illegality or who assist in an investigation shall be protected from retaliation of any sort. However, any employee who assists in an investigation but who is found to have participated in the illegal act or fraud being investigated remains subject to discipline. In addition, if it is determined that a report was not made in good faith, or that an employee intentionally provided false information regarding an allegation, disciplinary action may be taken.

Any employee who believes that he/she has experienced retaliation for making a report or assisting in an investigation shall report this as soon as possible to the department head, Director of Human Resources, or to the appropriate manager.

#### **RETURN TO DUTY WITH MEDICAL OR PHYSICAL RESTRICTIONS**

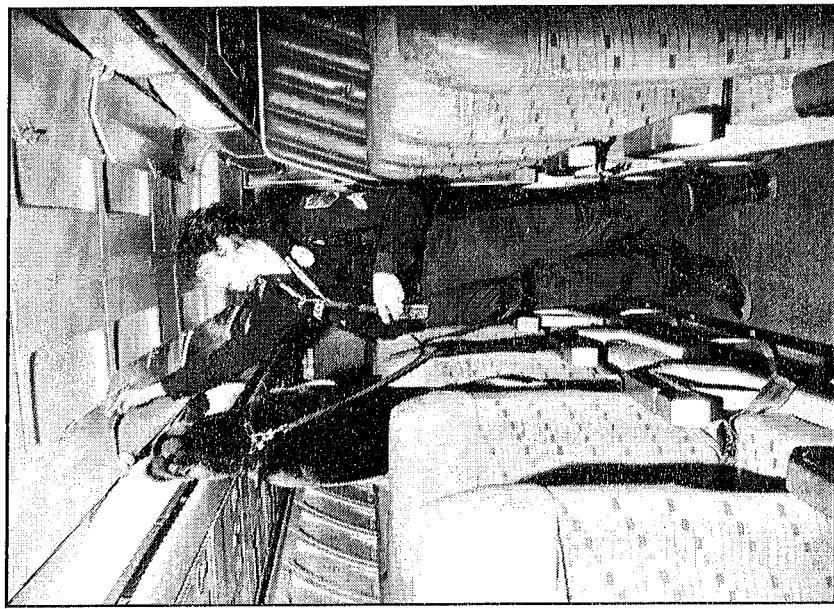
The City has no permanent light duty positions. However, it is the City's policy to attempt to assist employees in their recovery by trying to accommodate employees who are returning to work with temporary medical or physical restrictions. The accommodation benefits the employee by allowing the employee to continue to earn income while recovering from illness or injury. The accommodation also benefits the City by helping the employees maintain proficiency in their skills and the employee continues to perform services for the City. The City will balance the possibility of accommodation with the Department's ability to continue to function efficiently and effectively.

Employees returning to work with medical or physical restrictions, either temporary or permanent, will be evaluated to determine whether the employee is able to perform the essential functions of the position, with or without reasonable accommodation. The assessment of whether an employee can be accommodated does not

denote, represent, or signify that the employer regards the employee as a "qualified individual" with a disability under the requirements of the Americans with Disabilities Act.

#### **Temporary Medical or Physical Restrictions**

1. A temporary restriction is a restriction that does not exceed three months.
2. Once an employee knows he or she is going to be released to return to duty with a temporary restriction, the employee should provide his or her immediate supervisor with documentation immediately. The employee may fax the documents to the supervisor.
3. The written documentation from the employee's health care provider must indicate the nature of the illness or injury, the type of restrictions, and the duration of the restrictions. If the employee returns to work with documentation that does not indicate the nature of the illness or injury, the type of restrictions, and the duration of the restrictions, the employee will be asked to provide additional medical documentation to clarify the nature and extent of the restrictions.



- The employee will not be allowed to work until such documentation is provided. The employee will be placed on unpaid leave, unless the employee opts to use any accumulated sick or vacation leave, the exercise of such option must be in writing.
4. Once a supervisor receives appropriate documentation, the supervisor will meet with the Department Head or the Section Head to determine whether the restrictions impact any of the essential functions of the position. The determination will be made based upon a review of the job specifications for the position.
  5. Once a determination is made that the restrictions do not prevent the employee from performing any of the essential functions of the position, the Department Head will determine whether the restrictions, to include the duration of the restrictions, will impact the operational needs and requirements of the department.
  6. If the temporary restriction(s) do not affect the employee's ability to perform the essential functions of the position and will have a minimal impact on the

operational needs and requirements of the department, the supervisor will notify the employee and the employee must report to work the next day after notification.

7. If a determination is made that the temporary restrictions prevent the employee from performing the essential functions of the position or the impact on the operational needs and requirements of the department are significant, the employee will be placed on unpaid leave until the restrictions are lifted. The employee may opt to use any accumulated sick or vacation leave, the exercise of such option must be in writing.
8. Pending the determination of whether the restrictions prevent the employee from performing the essential functions of the position, the employee will be placed on unpaid leave, unless the employee opts to use any accumulated sick or vacation leave, the exercise of such option must be in writing.

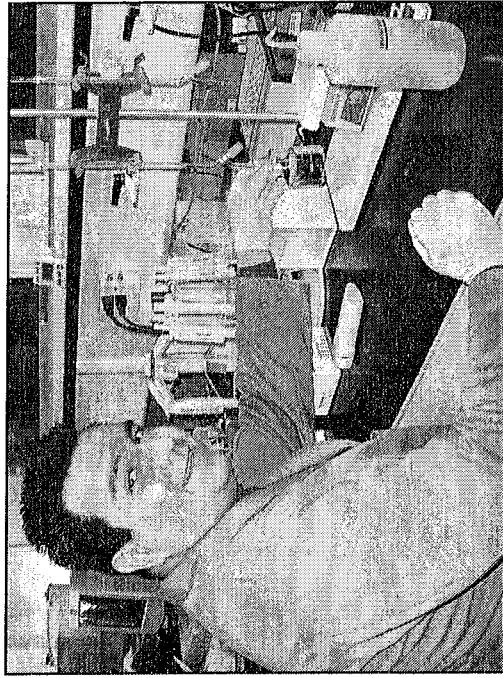
**Permanent Medical or Physical Restrictions**

1. Once an employee knows he or she is going to be released to return to duty with a permanent restriction, the employee should provide his or her immediate supervisor with documentation immediately. The employee may fax the documents to the supervisor.
  2. The written documentation from the employee's health care provider must describe the nature, severity, and duration of the impairment; the activity or activities that the impairment limits, the extent to which the impairment limits the employee's ability to perform the activity or activities and substantiate why the accommodation is needed. If the employee returns to work with documentation that does not indicate the nature of the illness or injury, the type of restrictions, and the duration of the restrictions, the employee will be asked to provide additional medical documentation to clarify the nature and extent of the restrictions. The employee will not be allowed to work until such documentation is provided. The employee will be placed on unpaid leave, unless the employee opts to use any accumulated sick or vacation leave, the exercise of such option must be in writing.
  3. Once a supervisor receives the documentation, the supervisor will immediately notify the Human Resource Department. The HR Department, in conjunction with the Department Head or the Section Head will determine whether the employee can perform the essential functions of the position, with or without reasonable accommodation. If the employee can perform the essential functions of the position, the supervisor will notify the employee and the employee must report to work within the next three working days.
  4. If the employee cannot perform the essential functions of the position, with or without reasonable accommodation, then the Human Resources Department will advise the employee of the option of requesting a medical reassignment. Under the medical reassignment provisions, the employee will be considered for reassignment to a vacant equal or lower-grade position.
- The employee must meet the minimum education and experience requirements of a vacant position and

must be able to perform the essential functions of the position in question with or without a reasonable accommodation. If no such position exists, the employee will be placed on a reinstatement list.

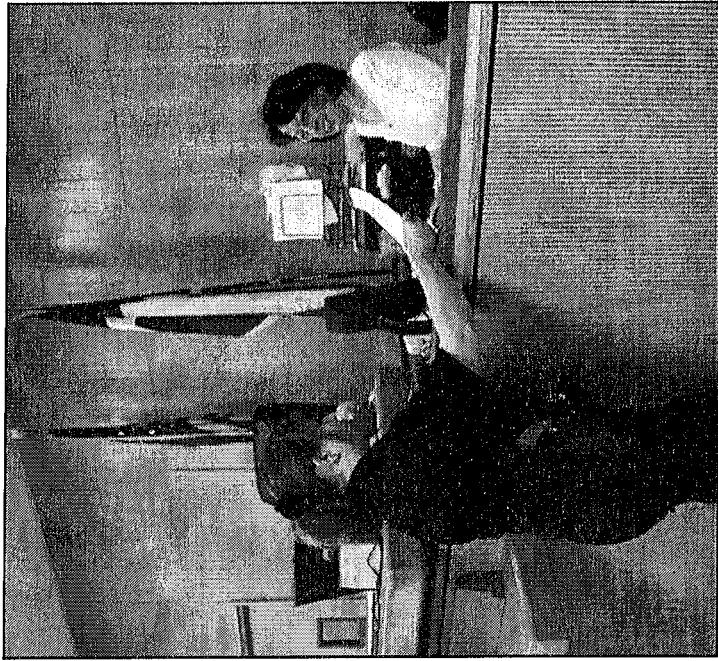
#### FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act ("FMLA") guarantees many eligible City employees rights to certain types of unpaid leave and job reinstatement upon returning from such leave. Additional information on the FMLA can be obtained by contacting the Human Resources Department and by referring to the FMLA notice posted on the official bulletin board at each department. Generally, the FMLA allows up to 12 weeks of leave during a "rolling" 12-month period for the birth of a child; the adoption of a child or placement of a child for foster care; to care for a spouse, son, daughter, or parent who has a serious health condition; or because of an employee's own serious health condition that makes the employee unable to perform the functions of his job.



#### Requesting FMLA Leave

To obtain a leave of absence based on an employee's own serious health condition, the employee must provide his or her supervisor with a note from the employee's doctor no later than the fifteenth calendar day of absence indicating the date on which the serious health condition commenced,



the probable duration of the condition, appropriate medical facts within the knowledge of the employee's doctor regarding the condition, and that the employee is unable to perform the functions of his or her position because of the condition. The employee will be required to provide periodic updates from the employee's doctor on the serious health condition, as well as a fitness-for-duty certification when the employee seeks to be reinstated, consistent with the FMLA. If, for medical reasons, the employee is unable to deliver any doctor's note required under this paragraph, the employee may have a friend, family member or health care provider deliver them. The employee must provide a medical release upon returning from any medical leave.

To obtain leave so that an employee may care for a spouse, child or parent with a serious health condition, the employee must provide his or her supervisor with a note from that individual's doctor stating that the employee is needed to care for the individual and estimating the amount of time involved. The employee may be required to provide periodic updates on the family member's con-

dition and on the employee's continued need to care for that person consistent with the FMLA.

To obtain leave based on the birth or placement for adoption or foster care of a child or on planned medical treatment and such leave is foreseeable, an employee must notify his or her supervisor or the Human Resources Department not less than 30 days before the employee plans to commence leave. If it is not possible to give 30 days' notice, the employee must give as much advance notice as is practicable.

Generally, FMLA can be taken intermittently or on a reduced leave schedule. However, when the qualifying event is the birth or placement of a child, an employee can only take intermittent or reduced leave with the permission of his or her Department Head. Any requests for intermittent or reduced leave should be made to the Human Resources Department.

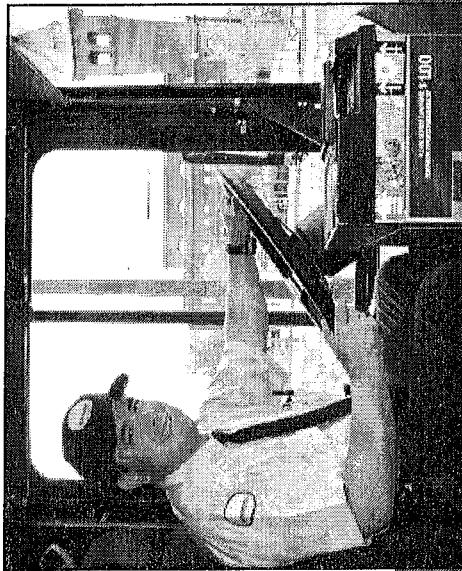
#### **Benefits During FMLA Leave**

The City requires any employee taking leave under

FMLA to utilize accrued but unused vacation and sick leave during the leave of absence, provided that it is not used to receive more compensation than the employee would receive were the employee working. The City also requires employees to utilize, to the maximum extent allowed, any other City-sponsored benefits (such as disability or wage benefits) while the employee is on FMLA leave.

Obviously, any family and medical leave taken by the employee will be counted against the employee's allowance of twelve weeks' leave provided by the FMLA. The 12-month period in which the 12 weeks of leave entitlement occurs will be calculated based on the 12-month period measured forward from the date any employee's first FMLA leave begins. Thus, an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period.

During an approved leave of absence, there is no break in



an employee's seniority unless an employee is on an unpaid leave of absence for thirty or more consecutive days. However, any performance reviews which would normally occur at a time when the employee is on leave will be rescheduled and review dates will be adjusted to reflect the period of leave.

Employees on unpaid leave of absence are not entitled to holiday pay for those holidays falling during the leave. Additionally, benefits such as vacation time and sick leave do not accrue during an unpaid leave of absence.

During any FMLA leave, the City will maintain its share of an employee's coverage under any group health or insur-

ance plan on the same conditions as if the employee was not on leave. This means that, during any unpaid leave of absence, an employee must continue to pay his or her share of the cost of any insurance coverage that the employee has elected to make under the City's benefit program. The employee must make arrangements with the Insurance and Benefits Department to make any such payments.

#### **Returning from FMLA Leave**

An employee must present an acceptable fitness-for-duty certification upon return from FMLA leave which was the result of the employee's own serious health condition. An employee returning from FMLA will normally be reinstated to the same position the employee held before the leave or to a position with equivalent pay, benefits, and other terms and conditions of employment.

If an employee fails to return to work at the expiration of his or her approved leave of absence, the employee will be considered to have voluntarily resigned the day after completion of the leave of absence and be terminated

effective on that date. If an employee is offered a job for which the employee is qualified and refuses it, or if the employee accepts other employment during the leave, the employee will be considered to have voluntarily terminated his or her employment. In the event that an employee does not return to work following FMLA leave, the City may, in certain circumstances, recover from the employee the cost of any payments made to maintain the employee's benefit coverage. Please contact the Human Resources Department if you have any questions about this issue.

#### **Key Employee Exception**

The City may deny certain FMLA rights to an employee who is considered a "key employee" under the Act. Under this exception, employees who are paid on a salary basis and are among the highest paid 10% of all employees within a 75-mile area of the employee's worksite may not be entitled to restoration following FMLA leave if the restoration of that employee will cause substantial and grievous economic injury to the operations of the City. In this "key employee" situation, the employee may be

given an opportunity to return to work for the City in an alternative position, but not necessarily at the same level or pay.

#### **TUITION ASSISTANCE PROGRAM**

Permanent employees are eligible to enroll in the Tuition Assistance program after completion of 6 months of continuous service. The City will reimburse up to 80% of the cost of tuition and applicable fees, based on the current tuition rates set forth by the University of Texas at El Paso.

Uniformed Fire and Police employees do not participate in the City's Social Security Plan.

#### **DEFERRED COMPENSATION**

This is a program that permits you to authorize a portion of your salary to be withheld, invested and returned to you at a later date. Neither the deferred amount nor earnings on the investments are subject to current Federal Income Taxes. Taxes become payable when the deferred income plus earnings are distributed to you.

To be qualified for reimbursement, employees must file a program application with the Human Resources Department.

#### **SOCIAL SECURITY**

The employee and the City contribute to the cost of Federal Social Security Benefits, each at a rate of 7.65% of gross pay. Additional information about Social Security benefits or eligibility may be obtained by contacting the local Social Security Administration Office.

#### **COMPENSATION**

All positions in the City are evaluated on the basis of the complexity of the duties to be performed, level of responsibility, necessary experience and skills, required licenses and other related factors. Based on these factors, positions are assigned to appropriate job classes and grades. Each class grade consists of a pay range having a minimum and maximum salary level and a fixed number of intermediate levels.

### **"OUT-OF-SPEC" WORK**

Although employees are hired to perform specific job duties, your supervisors may ask you to perform other duties not listed in your job description. In such cases the working out of class rule will apply.

### **HEALTH AND LIFE COVERAGE**

The City is self-insured for health benefits and purchases life insurance coverage for City employees. Full-time City employees may enroll in the City of El Paso Health Benefit Program. The health coverage is also available for eligible dependents. The employee and the City share the cost of health benefit coverage. The City provides basic term life coverage, accidental death and dismemberment coverage and life coverage for spouse and eligible dependents at no cost to the employees. Health and life coverage selected by the employee become effective after 30 days of full-time employment. You must enroll in these programs to receive these benefits. If you wish to make any changes to your coverage after your initial selection, you must contact the Insurance and Benefits Office.

Uniformed Fire and Police employees should refer to their current collective bargaining agreements to determine their benefit coverage.

### **PROFESSIONAL APPEARANCE STANDARDS**

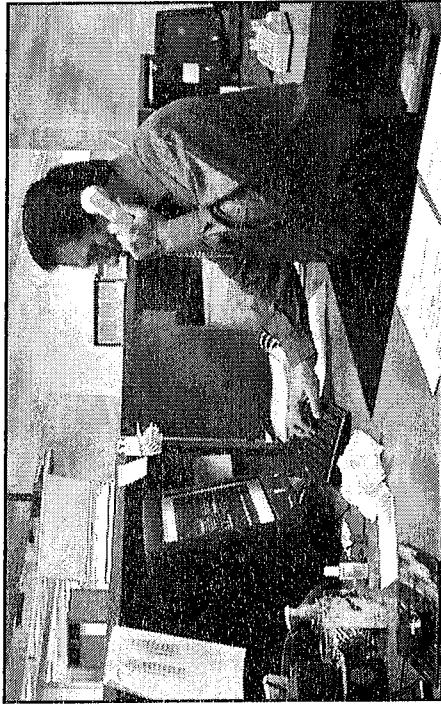
As representatives of the City of El Paso, employees must recognize that their appearance is a direct reflection of the level of professionalism in the organization. For this reason, all employees shall follow these basic minimum standards in regard to dress and personal appearance.

#### **Standards**

1. Employees in an office environment that require contact with the general public (i.e., citizens, contractors, governmental representatives, etc.) should dress in a manner that is in keeping with the accepted standards of professional office attire. Even though the essential functions of an employee's job may not involve direct contact with the public, being housed in a building where members of the public visit constitutes direct contact. Athletic clothing, unless job-related, is prohibited. Denim garments are prohibit-

environment. Acceptable items include oxfords, pumps, boots and flats. Athletic shoes are prohibited. Hosiery is optional when wearing attire below the knee. All other times, hosiery is required.

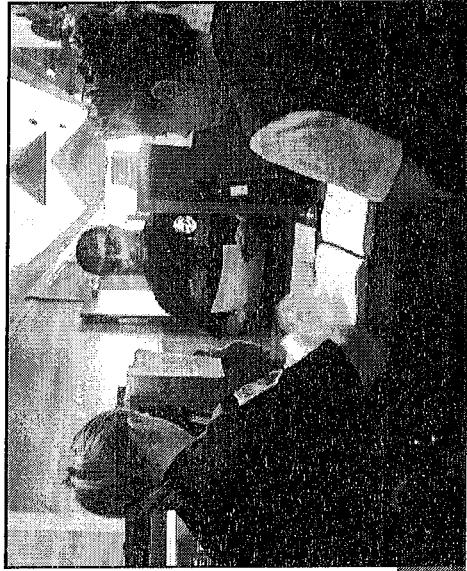
4. If an employee requires an exception regarding their dress, they should contact the Personnel Department. Accommodation requests that are reasonable, for bona fide reasons and do not result in undue hardship for the City, will be granted.
5. An employee who is in doubt about the appropriateness of a particular mode of dress must consult their supervisor or Department Director in advance. Department directors and supervisors are charged with the responsibility of enforcing these standards.
6. Employees not conforming to the City's professional appearance standards will be sent home. An employee may return to work only when he/she is in full compliance with the standards. In addition, employees who refuse to comply with these standards will be subject to disciplinary action up to and including termination of employment.



ed for employees who work primarily in an office setting, except as authorized in section 2.

2. Non-uniformed employees in non-office positions should dress suitably for their work environment. Denim clothing will not be allowed for any employee who works primarily in an office setting, with the following exception. The last Friday of every month employees are allowed to wear nice denim clothing, properly laundered and in good condition.
3. Footwear should also be appropriate for the work

<b>TRAVEL</b>	All travel requests must be processed in accordance with the City's travel policy.	<b>SAFETY POLICY</b>	The purpose of the government and employees of the City of El Paso is to provide a variety of services essential to the health, safety and well-being of the community and its citizens. We are obligated to provide the citizens of El Paso with the best and most complete services possible. Incidents that result in injury to city employees and/or damage to city property delay or prevent the successful accomplishment of our jobs.
<b>EXIT INTERVIEW</b>	Upon notice of separation from City employment, you must report to the Human Resources Department for an exit interview. The exit interview is held so that the City can identify those factors that may affect its operations and implement corrective measures. You will also be advised of provisions that affect your separation status.	<b>EMPLOYEE ASSOCIATIONS</b>	It is the policy of the City of El Paso that no job or task is so urgent or important that it must be completed by putting the safety of persons or property at risk. Department heads must provide their employees with safe working conditions so that the employees may do their jobs without endangering their safety or health. These conditions should include, but are not limited to, a safe place to work, safe equipment with which to work, proper training in safe work procedures, and co-workers who also perform their jobs in a safe manner. All employees are issued a copy of the City's Employee Safety Procedures Manual.



There are two areas of safety that require employees to be particularly careful, driving and back injury. Automobile accidents are one of the most common and dangerous for our employees. Auto accidents cause much suffering and lost work. Please drive safely whether on or off duty. Back injury is also an accident that robs employees and the City of time and productivity. Your supervisor can advise you of proper lifting techniques to avoid this common injury. If you have a back injury, the City provides a class to help you prevent re-injury.

Accidents don't just happen; they are caused. When a hazardous condition exists, it is your responsibility to bring it to the attention of a supervisor or the Department Safety Coordinator. All accidents, injuries or incidents should be reported immediately to a supervisor.

#### **CONCEALED HANDGUNS/WEAPONS POLICY**

Employees, with the exception of licensed peace officers employed by the City as peace officers and/or those who are hired under Contract with the City of El Paso and acting within the scope and performance of their official duties, are prohibited from possessing or storing a concealed handgun or other weapon while on duty or performing services for the City, or while in City uniform or in a City vehicle, regardless of whether the employee is on City property or not.

While off duty, employees other than licensed peace officers employed by the City as peace officers are prohibited from possessing or storing a concealed handgun or any other weapon on the property leased, owned or controlled by the City; to the extent pre-empted by state law, this provision shall not apply to City parks, political rallies, political meetings or parades. This paragraph does not apply to public streets or sidewalks, nor does it prohibit an off-duty employee from traveling through the airport and transporting firearms, as long as the transportation is in compliance with all laws.

Employees who violate this policy may be disciplined up to and including termination of employment.

#### **WORKPLACE VIOLENCE POLICY**

The City is committed to promoting a work environment that is free of harassment and intimidation. Harassment is abusive, obscene or threatening conduct or communication that is intended to harass, annoy, alarm, torment, embarrass or injure another. Employees who engage in such conduct while on duty or on City premises will be subject to discipline. While on duty or on City premises, employees shall not use obscene or abusive language or offensive gestures in their communication with coworkers or members of the public; employees shall not by oral, written, electronic or other means of communication threaten or intimidate coworkers or members of the public; and employees shall not physically endanger, intimidate or injure coworkers or members of the public. Such conduct will not be tolerated.

City employees are required to report incidents of threats or acts of physical violence of which he or she is aware.

Each incident of violent behavior, whether the incident is committed by another employee or a member of the public, must be reported to the Department Head immediately.

If an employee is aware of a threat of imminent physical harm to him/herself, another employee or member of the public, the employee should attempt to remove him/herself from the dangerous situation and immediately notify appropriate emergency personnel by calling "911." The employee should report this emergency call to his/her supervisor or management immediately.

In critical incidents in which a serious threat or injury occurs, emergency responders such as Police and Fire personnel must be immediately notified.

semination of offensive unsolicited communication within our voice mail network, but cannot guarantee and shall not be responsible for receipt or transmittal of such material. To report receipt of offensive unsolicited communication please contact the IS Help Desk at 541-4466.

All employees provided access to voice mail understand that inappropriate use of the system could result in the revocation of their access. Authorized voice messaging users are not permitted to engage in any of the following activities either during working or nonworking hours, using City equipment or facilities:

1. Activities for any illegal purpose
2. To transmit threatening, obscene or harassing correspondence
3. For unauthorized distribution of city data and information
4. Unauthorized attribution of statements, data or information to the city
5. To interfere with or disrupt network users, services or equipment

#### **VOICE MAIL POLICY**

The City of El Paso voice mail system is covered under the Electronic Communications Privacy Act of 1986. The City has made all possible efforts to prevent the dis-

6. Private purposes such as marketing or business transactions
    7. Solicitation for religious and political causes
    8. Unauthorized not-for-profit business activities
    9. Private advertising of products/services
    10. Any activity meant to foster personal gain
    11. Unauthorized access to obscene materials, including knowingly retrieving and/or storing such materials
  2. employee to take longer lunch periods.
    2. The adjustment of an employee's work schedule must be approved by the supervisor prior to the employee taking the time off. It is the responsibility of the supervisor to verify and ensure performance of employees who are given flex-time. Good relationships among everyone involved are important for a successful flex-time policy. Trust is a big factor; supervisors must feel confident that employees will not abuse the benefits that are inherent in a flex-time schedule. On the other hand, supervisors should view flex time as a legitimate reason for an employee to be out of the office, just as if an employee was out of the office on annual or sick leave. Everyone should realize that flex time is a privilege, not a right, and if abused, can be taken away at the discretion of the supervisor.
- FLEX-TIME POLICY**
1. Purpose. Flex time is a tool used to allow employees to work hours that are not within the standard 8:00 A.M. to 5:00 P.M. range. There are times when a department's operational needs require employees to either come in earlier than their normal reporting time, or to stay later than their normal end of shift time. Flex time may allow a Department Head to allow an employee to fluctuate their weekly schedule and either leave earlier on Friday or come in later on Friday. Flex time may also allow an eligible
  3. Types of Flex-Time Schedules
    - a. *Adjusted leave or start time.* An employee may be allowed to report later or leave earlier.
    - b. *Adjusted Lunch Period.* An employee's length of

their lunch period, may be adjusted while still working an 8-hour day.

c. *Compressed Workweek*. An employee may be allowed to work four 9 hour days and one 4 hour day.

#### **EMPLOYEE SUGGESTION PROGRAM (ESP)**

The City rewards initiative when it improves City services. The goal of the Employee Suggestion Program is to generate and recognize employee creativity and innovations to operations or procedures. If you have an idea on how to improve work procedures, service quality, safety or material costs, you may be eligible for an award including a cash award, if your idea is implemented. When you have an idea call the Human Resources Department to initiate the process!

to provide quality services to our community. To be satisfied in your job, it is necessary that you understand the ultimate aim of our organization. No organization can be sound and productive unless each employee feels that they are a necessary part of the whole.

It is our hope that through this handbook you will find your place in our organization; and, that you will start your new job with a good understanding of what is expected of you and what you may expect in return.

The Human Resources staff of the City of El Paso is sincerely interested in making this job the best job you've ever had. We hope that you will do your best for your own good and for the good of the people we serve!

#### **REMEMBER - "TO THE PUBLIC, YOU ARE THE CITY"**

#### **A FINAL NOTE**

If you have read this handbook carefully, you have probably learned a great deal about the organization you have joined. Every job has an important place in the total effort

**Notes:**

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**Attachment "B"**

**Employee Acknowledgement**

**CAMINO REAL REGIONAL MOBILITY AUTHORITY  
EMPLOYEE CODE OF CONDUCT**

**Acknowledgement**

I, \_\_\_\_\_, DO HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED, READ, AND UNDERSTAND THE CRRMA EMPLOYEE CODE OF CONDUCT AND THAT I WILL COMPLY WITH THE REQUIREMENTS SET FORTH THEREIN.

**EMPLOYEE**

**DATE**