

# **North Texas Municipal Water District**

## **Personnel Policies Manual**

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# NORTH TEXAS MUNICIPAL WATER DISTRICT

## PERSONNEL POLICIES MANUAL

### SECTION I. EMPLOYMENT PRACTICES

#### **1.1 Administrative Authority**

The Personnel Policy Manual of the North Texas Municipal Water District ("NTMWD") has been created by the Board of Directors (the "Board") to provide guidelines for the personnel administration of the NTMWD. The Policies in this Manual can be amended only by the Board. The Executive Director / General Manager ("ED/GM") or designated representative shall be responsible for the implementation and operation of the Policy. The ED/GM or designated representative may issue personnel directives interpreting the Policy from time to time. The Policies in this Manual apply to all employees, regardless of classification or full-time/part-time status.

#### **1.2 Employment at Will**

All employment at NTMWD shall be "at will" and no contractual rights or property rights in employment shall be created by this Policy, the ED/GM, or any person, without specific action of the Board in writing. The Board reserves the right to change its policies and benefits from time to time, and it shall be the final interpreter of its policies.

"Employment at will" means that employees of NTMWD are not employed under a contract and are free to leave their employment at any time, for any reason or no reason, without contractual obligation. Likewise, the NTMWD is free to terminate employment at any time, for any reason or no reason, without contractual obligation.

#### **1.3 Equal Employment Opportunity and Disability Accommodation**

NTMWD is firmly committed to a policy of equal opportunity in all aspects of its relations with employees. Initial employment, promotions, raises, opportunities for training and enrichment, discipline, and other conditions of employment will be made without regard to color, race, religion, national origin, age, sex, gender, sexual orientation, gender identity, disability, pregnancy, pregnancy-related medical conditions, genetic information, veteran status, political affiliation, or any other unlawful classification.

It is the responsibility of all NTMWD employees to ensure compliance with this policy. Violations of this policy will result in disciplinary action, up to and including termination. An employee who feels he or she has been unlawfully discriminated against or harassed should notify the Human Resources (HR) Manager immediately, pursuant to the Complaint Resolution policy. If the HR Manager is not available, then the employee should notify another designated person in the HR Department. If such complaint is about the HR Manager, then the complaint should be

filed with the Director of Human Resources. An employee who complains under this policy will not be retaliated against for such a complaint.

To the extent reasonably possible, NTMWD will reasonably accommodate qualified individuals with disabilities in the application, hiring, and employment process, in accordance with the Americans with Disabilities Act (ADA). Additionally, to the extent reasonably possible, NTMWD will reasonably accommodate qualified individual's known limitations related to pregnancy, childbirth, or related medical conditions, in accordance with the Pregnant Workers Fairness Act (PWFA). Reasonable accommodation is available to all employees and applicants covered under the ADA and PWFA, so long as the accommodation does not create undue hardship for NTMWD and can be provided without posing a substantial or imminent safety risk. NTMWD respects the religious beliefs and practices of all employees and will provide reasonable accommodation when one is available that does not create undue hardship for NTMWD. Individuals requiring accommodation should notify the HR Manager. NTMWD requests sufficient notice, when possible, to give time to arrange the accommodation.

#### **1.4 Employment of Relatives**

Applicants may not work in the same department as a family member, report to a family member, or report to the same supervisor as a family member. "Family member" is defined as a spouse, domestic partner, parent, child, sibling, grandparent, grandchild, aunt, uncle, niece or nephew, as well as the "step" or "in-law" version of each. The hiring of first cousins must be approved by the applicable Assistant General Manager in coordination with the –Director of Human Resources. "Domestic partners" are those who share a residence and are in a sexual and/or romantic relationship with each other, whether or not legally designated as domestic partners.

If related or romantically/sexually involved employees both work at NTMWD, the ED/GM has discretion to terminate one if the relationship creates workplace disruption or the appearance of impropriety, such as if one relative works in HR or executive management, or other capacity to affect the employment of their relative or have access to such relative's confidential information. Related employees must make every effort to keep their relationship out of the workplace and should not involve themselves in the others' employment concerns.

Current employees who become related after employment will not be allowed to work in the same department, under the same supervisor, or to supervise each other. If one relative is promoted or transferred, both will not be allowed to work in the same department, under the same supervisor, or to supervise each other. If there is no available position to which to move one of the employees, then one must resign, be terminated, or will not be promoted or transferred, unless authorized by the ED/GM. The two employees may have input into the decision of who will be transferred, separated, or denied promotion, but the final decision rests with the ED/GM. Employees are on notice that workplace relationships may affect upward mobility and opportunities for promotion within NTMWD.

The hiring of employees shall not violate Texas nepotism law, which would prohibit the hiring of covered relatives of the ED/GM, who has final hiring authority for NTMWD. Moreover, because the members of NTMWD's Board of Directors have authority to appoint the ED/GM, the ED/GM may not be related to a Board member within the proscribed degree.

### **1.5 No Employment of Certain Elected Officials**

Applicants serving on the City Council or other governing body of a city or other entity with a contractual relationship with NTMWD are not eligible for employment with NTMWD, unless they will no longer be in the elected position when they begin employment with NTMWD, or unless specifically authorized by the Board of Directors.

### **1.6 Criminal Background Check**

All applicants who receive a contingent offer of employment will be required to have a criminal background check. NTMWD may also perform annual criminal background checks on all employees. A criminal background will not automatically exclude the applicant or remove the employee from employment, unless required by law. If exclusion or termination is not required by law, the applicant's or employee's criminal history will be evaluated individually, taking into consideration the following:

- a) nature and seriousness of the offense;
- b) relevance of the offense to individual's job responsibilities;
- c) time elapsed since commission of the offense;
- d) age of individual when the offense was committed; and
- e) final disposition of the case.

Conduct constituting an offense, arrest, or conviction that is discovered during the criminal background check may result in disciplinary action, up to and including termination of employment. An arrest record alone does not establish criminal conduct. Before an employment decision is made based on an arrest, the District will examine the circumstances surrounding the arrest and make any necessary inquiries. The District is not required to conduct an extensive investigation to determine the applicant's or employee's guilt or innocence.

NTMWD will obtain from the applicant or employee any consent forms required by the Fair Credit Report Act (FCRA) to conduct background investigations. If the job offer is withdrawn or the employee is terminated based on a negative background investigation, NTMWD will send out the appropriate notifications required by the FCRA.

### **1.7 Motor Vehicle Record Check**

All applicants who receive a contingent offer of employment will be required to have a motor vehicle record check. As a member of Texas Water Conservation Association Risk Management Fund, (TWCARMF), District employees are subject to a motor vehicle record check at least once every 12 months by TWCARMF, to ensure automobile insurance coverage eligibility. NTMWD will also obtain a drivers status record through Texas Department of Public Safety (TX DPS) at least once a year to confirm driver eligibility for all employees.

### **1.8 Arrests, Charges, and Indictments**

NTMWD employees may be subject to corrective action, disciplinary action, and/or job restrictions for violations of law. This policy applies to acts prohibited by law regardless of whether they result in charges being filed, arrest, confinement, or indictment.

Employees must contact their immediate supervisor before the beginning of their next scheduled workday after being arrested, charged, or indicted by law enforcement authorities in connection with any alleged criminal offense by the employee, to report the incident and provide a reason or explanation. The Supervisor must contact the HR Manager immediately or as soon as possible without impacting Operations. If the employee is unable to report to their immediate supervisor, the employee must make every attempt to have someone contact the supervisor on the employee's behalf, no later than the beginning of their next scheduled workday, to report why the employee is unable to report to work.

Leaving only a message with the immediate supervisor is not acceptable and may compromise confidentiality. If the employee is unable to reach their immediate supervisor, the employee must then attempt to reach the Human Resources Manager and must leave a message if he or she cannot reach a live person. Verbal reports must be followed up with a written notification as soon as possible.

Failure to report these contacts with law enforcement may result in disciplinary action, up to and including termination of employment.

## **1.9 Introductory Period**

The first six months of employment (or following a promotion) will be considered an Introductory Period. During such time, the newly hired or promoted employee should evaluate the job, and the employee's supervisor will evaluate the employee's performance, to determine if the relationship is compatible. This is not a guarantee of employment for the entire Introductory Period. Upon successful completion of the Introductory Period, the employee will be considered for regular employment.

## **1.10 Promotions and Transfers**

All open positions will be filled with the individual most qualified for the job; however, existing employees will be given first preference for any job positions if they are equally qualified as non-employee applicants. Normally, employees will be informed of job openings through electronic postings a minimum of ten business days prior to final selection. In some cases, such as during a reorganization, current employees may be moved into another position without posting the opening. Outside candidates may also be recruited. The final decision will be made by the ED/GM or his/her designated representative.

An employee who is promoted will enter into an Introductory Period for six months following such promotion, as in the case of newly hired employees. Should the promotion prove to be unsuccessful, the employee may be returned to his or her original position, if still available, or terminated, either within or at the end of the six-month period. Promotional opportunities may be limited pursuant to NTMWD's Employment of Relatives policy, if the promotion would put

the employee under the supervision of a relative, under the same supervisor as a relative, in the same department as a relative, or into a sensitive or confidential position.

Lateral transfers from one department to another, or transfers that would result in a demotion of an employee, must be approved by the current manager and receiving hiring official.

### **1.11 Resignation**

An employee who wishes to leave the service of the NTMWD in good standing must file a written notice of resignation with the supervisor at least two weeks before such resignation is to become effective. Such notice should state the effective date of the resignation. An employee may not use vacation leave as a portion of the two weeks' notice and may not use sick leave without a doctor's verification. NTMWD may choose to waive the notice period and accept the resignation immediately, without pay in lieu of notice, or to have the employee work until the effective resignation date.

Unauthorized absence from work for a period of two consecutive days will be considered a resignation from employment.

Employees who are not in good standing upon leaving the NTMWD or who resign in lieu of disciplinary action shall not be eligible for rehire, unless authorized by the ED/GM.

### **1.12 Personnel Files**

NTMWD maintains personnel files on each employee. These files contain documentation regarding all aspects of the employee's tenure with NTMWD, including performance. To ensure that the personnel file is up-to-date at all times, employees shall immediately electronically update the HR Information System (Dayforce) with any changes in name, telephone number, address, marital status, number of dependents, beneficiary designations, routing/banking information, tax withholding information, emergency contacts, etc. All medical information is maintained in a separate file, as required by law.

Employees who wish to view their personnel file must present a request in writing to the HR Manager. Employees may view their file only in the presence of an HR representative, who may provide copies of any requested items in compliance with the Public Information Act.

Personnel files, with certain exceptions, are public records. Employees who wish to maintain the privacy of personal telephone numbers, home addresses, and family information in the event of a Public Information Act request must have signed a request form, available through the HR Department, prior to NTMWD's receipt of a request for public information.

### **1.13 Recruitment Incentive Program**

NTMWD employees in regular, full-time positions are eligible for an incentive payment if they refer an external candidate who is ultimately appointed by NTMWD to a Target Position. Target Positions and the amount of the incentive payment will be communicated to employees as identified, and are generally limited to difficult-to-fill positions. To be eligible for the incentive payment, both the referring employee and the referred employee must be successfully employed

six months after placement of the referred employee. The incentive payment as determined by the ED/GM will be added to the referring employee's paycheck after completion of the six-month period. Only one employee may be designated as the referring employee.

Employees directly involved in the recruiting or evaluation process of candidates for Target Positions will not be eligible for the incentive payment, such as HR Department employees or hiring managers.

## **SECTION II. EMPLOYEE CONDUCT AND SAFETY**

### **2.1 Work Rules and Discipline**

All employees are integral members of the NTMWD team and, as such, are expected to accept certain responsibilities and adhere to acceptable business principles in matters of personal conduct and exhibit a high degree of personal integrity at all times. An employee's conduct, whether on or off duty, reflects on NTMWD. Consequently, all employees must observe the highest standards of professionalism, honesty, and ethical behavior at all times, and are expected to contribute to a favorable work environment by performing responsibilities in a competent, enthusiastic, mature, and committed manner, and to show courtesy to their coworkers and the public. Employees are expected to ask questions and take the initiative to improve those areas where they need help. Employees are required to behave at all times in an honorable, safety-conscious, and business-like manner, and to treat coworkers, supervisors, and the public with respect.

No list of infractions can be all-inclusive; thus, in addition to the overall principles stated above, the following is only a partial listing of the types of behavior which could lead to disciplinary action, up to and including demotion, suspension, or termination:

- (1) Commission and/or conviction of a crime or performing acts of dishonesty.
- (2) Engaging in illegal, unethical, abusive, or unsafe acts, including acts of sexual or other workplace harassment, and the use of abusive, profane, or threatening language.
- (3) Spreading destructive rumors, misleading other employees, creating a hostile work environment, or other disruptive behavior.
- (4) Incompetence, inefficiency, or negligence in the performance of duty; performing excessive personal work (personal phone calls, emails, texting, computer use, meetings) on NTMWD time or equipment; sleeping on the job.
- (5) Unsatisfactory appearance, hygiene, dress, or work area/vehicle cleanliness.
- (6) Acts of insubordination, or refusal or failure to carry out lawful instructions.
- (7) Threatening, intimidating, or coercing a supervisor or any other employee at any time.

- (8) Possession of weapons on NTMWD property, or while on NTMWD business, except as authorized as part of the employee's job duties or pursuant to the Workplace Violence and Weapons Policy.
- (9) Falsification of official documents or records, including job applications or personnel records.
- (10) Unauthorized or improper use of official authority.
- (11) Absence without leave, habitual tardiness (even by one minute), or excessive absenteeism; failing to report to work without a satisfactory reason or to notify supervisor within a reasonable time.
- (12) Misappropriation, destruction, theft, or conversion of NTMWD property, whether on or off duty, including unauthorized use of salvage or surplus materials, scavenging, or unauthorized salvaging.
- (13) Possession of, using, or being under the influence of drugs or intoxicating beverages, while on duty or otherwise on NTMWD property (except use of alcohol while utilizing Bois d'Arc Lake while off duty and not representing the District), or otherwise violating NTMWD's substance abuse policy.
- (14) Violation of NTMWD's non-discrimination and workplace harassment policies.
- (15) Supervisors and Managers engaging in a romantic and/or sexual relationship within their chain of command.
- (16) Making false statements or filing false charges or complaints against NTMWD, or any employee thereof; refusing to cooperate in an internal or NTMWD-related external investigation.
- (17) Abuse of sick leave, disability, or other benefits provided by NTMWD.
- (18) Failure to comply with other NTMWD policies or procedures, whether or not set forth in this Personnel Policy.

Any disciplinary action taken will be documented, in writing, by HR and the employee's supervisor. The employee shall receive a copy of the disciplinary action, and a copy shall be placed in the employee's personnel file.

An employee on disciplinary suspension will neither receive pay nor be eligible for vacation or other accrued benefits during the time of such suspension. The suspension may be only for a reasonable period of time, not to exceed 15 working days. Administrative leaves with pay, pending investigation, are not considered disciplinary action. During such administrative leaves with pay, employees will not be required to use accrued leave, however, they will be required to be available during the employee's normal working hours for participation in the investigation or disciplinary process, or to answer job-related questions.

Any employee disciplinarily terminated from employment (or who resigns in lieu of termination), because of disciplinary action shall not be eligible for rehire unless otherwise authorized by the ED/GM.

## 2.2 Progressive Discipline

NTMWD generally uses progressive discipline to provide a structured corrective action process to improve and prevent reoccurrence of undesirable employee behaviors or performance issues. The primary objective of the formal documented levels of discipline is to address disciplinary problems with fairness and consistency. All formal disciplinary actions in the progressive discipline process are required to be forwarded to Human Resources and placed in the employee's personnel file.

Progressive disciplinary actions include, but are not limited to the following:

- A. **Documented Counseling:** The intent of this level of discipline is for a supervisor to communicate constructive feedback or concerns of unsatisfactory job performance or conduct to an employee. Supervisors may jot down notes, including the date and content of the counseling. Generally, these are not used against the employee in performance evaluations, however, any documented counseling memorandums signed by the employee should be provided to the HR department to be placed in the employee's personnel file. This level of discipline is informal and may not be appealed.
- B. **Written Reprimand:** A written reprimand is a formal warning of a policy violation that may result in suspension, demotion, or termination of employment should the violation recur. The employee must be given a copy of the written reprimand. This level of discipline may not be appealed because it does not impact the employee's pay, job assignment, or employment status.
- C. **Suspension without Pay:** Suspension without pay is used when an employee has already been given a written reprimand or in situations that are serious enough to warrant this level of discipline without prior discipline. A suspension may not exceed 15 working days for any single disciplinary incident and will be a minimum amount of one full shift, unless approved by the ED/GM. Employees on suspension without pay may not use any accrued leave to make up for the lost time. During the suspension, the employee should be encouraged to reflect on his/her behavior during the suspension and whether he/she wishes to correct the behavior or terminate employment with NTMWD. The employee will be presented with a copy of the suspension document.
- D. **Disciplinary Demotion:** The disciplinary demotion is the reduction of an employee's pay grade as a result of unsatisfactory performance in the current position and in cases where it is deemed in the District's best interest to retain the employee in a lower-level position. It will require the approval of the applicable Director and may result in a pay reduction.

- E. **Termination of Employment:** Termination of employment may occur as deemed appropriate and with the approval of the respective System Manager. The employee will be presented with a copy of the termination memo.

An employee who disagrees with a formal disciplinary action decision that impacts their pay, their job assignment, or employment status may follow the District's Complaint Resolution policy to appeal a formal disciplinary action.

Supervisors and Managers who are handling personnel matters requiring a formal disciplinary action must coordinate with Human Resources Manager or designee, the preparation and approval of disciplinary memoranda before they are presented to employees or administered.

NTMWD reserves the right to combine or skip steps depending on the facts of each policy violation and the severity of the offense. All formal disciplinary actions in the progressive discipline process are placed in the employee's personnel file and are considered part of their permanent record.

Formal Disciplinary actions are Written Reprimand, Suspension Without Pay, Disciplinary Demotion, and Termination of Employment.

A Performance Improvement Plan (PIP) may also be included as part of a disciplinary action but is not considered a formal disciplinary action by itself. The intent of a PIP is to serve as tool for a supervisor to communicate concerns of unsatisfactory job performance to an employee and to work closely with the employee to develop a plan to improve deficiencies through various means, such training, coaching, education, etc. The duration of a PIP is generally 90 days. A PIP may be combined with a formal disciplinary action, or may be used as a coaching tool, depending upon the circumstances. A PIP may accompany a performance evaluation when an employee's overall performance or specific areas of performance are unsatisfactory. A PIP, standing alone, may not be appealed. If the employee's performance is not satisfactory at the conclusion of the PIP, termination of employment generally occurs. The termination of employment is a disciplinary action that the employee may appeal.

## **2.3 Ethics, Gifts, and Conflicts of Interest**

### **2.3.1 General Conduct and Reporting Requirements**

It is the responsibility of each employee to maintain the highest standards of integrity and personal conduct, and to prevent and report others engaging in unethical behavior. All NTMWD employees must follow federal, state, and local laws and regulations.

Although off-duty NTMWD employees may use District facilities that are open to the general public in the same manner as the general public, they may not grant special access to areas not open to the public or allow the use of such facilities in an unlawful or unauthorized manner.

Bribes, kickbacks, and other unlawful payments are specifically prohibited. Employees may never accept payment from any source other than NTMWD for work performed in their role

as a NTMWD employee. Any unlawful or unethical activities of employees, officers, vendors, contractors, suppliers, or consultants must be reported immediately. Engaging in or failing to report unlawful or unethical activities will result in disciplinary action up to and including termination.

### 2.3.2 Gifts and Favors

Employees are not to accept or solicit any gift or gratuity of any kind from any agency, prospective or current contractor, supplier or vendor, or individual person who has any official contact or dealings with NTMWD, regardless of value. Examples of prohibited gifts include, but are not limited to:

- (1) Vacations, pleasure trips, or hunting trips;
- (2) Discounts, favors, benefits, products, or services not available to the general public under similar circumstances;
- (3) Loans or advances;
- (4) Tickets or other entertainment free or at a discount unavailable to the general public.

A “gift” does not include:

- (1) food, lodging, transportation, or entertainment as a guest, when both the recipient and donor are present, or
- (2) a promotional item of nominal value.

### 2.3.3 Business/Property Interest Conflicts

Selection of outside vendors and consultants shall be based on the business’s or individual’s merits, and there should be no actual or appearance of improper bias or profit or personal motive in selection. Neither Assistant General Managers, the General Counsel, nor any member of their families may be employed or paid for work by any individual or organization associated with or benefitting from NTMWD. If any employee has a family (as defined in the Employment of Relatives policy), financial, employment, management, officer/board membership or ownership interest in a business entity being considered for contract with the NTMWD, that employee must notify the ED/GM in writing, and must remove him or herself from the decision-making process. For purposes of this policy, employees need not report financial interests consisting only of less than five percent common stock or share ownership.

If NTMWD does contract with an outside business that an employee has an above-listed interest in, that employee must be kept completely separate from any transactions and communications between NTMWD and the business.

If a NTMWD employee knowingly owns property within proposed boundaries of an NTMWD project under consideration, the employee shall inform the ED/GM in writing prior to Board consideration. Such employee must then remove him or herself from consideration of or involvement in such transaction.

#### 2.3.4 Use of NTMWD Property and Salvage/Surplus Property

Employees shall not use or allow to be used NTMWD property for non-NTMWD purposes. Sale of property for personal gain is prohibited.

In the event that the NTMWD Board of Directors declares property to be salvage or surplus, the property may be sold for scrap value, disposed of, traded to an NTMWD vendor for credit or like materials, or donated to a non-profit entity. Such designation of salvage/surplus must be documented and signed. No NTMWD employee may purchase materials from NTMWD at less than market value.

#### 2.3.5 Salvaging/Scavenging by Employees Prohibited

Scavenging and unauthorized salvaging of materials discarded by NTMWD or its customers are considered theft of NTMWD property and will result in disciplinary action up to and including termination.

The TCEQ defines scavenging as “the uncontrolled and unauthorized removal of materials at any point in the solid waste management system.” NTMWD extends this definition to include all NTMWD operations and systems. Scavenging is prohibited by employees, third party contractors, and customers. Any employee who observes a customer or third party scavenging has an obligation to inform them to cease the activity immediately and return the material; employees must report non-compliance to management.

Salvaging, as defined by TCEQ, is the controlled removal of waste materials for utilization, recycling, or sale. All salvaging must be approved by management and used for the sole purposes of NTMWD operations. Unauthorized salvaging by employees or third parties is prohibited.

#### 2.3.6 Outside Employment

Employees should consider their first and primary responsibility to be to NTMWD. Therefore, other outside employment shall not be of such a nature to reflect adversely on NTMWD nor impair the employee's ability to do an effective job for NTMWD. Employees must notify their immediate supervisor timely and in writing of any outside employment in which they are involved. Should outside employment create any of the aforementioned problems or be otherwise covered by our Business/Property Interest Conflicts policy above, the employee may be required to give up the outside employment and/or be subject to disciplinary action, up to and including termination.

#### 2.3.7 Political Activities

Employees are encouraged to exercise their legal right to vote and to be involved in activities of their community; however, employees shall not be required to contribute to any political fund or render any political service to any person or political party, and no employee shall be removed, reduced in classification or salary, or otherwise prejudiced for failure to do so.

Employees will not be allowed to perform or be involved in political campaigning or related activities during normal working hours, while wearing NTMWD uniforms, badges, or insignia or while using NTMWD equipment. Employees may serve on boards or commissions but are prohibited from serving on the City Council or other governing body of a city or any other entity with a contractual relationship with NTMWD. Employees who run for such political offices must resign their employment with NTMWD upon announcement of candidacy, unless otherwise approved by the Board of Directors and/or the ED/GM.

## **2.4 Workplace Harassment, Including Sexual Harassment**

The law prohibits harassment of employees on the basis of race, color, religion, sex, gender, sexual orientation, gender identity, national origin, disability, pregnancy, pregnancy-related medical conditions, age, veteran status, genetic information, or any other classification protected by law. Harassment must be severe and pervasive to be illegal under the law, however, NTMWD prohibits all forms of harassment even if the conduct would not qualify as unlawful.

### 2.4.1 NTMWD Does Not Tolerate Harassment of Any Kind

NTMWD does not tolerate harassment of its employees, whether committed by a fellow employee, a member of management, a vendor, a Board Member or other official, or a member of the public. Further, NTMWD does not tolerate harassment of members of the public, vendors, or any other third party by an NTMWD employee. Harassment is not tolerated both during work hours and at any work-sponsored social function or other event. Harassment includes not only written or verbal comments, but any action over email, text message, or social media posting. All employees, including supervisors and managers, interns and contract employees will be subject to disciplinary action, up to and including termination, for any act of harassment they commit.

### 2.4.2 Definition of Sexual Harassment

Sexual harassment, one form of harassment, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually offensive nature, especially where:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment, such as conditioning a raise in salary on engaging in sexual activity;
- (2) submission to or rejection of such conduct is used as the basis for decisions affecting any individual's employment, such as requiring potential new hire to go out with a supervisor or engage in sexual banter prior to extending a job offer;
- (3) such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment; such as unwelcome or repeated sexually-explicit comments directed at an employee; or
- (4) such conduct has the purpose or effect of interfering with an employee's work performance, such as sexually explicit comments which impact an employee's attendance or productivity.

Examples of prohibited conduct that could violate this policy include, but are not limited to: unwelcome sexual flirtation, touching, advances or propositioning; unwelcome discussion of sexual activities; verbal abuse of a sexual nature; jokes, innuendoes, and other sexually oriented statements or writings; suggestive comments about an individual's dress or body; jokes and stories of a sexual nature; showing or forwarding sexually explicit images or writings, whether printed out or on a personal or NTMWD device; comments about one's sexual desirability or lack of desirability; gender stereotypes about women or men; or sexually degrading words describing an individual.

Examples of other types of workplace conduct that violate this policy include, but are not limited to, derogatory comments, jokes, stories, images, or writings about race, national origin, disability, gender, pregnancy, pregnancy-related medical conditions, religion, or age.

#### 2.4.3 Responsibilities of Supervisors and Employees

Each member of management is responsible for creating an atmosphere free of such discrimination or harassment. Further, employees are responsible for complying with these policies and respecting the rights of their coworkers.

#### 2.4.4 Reporting of Complaints of Discrimination or Harassment

Any employee who believes that the above policies of NTMWD are being violated should file a complaint to HR under the Complaint Resolution procedure set out in this manual. If such complaint is about the HR Manager, the complaint should go to the Director of Human Resources. All reports will be treated seriously and immediately investigated in as confidential a manner as possible, while balancing the need to conduct a thorough investigation. It is NTMWD's expectation and requirement that employees participate in any investigation in which they are asked for information. Based on the findings of the investigation, the Department will take immediate and appropriate action to correct any circumstances of harassment prohibited by this policy.

Failure of a supervisor to immediately report allegations of harassment will lead to disciplinary action if it is determined that the supervisor had knowledge but did not report the information immediately to the appropriate management. Failure of a supervisor to cooperate in imposing immediate and appropriate corrective action against substantiated claims of harassment, as directed by management, will also lead to disciplinary action.

Under Texas law, a supervisor who fails to report allegations or observations of sexual harassment or who interferes with a management decision to take immediate and appropriate corrective action may be individually liable for sexual harassment.

### 2.4.5 Retaliation is Prohibited

Any individual making a report of harassment will not be retaliated against for making such report. If an employee feels they have been retaliated against for making a report or for participating in an investigation, the employee should report it to HR immediately. Anyone found to have retaliated against an employee for making a complaint of harassment or for participating in an investigation will be subject to disciplinary action up to and including termination.

## 2.5 **Whistleblower Protection**

The Texas Whistleblowers Act protects public sector employees from adverse personnel action because they reported a violation of law to an appropriate law enforcement official in good faith. NTMWD strictly prohibits retaliation against employees who make a complaint under the Act. In order to maintain such a legal action, the employee who believes he or she has been retaliated against for reporting a violation of law to an appropriate law enforcement authority must first initiate action under the Complaint Resolution Procedures contained in this Personnel Policy.

## 2.6 **Drug and Alcohol-Free Workplace Policy**

NTMWD believes that all employees have a right to work in a drug-free and alcohol-free environment, and that Member Cities and Customers have the right to expect that NTMWD is a drug and alcohol-free workplace. Persons under the influence of drugs and alcohol on the job may pose serious safety, health and security risks to the public and to our employees.

### 2.6.1 Scope

This policy applies to all NTMWD employees regardless of rank or position and includes all full time, part time, and temporary employees. In addition, employees in positions requiring Commercial Driver's Licenses are also subject to heightened requirements.

### 2.6.2 Definitions

(1) NTMWD Premises - All NTMWD leased or owned property including vehicles and parking lots. NTMWD Premises also includes other work locations where employees perform services in the course and scope of their employment with NTMWD.

(2) Controlled Substance - Any substance listed in the federal Controlled Substance Act, and/or as defined in the Texas Controlled Substances Act.

(3) Prohibited Drug - (i) prescription drugs or over-the-counter drugs that are not being used as intended, or which were obtained under false pretenses; (ii) prescription drugs that were not prescribed to the affected employee by a licensed physician; (iii) controlled substances; (iv) alcohol; (v) illegal inhalants such as volatile chemicals, abusable glue or aerosol paint; and (vi) "designer" or "synthetic" substances that mimic the effect of illegal drugs.

(4) Reasonable Suspicion - when (i) based on sufficient articulable observations, management suspects that an employee is under the influence of prohibited drugs. Such observations include, but are not limited to, misbehavior or aberrant behavior, drug or alcohol odor, a reduced ability to perform work in a safe and productive manner, or an impaired physical or mental ability, such as incoherence, slurred speech or difficulty in maintaining balance; (ii) NTMWD discovers drug paraphernalia or any detectable amount of a prohibited drug on premises; or (iii) NTMWD learns from a credible source that this policy may have been violated.

(5) Under the Influence - A state of having a blood alcohol concentration (measured through a breath or blood test) of 0.04 percent or higher; or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of a Prohibited Drug. Being under the influence may include, but is not limited to, misbehavior, aberrant behavior, reduced ability to perform work in a safe and productive manner, or impairment of physical or mental ability, such as incoherence, slurred speech or difficulty in maintaining balance. A final determination of “Under the Influence” may be made by professional opinion or scientifically valid tests.

(6) Accident - An occurrence involving a motor vehicle operating on a public road which results in: 1) a fatality; 2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or 3) one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. At management discretion, an accident may also include non-vehicular occurrences in the course of work where the employee or another person is injured or property damage (or a “near miss”), the incident occurs in a manner that appears to be the negligence of the employee, or otherwise could indicate the employee being under the influence. The term “accident” does not include an occurrence involving only boarding or getting out or off of a stationary motor vehicle, unless combined with reasonable suspicion.

### 2.6.3 Prohibited Actions

Any of the following actions are prohibited and constitute a violation of the policy and may subject an employee to disciplinary action up to and including immediate termination:

- (1) Being under the influence of, or manufacturing, distributing, dispensing, possessing, selling, purchasing, or using a Prohibited Drug while on NTMWD Premises at any time (except use of alcohol while utilizing Bois d’Arc Lake or the John Bunker Sands Wetlands Center while off duty and not representing the District);
- (2) Using, selling, purchasing, transferring, possessing, manufacturing, or storing a Prohibited Drug or drug paraphernalia, or attempting or assisting another to do so, while in the course of employment or engaged in a NTMWD sponsored activity whether on NTMWD Premises or on NTMWD business (except reasonable and limited consumption of alcohol at certain duty-related social events). However, no employee in a work-related capacity or while representing NTMWD may ever be impaired or Under the Influence because of the excessive use of alcohol);
- (3) Working or reporting to work, conducting NTMWD business or being on NTMWD Premises or while under the influence of a Prohibited Drug or in an impaired

- condition, or having such Prohibited Drug in one's system at unacceptable levels, as shown by NTMWD-required testing; or
- (4) Refusal or failure to submit to or cooperate with a drug and/or alcohol test or retest when requested.

It is the employee's responsibility to know and understand any medication they are taking, prescribed or non-prescribed, as well as its contents and its residuals. When employees use substances that are not regulated by the Federal Drug Administration, they have no meaningful guarantee of what is in those substances, and therefore utilize them at their own risk. Employees may be subject to discipline for violations of this Policy, whether intake of an illicit substance was intentional or otherwise. NTMWD will follow all state and federal laws in determining whether allowing the use of medically prescribed substances allowed under Texas law, such as low-THC cannabis products, as a reasonable accommodation for the employee's disability is appropriate. However, over-the-counter cannabis products that cause a positive drug test or cause the employee to be under the influence at work are prohibited.

#### 2.6.4 Heightened Requirements for CDL-Required/DOT Covered Positions and Safety Sensitive Positions

Every employee whose job requires a Commercial Driver's License (CDL), per the federal Department of Transportation ("DOT") regulations, is covered by each requirement and prohibition in this policy. In addition, any such DOT-covered employees and applicants are also subject to testing under the DOT regulations, and other requirements. In addition, positions designated as "safety sensitive" may also be subject to random drug testing. For more information about these additional procedures and requirements, please contact the HR Department.

#### 2.6.5 Prescription and Over-the-Counter Drugs

If the medically approved and appropriate use of a prescription drug or over-the-counter drug adversely affects the employee's work performance or the safety of the employee or others, the NTMWD reserves the right to limit, suspend, or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect or risk. The supervisor, in conjunction with management, will determine whether the employee may remain at work and whether any work restrictions are necessary. All medical information will be kept confidential. All prescription drugs must be kept in their original container.

#### 2.6.6 Drug and/or Alcohol Testing

NTMWD reserves the right to perform the following types of drug testing:

- (1) Pre-employment testing for safety sensitive and DOT/CDL positions
- (2) Random employee testing for safety sensitive and DOT/CDL positions
- (3) Reasonable suspicion testing (after consultation with the HR Manager or designee)
- (4) Post-accident testing

The HR Department maintains a current list of safety-sensitive and DOT/CDL positions.

### 2.6.7 Requests for Addiction Assistance/Amnesty

NTMWD encourages any employee who has an alcohol or other drug problem to seek treatment before the problem manifests itself in a violation of this Policy. All inquiries about assistance and treatment providers will be kept strictly confidential and will be disclosed only to those persons who have a legitimate business need to know the information. To avoid disciplinary action or termination, an employee must voluntarily come to seek treatment BEFORE NTMWD notifies or schedules the employee for testing or otherwise discovers a violation of this Policy. The request for amnesty based on addiction and desire for treatment must be made in writing to the HR Manager, or designee. The employee must agree to and successfully complete an approved treatment program, execute an authorization for release of relevant treatment and return-to-work records, and agree to be subjected to random testing upon return to work as a condition of continued employment.

NTMWD considers alcoholism and other drug addictions to be illnesses that may be eligible for the benefits provided under NTMWD medical insurance program and other policies. NTMWD will work to assist those employees desiring treatment in finding appropriate resources. Participation in a rehabilitation program does not excuse employees from complying with NTMWD's policies or from meeting job requirements before, during, or after assistance is received, except as required by the Family and Medical Leave Act (FMLA).

These guidelines apply to only one requested leave of absence. Any request for an additional leave of absence for drug or alcohol treatment will be handled on a case-by-case basis and granted only at the sole discretion of NTMWD, and as required by law.

### **2.7 No Solicitation/Distribution**

Employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions, or solicit for any other cause during the working time of the employee doing the soliciting or the employee being solicited unless prior approval is received from the ED/GM. This policy also applies to solicitations via NTMWD's e-mail, other electronic communication systems, and telephonic communication systems.

### **2.8 Notice of Absence/Scheduling of Absences**

When an employee is going to be tardy or absent from work for any reason, notification should be given to the immediate supervisor as soon as the need for the absence is known and in no case later than prior to the scheduled reporting time. If the employee is unable to contact the supervisor directly, a message containing the name and telephone number where the employee can be reached and the reason for the absence must be left at the work site. Failure to comply with this notification requirement will automatically result in the absence being deemed unauthorized. Unauthorized absence from work for a period of two consecutive days will be considered as a resignation from employment, and will result in automatic separation.

Except as otherwise required by the Family and Medical Leave Act, this notice procedure must be followed each day of the absence, unless specifically waived by the supervisor. Waiver of this requirement will be granted under such conditions as a time-specific hospital confinement or written restrictions prohibiting any and all work as prescribed by the health care provider. Notice of any scheduled follow-up treatment of illness or injury must be provided to the supervisor as soon as it is scheduled, and must be approved by the supervisor, as allowed by law.

Employees are expected to report to work whenever physically possible, and as long as reporting poses no safety or health threat to the employee, coworkers, or the public. Those employees not physically able to perform their normal duties may be assigned light duty by their supervisor, which is appropriate to their physical condition and is consistent with the needs of NTMWD. A statement from the employee's treating physician, indicating that light duty is recommended, is required prior to any assignment thereof. An employee who reports to work unfit for duty, whether because of physical condition, contagion, or otherwise, will be sent home at the discretion of the supervisor and may be required to submit a fitness for duty release before being allowed back to work.

## **2.9 Tobacco / Nicotine-Free Workplace**

All NTMWD buildings and vehicles are designated tobacco/nicotine-free. Employees are prohibited from using tobacco/nicotine products or allowing others to use tobacco/nicotine products in all NTMWD buildings, within 15 feet of a building entrance, and in NTMWD vehicles. This prohibition includes smoking, vaping, and chewing products containing nicotine. Also prohibited is vaping or smoking products that are nicotine-free. Nicotine containing products prescribed for smoking/vaping cessation programs shall be allowed during the treatment period.

On a one-time basis, NTMWD will pay for or reimburse the employee the actual cost of successfully completing a non-smoking or other nicotine cessation course. Prior to enrolling in a tobacco/nicotine cessation program the employee shall notify his/her immediate supervisor and the HR Manager or his/her designee, in writing, to request confirmation that the program is suitable for funding/reimbursement. The notice shall include the name of the physician or group administering the program, phone number, and the cost of the program. Approval must also be in writing.

The employee must schedule attendance at the program during non-working hours. Employees must present proof of enrollment and attendance. This shall be a one-time option.

## **2.10 Safety and Health - Compliance with Laws**

To ensure that all employees are familiar with the basic rules of safety, NTMWD has published and made available to employees a list of safety rules relevant to specific work areas and positions, which employees should obtain from their supervisor. A violation of safety rules may lead to disciplinary action, up to and including termination.

NTMWD desires to comply with all applicable laws and regulations in the operation of its business. Should any violation be observed, employees are encouraged to immediately report

same in accordance with the complaint procedure. There will be no retaliation against any employee who finds it necessary to report any such violation.

## **2.11 Workplace Violence and Weapons**

NTMWD is concerned about the increased violence in society, which has also filtered into many workplaces. NTMWD expressly prohibits its employees from bringing any non-NTMWD owned weapons on its premises or in its vehicles, and expressly prohibits any acts or threats of violence by any NTMWD employee toward NTMWD's employees, customers, or visitors. Even jokes about committing acts of violence are strictly prohibited.

NTMWD is committed:

- (1) To provide a safe work environment.
- (2) To take prompt remedial action against any employee, former employee, customer or visitor to NTMWD's facilities, who engages in any acts or threats of violence, or obscene, abusive, threatening language or gestures. Such action may include notifying the appropriate law enforcement agency and prosecuting violators to the maximum extent of the law.
- (3) To prohibit employees from bringing firearms, with or without a legal permit, or other weapons, onto NTMWD's premises, facilities, or other property (except firearms or ammunition that remain secured in the employee's locked personal vehicle and that the employee possesses legally, and except when the employee is off-duty and not representing the District, and bringing legal firearms to a location where the general public is authorized to bring firearms).

Any employee who engages in, inappropriately jokes about, or displays a tendency toward violent, abusive or threatening behavior will be subject to disciplinary action, up to and including termination.

All employees of NTMWD have an obligation to warn their supervisor or other representative of NTMWD, of any suspicious workplace activity, situations, or incidents that they may be aware of that are in violation of this policy. Employee reports of such activity will be held in the strictest confidence and NTMWD prohibits any form of retaliation against any employee making such a report.

For purposes of this policy, Weapons are defined as any device or object capable of causing serious bodily injury or death to another person, including, but not limited to, handguns, shotguns, rifles, explosive devices, and knives with blades more than three inches in length. "Weapons" do not include mace, pepper spray or other similar devices intended for self-defense to temporarily disable a person, or pocketknives with blades three inches in length or shorter.

## **2.12 Inclement Weather Conditions**

NTMWD has established inclement weather condition procedures. Revisions to such

procedures may be made from time to time by the ED/GM. Employees are expected to review and familiarize themselves with these procedures which can be found in the Inclement Weather Administrative Directive.

### **2.13 Electronic Communications, Computer, Social Networking and Internet Policy**

To facilitate business communications and work-related research, NTMWD provides employees access to various types of telecommunications equipment, including but not limited to the following: Internet, phones and voice mail, wireless devices, computers and related equipment, and e-mail.

All materials, information and software created, transmitted, downloaded, or stored on the NTMWD's computer system are the property of NTMWD, and employees have no reasonable expectation of privacy in such information.

Employees may access the Internet and use equipment for appropriate non-business purposes during breaks in accordance with the provisions of this policy. Any expense incurred as a result of personal use of NTMWD equipment must be reimbursed within 30 days. Inappropriate use includes but is not limited to the following: 1) transmitting, accessing, displaying, posting, recording, downloading or distributing obscene, harassing, sexually explicit, racially offensive, or any other material that would violate NTMWD's discrimination and harassment policies, 2) using the equipment and/or systems for personal financial gain, political, religious or charitable campaigning, or soliciting for outside, non-NTMWD-related organizations or commercial ventures; and, 3) transmitting any confidential or proprietary information. Transmissions covered by this policy include email, text messages, instant messages, and on-line applications and postings.

Employees who post material on social networking and other Internet sites, blogs, or other public forums must take extreme caution not to appear to be representing NTMWD in any manner, whether during or after their working hours.

This policy does not, however, prohibit employees from exercising their First Amendment rights. Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of NTMWD. Harassing, bullying or demeaning coworkers or customers, or creating a hostile, discriminatory or retaliatory workplace through on-line posting violates this policy.

Employees are reminded that other NTMWD policies and directives concerning communications, ethics, harassment, and other topics are to be followed when using social media. Particularly:

- (1) Employees are prohibited from disclosing, posting, or discussing any information that is confidential, including pending litigation.
- (2) Employees may not communicate on behalf of NTMWD, or give the impression of speaking on behalf of NTMWD, without prior authorization and as otherwise required by their job duties.

- (3) Employees are prohibited from making any statements and/or comments that disparage any race, color, religion, gender, age, sex, sexual orientation, gender identity, genetic information, veteran status, disability, pregnancy, pregnancy-related medical conditions, national origin, or other protected classification of anyone who works at NTMWD or who does business with the NTMWD.

Copies of e-mail messages should be sent only for valid business reasons. No employee shall send e-mail under another employee's name without authorization. NTMWD confidential information must be protected from improper dissemination to unauthorized employees or to third parties.

Employees shall not access, copy, alter, or destroy anyone else's computer files, or portions thereof, without explicit permission (unless authorized or required to do so by law or regulation). Simply being able to access a file does not imply permission to do so.

## **2.14 Driving and NTMWD Vehicles Policy**

It is the policy of NTMWD that drivers operating NTMWD vehicles or personal vehicles on NTMWD business obey all applicable laws and regulations pertaining to operation of motor vehicles, trucks, and any other type of equipment that may operate on roadways, streets, highways, and public or privately owned property. NTMWD employees are required to observe safe and courteous driving habits at all times in order to prevent accidents and maintain compliance with traffic laws.

### **2.14.1 License and Insurance Requirements**

Employees required to drive as part of their job duties are responsible for maintaining a current, valid, and vehicle-appropriate driver's license of their resident state. Such employees must also maintain a safe driving record so that the individual is compliant with the applicable NTMWD job description and continue to be insurable by the NTMWD's insurance carrier. Employees with poor driving records may still be insurable but cause the NTMWD to incur extra cost due to assignment to a higher driver-risk category. In such instances, the NTMWD may revoke driving privileges, which may result in termination, or require the employee to be responsible for the added expense. Employees with driving responsibilities must report immediately to NTMWD any changes to their driver's license status, including license restrictions, suspension, revocation, or expiration.

### **2.14.2 Accident Reporting**

All vehicle accidents are to be immediately reported to the supervisor or department manager. Within 24 hours or by the next business day, the NTMWD Safety Department must be notified so that the insurance carrier is contacted, and the applicable forms must be completed and forwarded to the Safety Department. If other vehicles are involved, as a minimum, the driver's name, address, driver license number, license plate number, and insurance provider information should be obtained. Any vehicle accident occurring on a public roadway, involving injuries, or involving property damage must also be reported to the appropriate law enforcement agency.

### 2.14.3 Documents Kept in Vehicles

It is the responsibility of the NTMWD driver to make sure that all NTMWD required documents are present in the vehicle prior to departure.

### 2.14.4 Seat Belts

All employees and vehicle occupants must wear seat belts when operating or riding in a NTMWD vehicle or equipment provided with seat belts, even if operation is confined to NTMWD premises. All employees and vehicle occupants riding in a personal vehicle on NTMWD business must wear seatbelts.

### 2.14.5 Vehicle Passengers

NTMWD vehicles are operated and maintained for official work purposes. Only designated employees may drive NTMWD vehicles. Vehicle passengers who are not NTMWD employees should be present only in the course of conducting legitimate work duties. Such passengers may include contractors, consultants, service providers, vendors, other public agency employees, etc. Family members or any other person not connected to NTMWD work programs will not be allowed to ride as passengers, except in emergency situations.

The NTMWD may make an exception to this policy and allow family members only to ride in NTMWD vehicles for certain NTMWD-related events. Before transporting a family member to an event, the employee must receive authorization, in writing, which must describe the event, be signed by the supervisor, and be placed on file with the NTMWD.

### 2.14.6 Service and Care of NTMWD Vehicles

Employees assigned a NTMWD vehicle are responsible for ensuring it has proper fuel, oil, and repairs, and must maintain and turn in receipts with vehicle number and mileage recorded. Employees must immediately report any malfunctions or service needs. Employees must properly park and secure vehicles when leaving them unattended and are never to leave keys in the vehicle.

### 2.14.7 Overnight Use of Vehicles

Employees driving a NTMWD vehicle home overnight must be authorized by his/her supervisor based on the need for 24-hour emergency call availability. Otherwise, NTMWD vehicles may not be used for commuting. Vehicles may not be used for non-NTMWD purposes, must be parked off-street and in a safe location, and only the authorized employee may drive the vehicle.

### 2.14.8 Traffic Citations and Penalties

Traffic citations for violations of the law while operating a NTMWD vehicle, and any resulting monetary penalties, are the responsibility of the employee, unless the mechanical

condition of a vehicle is at fault, or other contributing conditions are present that are determined by NTMWD to be beyond the control of the employee.

#### 2.14.9 Substance Abuse

It is strictly prohibited to operate any vehicle while under the influence of alcohol and/or drugs. The use of legally obtained prescription medication or drugs does not relieve the vehicle driver of the obligation to be sober and capable of safe vehicle operation.

#### 2.14.10 CDL Drivers

NTMWD employees holding a Commercial Driver's License (CDL) must obey all federal and state regulations affecting CDL holders, including the following:

- (1) A driver may not hold more than one CDL.
- (2) A driver must notify NTMWD and Texas DPS within 30 days of conviction for any traffic violations with the exception of parking citations, regardless of the type of vehicle involved.
- (3) A driver must immediately notify NTMWD if the CDL is suspended, revoked, or cancelled, or if disqualified from driving for any cause.
- (4) A driver may not operate a commercial motor vehicle without a valid CDL.
- (5) Drivers are responsible for monitoring and complying with Texas Intrastate on-duty time limitations:
  - (a) After eight consecutive hours off duty, drivers may drive up to 12 hours and may be on duty up to 15 hours before requiring another eight-hour break.
  - (b) Drivers may not be on duty more than 70 hours in seven consecutive days.

### **2.15 Cell Phone Use/Texting While Driving**

Use of a handheld cell phone or other handheld mobile device while driving a NTMWD vehicle, or while driving for NTMWD business purposes, or while operating NTMWD equipment is strictly prohibited. The driver may not dial, type, read, or respond to emails and text messages, access the internet, request directions, or any other activity that could result in the driver being distracted or taking his or her eyes off the road. The driver must at all times wait to respond to the text or email until it is convenient and safe for the employee to pull off the road, stop, and park the vehicle. Any necessary voice calls while on the road must be facilitated by the use of hands-free technology. Similarly, employees are cautioned to exercise care in the use of two-way radios and any other device that could divert the driver's attention from the continued safe operation of the vehicle.

### **2.16 Uniforms**

NTMWD will provide uniforms to certain employees at no cost to the employee. Employees designated to wear uniforms must wear the complete uniform on the job, unless adjustment is required to reasonably accommodate religious, medical, or pregnancy-related requirements. In addition, designated employees must wear proper footwear, which will be

reimbursed annually or less frequently as needed. In order to receive reimbursement, this footwear should be worn for NTMWD work purposes only. The supervisor will provide the employee with the specific uniform requirements for his or her job. Upon separation from employment, all uniform items must be accounted for and returned, or the employee will be responsible for the cost through payroll deduction.

Employees are responsible for keeping their uniform clean and neat. Employees required to wear a uniform will be sent home on their own time to change if they report to work without properly wearing a complete uniform.

## **2.17 Record Retention and Public Information**

As a public agency, any information related to NTMWD business, including text messages and photographs, must be retained according to Record Retention laws, and may be subject to public release under public information laws, agency investigations/audits, and subpoenas, even if it is created, transmitted, downloaded, or stored using personal electronic devices (e.g., cell phones, notebooks, etc.). Employees are strongly encouraged to use email rather than text when communicating remotely, whenever possible.

If an employee does have a work-related text, photograph, or other communication on a personal device that has not gone through NTMWD's server, it must be transferred to NTMWD's files as soon as possible, and, according to law, **no later than 10 days**. If metadata cannot be preserved in the transfer, the employee must also continue to save the metadata on the personal device. **It is a violation of this policy, and a Class A Misdemeanor, to delete, destroy, or otherwise make unavailable NTMWD business records.**

## **2.18 Reporting Requirements for Significant Issues**

It is crucial that NTMWD management is made aware of significant issues impacting NTMWD services, liabilities, customers, and employees, and in a timely manner. All NTMWD employees must be familiar with all laws and regulations pertaining to their duties, and must report to their supervisors, within four hours:

- (1) any instance of an act or omission that may expose the NTMWD to civil, criminal, or other financial liability;
- (2) loss of service impacting NTMWD Retail Customers, Member Cities, Wholesale Customers, or such entities' retail customers;
- (3) reports made to regulatory agencies concerning matters that may have a significant impact on the NTMWD's legal or financial rights or obligations (except that employees are not required to report their own external complaints of discrimination, harassment, retaliation, or other workplace concerns);
- (4) the work-related death or injury of a NTMWD official, employee, or contractor; and
- (5) any other matters of significant public interest, including but not limited to, those matters likely to generate major media coverage.

Such issues are to be reported up the chain of command to the ED/GM who shall, in turn, report the information to the Board of Directors in a timely manner.

## **2.19 Employee Performance Evaluations**

NTMWD supervisors will evaluate employees' work performance in order to recognize good performance, identify areas needing improvement, create incentives for increased efficiency and good conduct, provide a record to support employment actions, and improve communications between supervisors and employees. Evaluations are to be conducted by the employee's supervisor during the introductory period of a new position (at three and six months), and annually thereafter. Evaluations, among other things, will also form the basis for compensation adjustments.

## **2.20 Telework Arrangements**

Telework is an arrangement where an employee works from an alternate workplace. Eligible employees assigned to telework are expected to maintain an acceptable level of productivity and performance. It is NTMWD's policy to provide management the discretion to authorize telework for specific situations to provide flexibility, work-life balance, and the ability to respond to changing conditions and emergencies. All employees who are deemed eligible by Human Resources for telework must execute a Situational Telework Agreement upon hire, and certain employees who are eligible for regularly scheduled telework (up to two days per week/four days per pay period) must execute a Core Telework Agreement. Employees who telework and also participate in flex time must work from the NTMWD work site a minimum of three days per week. Managers may use their discretion for one-off situations as needed; however, if situations require a long-term need for telework of more than two days per week, the manager must notify the HR Manager so that the exception can be documented accordingly. Telework arrangements will be evaluated annually and on an as needed basis, and they may be modified or terminated based on the needs of the employee and NTMWD.

Each department should identify one or two days per week when the entire team is expected to be in the office. Managers are encouraged to coordinate across departments where it makes sense, but not all departments need to select the same day(s).

Telework is a privilege and not a right. Abuse or misuse arising from telework employees can lead to suspension or elimination of any and all telework arrangements.

Additional information on the implementation and operation of this policy can be found in the Administrative Directive.

### Eligibility

Telework eligibility is not a right but is within the discretion of management. Employees may be eligible for telework, or continued telework if they:

- (1) occupy a telework-eligible position – one that does not currently require performance of on-site activity that cannot be handled from an alternate location;
- (2) have sufficient equipment and connectivity, designated appropriate space, childcare when appropriate, and minimal distractions at the alternate workspace to avoid work disruption and maintain safety;

- (3) have completed their first six months of employment successfully, and their introductory period has not been extended;
- (4) have demonstrated work habits suited to telework, as determined by their supervisor and line management;
- (5) are not under a Performance Improvement Plan.

#### Expectations for Teleworkers

- (1) be available and responsive to the same extent as if the employee were working on-site;
- (2) perform work during the District's normal office and core working hours, unless an alternate schedule is approved by the supervisor and manager;
- (3) remain logged into the instant messaging system currently in use by the District while teleworking;
- (4) for employees with emergency response duties, be able to report to the emergency response location within two hours of notification;
- (5) maintain performance standards applicable to all employees, and abide by all personnel policies and the Safety Checklist for Teleworkers that is part of the telework agreement;
- (6) use sick leave if not well enough to work;
- (7) return to the regular worksite on scheduled telework days when instructed by supervisor per operational needs;
- (8) accurately record working time.

## **SECTION III. COMPLAINT RESOLUTION**

### **3.1 Employee Grievances and Complaints**

NTMWD wants its employees to be heard when they have a concern about work-related matters or feel that a formal disciplinary action was not administered properly. No employee will be retaliated against for the use of the complaint resolution procedure. Employees who engage in retaliatory actions will be subject to disciplinary action, up to and including termination.

Employees should use the following procedure to raise workplace grievances and complaints (referred to collectively as "concerns"):

- (1) Employees should promptly direct concerns, in writing, first to the Human Resources Manager or designee, who will document the concern for tracking purposes, determine the appropriate level for resolution of the concern and provide guidance to employees and supervisors/managers. Supervisors and managers who receive written employee concerns directly must promptly forward them to HR. HR may determine that the concern should first go to the employee's immediate supervisor, to a higher level of management, or that it should be investigated by the HR Department or an outside investigator.
- (2) If HR refers the concern to the supervisor or a manager (including applicable Director or

Assistant General Manager, the supervisor or manager should document any discussions, initial investigation, and response. The supervisor or manager shall discuss the result of the initial investigation with the HR Manager or designee prior to notifying the employee of the resolution. The employee will receive notification of the resolution of the concern as soon as practical but not later than 30 calendar days from the date of the receipt of the concern. If the investigation is still ongoing after 30 days, the status of the investigation will be communicated to the employee.

(3) If the concern cannot be resolved by the supervisor or manager to the employee's satisfaction, within 10 business days after the supervisor/s or manager/s decision is communicated to the employee, the employee may request, with a copy to HR, submission of the concern to the applicable Director (or Assistant General Manager in situations where there is no Director) over the employee's area for review. No new information can be introduced and provided to the Director or Assistant General Manager that has not already been provided to the employee's supervisor, manager, and to the HR Manager or designee. Only the employee's concern, information provided by the employee, the supervisors/managers decision, and any additional information that the HR Manager deems relevant will be provided to the Director or Assistant General Manager. In all matters except suspension without pay, disciplinary demotion, or termination of employment, the decision of the Director, Assistant General Manager, or a member of the Senior Executive team over the department shall be final.

### **3.2 Appeals of Formal Disciplinary Action**

(1) Concerns related to formal disciplinary action, except Written Reprimand, may be appealed. Regular, full-time employees (except new or rehired employees who have not completed their six-month Introductory Period as new employees to the District) have a right to appeal formal disciplinary action. Directors, Assistant General Managers, or any member of the Senior Executive team do not have a right to appeal formal disciplinary action. Employees who are dismissed for non-disciplinary reasons or are impacted by a reduction in force may not appeal. An employee who chooses to appeal formal disciplinary action must notify the HR Manager or designee in writing within five business days from the date that the disciplinary action was communicated.

(2) Upon receipt of the employee's request to appeal formal disciplinary action, the HR Manager or designee will follow the below steps to ensure the appeal hearing is scheduled and conducted as expeditiously as practical for all parties:

- a. Acknowledge receipt of the appeal request to the employee within five business days of receipt of the request.
- b. Notify respective management of the request for an appeal hearing.
- c. Secure a date/time/location for the appeal hearing.
- d. Select an appeal panel consisting of three (3) Assistant General Managers and

Directors who are not in a direct supervisory responsibility over the employee's system, department, or workgroup. The panel shall consist of at least one Assistant General Manager and one Director.

- e. Provide written communication to all involved parties, including details of logistics (date, time, location, etc.), and the names and roles of those participating in the appeal hearing.
- (3) The disciplinary appeal hearing process is an informal administrative procedure. Employees will have an opportunity to provide information relevant to the action taken and to answer any questions asked by the appeal panel. Only information directly related to the action taken will be presented during the hearing and may include the past disciplinary history of the employee. Presentation of unrelated concerns or matters involving other employees, and/or introduction of new information or documents that had not been previously presented to the employee's supervisor, manager or provided to the HR Manager or designee during the investigation will not be allowed. A copy of the written record will be maintained in the employee's personnel file.
  - (4) The appeal panel will deliberate and make a decision within five business days from the date of the hearing or as soon as practical, upholding the disciplinary action taken, rescinding the action, modifying or amending the action or reducing the severity of the discipline. The decision will be communicated to the employee within five business days of the appeal hearing or as soon as practical.
  - (5) In the case of appealing a termination of employment, terminated employees will not be paid or otherwise considered NTMWD employees during the appeal process. The ED/GM may decide to retroactively reinstate a terminated employee's pay and status should the termination decision be reversed.

### **3.3 Alternate Hotline Method to Report Workplace Wrongdoing**

For reports of workplace misconduct or other violations, employees may choose to forgo the procedures above, and use the District's independent third-party Hotline provider for concerns such as:

- (1) Criminal Misconduct
- (2) Discrimination
- (3) Ethics and Compliance
- (4) Financial Issues
- (5) General Misconduct
- (6) Harassment and Hostility
- (7) Timekeeping and Overtime violations
- (8) Privacy and Security
- (9) Safety

Employees may choose to remain anonymous using this method. Employees should be aware that requesting full anonymity may impact the ability to fully investigate the concern.

## **SECTION IV. COMPENSATION AND REIMBURSEMENT**

### **4.1 Work Week and Office Hours**

The normal working time of full-time employees shall be 40 hours per week. Although some employees work alternating longer shifts, a “workday” for purposes of calculating holiday pay shall be 8 hours. If the employee normally works a longer day on a paid holiday, the employee may use vacation or other paid time off accruals to make up the extra hours (for sick leave use for extra shift hours, medical documentation may be required). A “workday” for calculating FMLA, sick leave, and vacation usage shall be the employee’s regularly scheduled hours for the day taken. The hours during which employees work shall be determined by the ED/GM or designated representative. NTMWD’s seven-day work period for purposes of calculating overtime is 12:00 a.m. Sunday through 11:59 p.m. the following Saturday, unless specifically modified in writing to address an unusual work schedule.

Normal office hours are 8:00 a.m. through 5:00 p.m., and supervisors are authorized to allow for variations in daily work schedules. Core office hours are between 9:00 a.m. and 4:00 p.m., except during scheduled lunch breaks. Supervisors may approve alternate work schedules for employees such as: 9 hours/day, 4 ½ days/week; 9 hours/day, 80 hours/pay period for exempt employees only; and 10 hours/day, 4 days/week, but again, no more than 8 hours per day will be used in calculating holiday pay. Supervisors are responsible for ensuring necessary staffing levels exist to adequately carry out business functions. Generally, employees should not start work prior to 7:00 a.m. nor work later than 6:00 p.m., unless they work a specific shift position at other hours.

### **4.2 Regular Salary**

Each employee of NTMWD shall be paid in accordance with a formal Salary Plan as approved by the Board, in conjunction with the approval of the Annual Operating Budget. The Salary Plan shall provide a salary range for each job classification. The ED/GM or designee shall determine the salary within the range merited by each employee on a periodic basis.

### **4.3 Overtime**

NTMWD compensates its employees in compliance with all state and federal laws relating to wages and hours, including the Fair Labor Standards Act and its overtime and minimum wage requirements. Certain categories of salaried employees are exempt from these requirements under the FLSA law and regulations, and positions designated as “exempt” are not entitled to overtime compensation described in this section.

It is the general policy of NTMWD to avoid non-exempt employees working frequent overtime. Overtime for such employees is defined as time worked in excess of 40 hours in any seven-day work week. Only actual hours worked and holiday hours, excluding any fringe benefit

hours such as vacation, sick leave, and emergency leave, are to be included as hours worked in the computation of overtime hours to be paid at time and a half rates, with the following exception: Any hours worked as a result of a call-out on a NTMWD designated Holiday in accordance with the Call-Out Bonus policy, as set forth in this manual, shall be paid at time and a half rates as long as the employee is eligible for 40 hours of other pay, which may include fringe benefit hours during the work week, excluding bonus hours for callout.

In the case of emergency or unusual situations, overtime work may be performed with prior approval of the ED/GM or their designated representative. NTMWD will compensate employees for overtime in the form of monetary payment, rather than providing compensatory time off.

#### **4.4 Travel Time**

Ordinary commuting time between the employee's home and work is generally not compensable except in an emergency call-back situation. Certain employees, however, may be approved for Temporary Duty Assignments at job locations that require additional travel distances to and from work. If designated by the ED/GM, such employees may designate the additional travel time on the time sheet for each date the employee is on Temporary Duty Assignment. Such travel time within the NTMWD service area will entitle the employee to additional straight time pay, but will not be counted as "time worked" for purposes of calculating overtime.

If the non-exempt employee is assigned to go on an out-of-town trip for training or other event outside of the NTMWD service area, the same-day travel from the employee's home and back will be considered "time worked." For overnight trips, all time spent traveling when the employee is the driver, less meal breaks, is compensable, but time spent as a passenger is compensable only during the employee's regular working hours, even if occurring on non-working day. Once the employee arrives at the destination, non-working or training time at a hotel or other venue is not compensable when outside the employee's normal workday.

#### **4.5 Callout Pay**

Employees who are called to physically return to work from off-duty after leaving work at the end of the regular work shift shall receive one additional hour per callout in addition to any overtime worked. An additional hour will not be paid for overtime work continued beyond a regular work shift when an employee is not called to physically return, as this is not considered a callout. Neither will an additional hour be paid for scheduled overtime. In addition, time spent traveling between the employee's home and the worksite for emergency callout, if the employee has already worked and gone home that day, is counted toward the employee's actual working hours for the week.

If the callout occurs on a NTMWD designated Holiday, time worked is paid at time and one-half, so long as the employee is eligible for 40 hours of other pay, which may include fringe benefit hours, during the workweek, excluding callout hours, and the callout time worked is on the day of the holiday.

#### **4.6 On-Call/Standby Pay**

Employees who are designated and/or placed in a rotating on-call status for a 12-hour or 24-hour period shall receive additional pay for each 12-hour or 24-hour period in which they are designated as on-call. This policy applies to all employees in positions required to participate in a rotating on-call status. The employee must be specifically assigned on-call status for a consecutive 12-hour or 24-hour period.

The employee designated for on-call duty must be able to respond to the call within 30 minutes of being contacted. Employees who are designated as on-call for a 12-hour or 24-hour period are not eligible for callout pay during that time frame.

#### **4.7 Holiday Pay for Alternate Work Schedules**

Holiday pay is always eight hours per day, regardless of the length of the employee's normally scheduled workday. If an employee is normally scheduled for more than an eight-hour day on the day of the holiday, then vacation time may be used for any normal work time over eight hours.

For example, if an employee is normally scheduled to work a 12-hour day on the day the holiday falls, then the employee would receive eight hours of holiday pay and may use four hours of vacation pay from the employee's vacation time bank. If no vacation pay is available, or if the employee chooses not to use accrued time, then the employee will only receive eight hours of pay for the holiday. Sick leave may not be used on a NTMWD designated holiday without medical documentation and express authorization from the employee's supervisor.

#### **4.8 Timekeeping**

All non-exempt employees must keep an accurate record of their actual time worked, their time off, and of their non-working time out of the office during their regular working hours. Time records are official government documents which must reflect actual time worked. If less than a full workday is spent at work, then the time sheet must reflect that fact.

For purposes of tracking paid and unpaid leave, all exempt employees must keep an accurate record of their time off when they have actually worked less than 40 hours in the workweek, or when they take an entire day off.

Non-exempt employees should track their time by rounding to the nearest 15-minute increment. Exempt employees should track their time off in one-hour increments and use available accrued sick or vacation leave to cover the time off, as appropriate.

#### **4.9 Business Travel and Expense Reimbursement**

The NTMWD will reimburse employees for authorized reasonable and necessary expenses incurred by employees in the course of NTMWD business in compliance with IRS regulations.

Refer to the Administrative Directive titled Travel on District Business for details regarding reimbursement.

#### **4.10 Cell Phone Issuance or Stipend**

Management will determine which positions require use of a cell phone for work-related communications during and after working hours. Generally, employees performing field services and critical job duties subject to after-hours calls will be required to carry a cell phone. Such employees will be eligible for a monthly cell phone stipend in an amount to be approved and publicized regularly. Employees receiving a stipend are responsible for insuring that the phone is in working order and that work-related emails and texts are retained pursuant to the NTMWD's Records Management Program. Employees receiving a stipend must set up their voicemail and keep it cleared and return work-related calls within a reasonable time and as soon as they are safely able to. Employees who decline the stipend are still responsible for retaining and transferring work-related emails, texts, photographs, and other NTMWD-related content, pursuant to the NTMWD's Policy on record retention and records requests, and its Records Management Program.

#### **4.11 *De Minimis* Benefits**

At the sole discretion of the ED/GM, the District may provide *de minimis* (low cost) benefits for employees from time to time, including for the purposes of promoting team building and employee morale, recognizing employees' extraordinary work performance or other contributions to the District, or celebrating major life events.

Examples of *de minimis* benefits may include, but are not limited to: providing meals and other snacks, hosting celebrations for employees' major life events such as retirement and work anniversaries, sending flowers or making small in memoriam donations, and other gestures of a similar monetary amount.

This policy does not create an entitlement to any *de minimis* benefit outlined above. The District policy and directives will follow guidance from the Internal Revenue Service rules regarding *de minimis* benefits.

Refer to the Administrative Directive on De Minimis Fringe Benefits for more details.

## **SECTION V. TIME-OFF BENEFITS**

### **5.1 Use of Accrued Paid Leave Required before Unpaid Leave**

Employees must use any available and appropriate paid time off before going into unpaid leave status, with the exception of unpaid military leave, where use of vacation accruals is at the employee's discretion.

## 5.2 Sick Leave

All regular full-time employees shall earn nine 8-hour working days of sick leave with pay each year, subject to the following:

- (1) Sick leave shall be accumulated at the rate of six hours for each full month of completed service, beginning with the first month of employment. An employee who is hired prior to the 16th day of any month shall earn six hours of sick leave for that month. Those hired on or after the 16th shall not earn sick leave for that month.
- (2) Sick leave may, with the supervisor's approval, be used in hourly increments as needed.
- (3) Sick leave shall be accrued by employees from year to year, without any maximum limitations; however, employees who resign or who are terminated for any reason, other than retirement, shall not be paid for unused sick leave.
- (4) Upon retirement under NTMWD's eligibility requirements, employees shall be paid for unused sick leave up to a maximum of 1,000 hours using the following criteria. Employees shall be paid for all hours of unused sick leave up to 720 hours, plus 50% of all remaining unused sick leave hours up to 280 hours, for a maximum of 1,000 hours.
- (5) The use of accrued sick leave is a privilege afforded to each employee and not a right. Sick leave shall be used only for the purpose of permitting employees to be relieved of duties during actual personal illness, injury, disability, or healthcare appointment, or for the care of an immediate family member's illness, injury, disability, or healthcare appointment. For this purpose, a family member is defined as a spouse, child, or parent (as those terms are defined in this Manual's FMLA policy). Sick leave may be used for medical, dental, or optical examinations or treatment which cannot be scheduled during non-working hours; however, such non-emergency treatment must be scheduled with the supervisor's approval, and notice given of the need for leave as soon as the employee is aware of it. An employee may be required to furnish a physician's statement attesting to the illness or office visit for the period of time when sick leave has been utilized.
- (6) Temporary, part-time, and seasonal employees shall not accrue sick leave benefits.
- (7) No employee shall be given or is entitled to take paid sick leave in excess of the actual amount accumulated, except as otherwise provided by the Sick Leave Pool or Occupational Injury Leave policies.
- (8) An employee who is going to be absent from work due to an illness or injury must notify the immediate supervisor as soon as the employee knows of the need for the absence. If the employee is unable to contact the supervisor prior to the employee's scheduled report time, he or she should continue to call in until a departmental supervisor is reached. For scheduled appointments and treatments, employees must receive prior supervisor approval, when possible, except as otherwise required by the FMLA, and provide supervisor notification as soon as the employee becomes aware of the need for the appointment. Employees must call in daily unless the supervisor waives the requirement based on verified extended medical leave, or as otherwise

allowed by the FMLA. Whenever physically possible, employees are expected to report to work, and may be assigned light duty when appropriate and allowed by law.

9) The ED/GM has authority and discretion to grant new hires, as a recruiting incentive in compelling circumstances, additional sick leave time available for use in the first year of employment. The ED/GM also has authority and discretion to make “equity adjustments” for certain current employees in similar positions as such new hires, to allow for equal benefits.

### 5.3 Sick Leave Pool

- (1) NTMWD allows employees to donate accrued Sick Leave to a pool for use by regular, full-time employees who have completed 12 continuous months of service with NTMWD, who require continuous or intermittent time off for a minimum of three weeks for their own or immediate family member’s “Catastrophic Illness or Injury,” and who have exhausted all paid leave accruals.
- (2) A “Catastrophic Injury or Illness” shall mean a life-threatening or debilitating illness, injury, impairment, or physical or mental condition of the employee or the employee’s immediate family (spouse, parent, or child, as defined by the FMLA) that involves inpatient care in a hospital or similar facility, or continuing treatment by a health care provider. Examples include cancer, complications arising from major surgery, serious accidents, heart attacks, long-term hospitalization, and other situations that pose a threat to life or render the employee incapable of performing the duties of their job. Short term conditions requiring brief treatment and recovery (for example, flu, measles, normal childbirth, broken bones, elective surgeries, on-the-job injuries, etc.) are not considered to be a catastrophic illness or injury for purposes of this program.
- (3) An employee wishing to receive Sick Leave from the Sick Leave Pool must complete the Sick Leave Pool Request Form found on the HR intranet page. The form will be routed to the Human Resources Manager, who shall act as the Sick Leave Pool Administrator, and shall select and chair the Sick Leave Pool Committee.
- (4) The Sick Leave Pool Administrator or designee must keep documentation of:

HOURS DONATED TO THE POOL:	Date of donation
	Name of donor
	Department of donor
	Number of hours donated
HOURS GRANTED FROM THE POOL:	Name of employee
	Date of request
	Number of hours requested
	Number of hours granted
	Illness requiring leave

- (5) An employee of NTMWD who is entitled to accrue Sick Leave has completed 12 months of continuous service with NTMWD, and is eligible to use and to be compensated for personally accrued Sick Leave may apply to use leave from the pool. An employee who is separated from employment with NTMWD and then returns to NTMWD employment must complete another 12 months of continuous service to be eligible to use the pool.
- (6) Employees seeking to utilize time from the pool must exhaust all accrued paid time off before they are eligible to withdraw leave from the pool.
- (7) Contributions to the pool are strictly voluntary.
- (8) Employees may contribute up to 48 hours, but no more than 50% of their sick leave balance, per year. Leave must be earned and recorded on the books at the time of the contribution. All donations to the pool must be in whole hours only. Contributions shall be made through the Sick Leave Pool Administrator. Employees who contribute to the pool cannot recover that leave unless they are eligible to use the pool due to a Catastrophic Illness or Injury.
- (9) Employees retiring from NTMWD may donate up to 200 hours of their sick leave balance, prior to their departure from NTMWD service. Retiring employees who wish to donate additional accrued sick leave beyond 200 hours may do so, but such hours will be deducted from the employee's maximum sick leave cash-out available at retirement. Employees leaving for reasons other than retirement may not contribute to the Sick Leave Pool at the time of separation from employment or after notice of separation.
- (10) Employees who make contributions to the pool may not restrict their contributions for use by a specific person.
- (11) The Sick Leave Pool Committee will determine the amount of Sick Leave Pool leave granted for each Catastrophic Illness or Injury. The amount of the pool leave granted for each Catastrophic Illness or Injury may not exceed one-third of the balance available in the pool or 480 hours, whichever is less. The maximum leave granted for each Catastrophic Illness or Injury in any fiscal year is 480 hours.
- (12) Any unused balance of pool leave granted to an employee will return to the pool. The estate of a deceased employee is not entitled to payment for unused pool leave.
- (13) Leave from the pool is not intended to be used by an employee who wishes to take additional leave to care for a newborn or adopted child beyond the medical issues surrounding pregnancy and childbirth, unless other circumstances exist, such as a serious medical condition affecting the mother or child that amounts to a Catastrophic Injury or Illness.
- (14) The employee requesting time from the sick leave pool must submit a medical certification to the Sick Leave Pool Administrator or designee, from the employee's physician, verifying that the condition meets the requirements of a Catastrophic Illness or Injury under this policy. The Sick Leave Pool Administrator or designee will provide a medical certification form to the requesting employee.

- (15) Under limited circumstances, an employee that does not meet every eligibility requirement may be eligible to receive hours from the sick leave pool upon review and vote by a special committee comprised of Senior Executive Leaders appointed by the ED/GM.
- (16) Employees must have donated a minimum of 6 hours of sick leave to the sick leave pool in the last 12 months, and meet all other requirements in order to be eligible for the sick leave pool.

#### **5.4 Occupational Injury Leave**

Employees sustaining injuries arising out of the course of employment with NTMWD shall be granted injury leave subject to the following:

- (1) Employees must immediately report any injury sustained in the course of employment to their immediate supervisor, regardless of how minor such injury may seem to the employee. Employees who fail to do so will not be eligible for injury leave with pay.
- (2) An employee whose injury necessitates an absence from work will be granted an injury leave, with supplemental pay, for a period not to exceed seven calendar days, only when the ED/GM or his/her designated representative is satisfied that the employee was actually injured on the job (on NTMWD premises or in furtherance of NTMWD business) and is in the care of a physician. An employee whose injury necessitates an absence of more than seven days may be granted supplemental pay, which is the difference between the full salary and any weekly benefits provided through the workers' compensation, up to a maximum of 12 weeks total. Such supplemental pay is not an accrued benefit and may be granted at the discretion of the ED/GM or his/her designated representative if, in his/her judgment, the employee was actually injured on the job, is unable to work, and is in the care of a physician. Such payments are not required by law and may be terminated at any time if it is determined that an employee is abusing this policy.
- (3) Eligible employees under the Family and Medical Leave Act (FMLA) will be placed on FMLA leave concurrent with occupational injury leave.
- (4) Any on-the-job injury that necessitates an absence from work in excess of 12 weeks will be without supplemental pay. Employees may elect to supplement workers' compensation benefits with accrued sick or vacation leave to cover the difference between the workers' compensation benefits and the average weekly earnings. Use or application of any type of paid leave beyond that amount will not be permitted during the period covered by workers' compensation.
- (5) During the period of occupational leave under this policy, NTMWD will continue to pay the employer portion of the health and dental insurance premiums as long as the employee continues to pay the employee portion of the premiums. Any employee-paid premiums will be deducted from the employee's supplemental or sick leave payments, if sufficient, or must be paid to NTMWD directly.

## 5.5 Vacations

All regular full-time employees shall earn paid vacation, in accordance with the following:

(1) Vacation shall be earned at a rate based on continuous years of service with NTMWD, in accordance with the schedule below.

<b>Years of Service</b>	<b>Days Earned per Year</b>	<b>Hours Earned per Month</b>	<b>Maximum Rollover Hours (2.5 times)</b>
Year 1	15	10.00	300
Year 2	16	10.67	320
Year 3	17	11.33	340
Year 4	18	12.00	360
Year 5	19	12.67	380
Year 6	20	13.33	400
Year 7	20	13.33	400
Year 8	21	14.00	420
Year 9	21	14.00	420
Year 10	22	14.67	440
Year 11	22	14.67	440
Year 12	23	15.33	460
Year 13	23	15.33	460
Year 14	24	16.00	480
Year 15	24	16.00	480
Year 16 and Over	25	16.67	500

(2) Vacation shall begin to accrue upon hire and will be available for use the first day of the month following 30 days of employment.

(3) Upon separation from employment with NTMWD, an employee shall be paid for accumulated vacation leave earned but unused, not to exceed two times their annual allowance.

(4) An employee retiring from NTMWD in accordance with NTMWD's Retirement Plan shall be paid for accumulated but unused vacation leave, in accordance with carry-over limits and not to exceed two and one-half (2-1/2) times their annual allowance.

(5) Employees are encouraged to take their full vacation in the year in which it becomes available. Under no circumstances shall an employee be allowed to accrue vacation leave in excess of two and one-half (2-1/2) times their annual allowance. Employees will stop accruing additional vacation leave when they reach two and one-half times their annual allowance and must use accrued vacation leave in order for the accrual to continue.

(6) Part-time, temporary, and seasonal employees shall not earn vacation leave.

(7) All employees are encouraged to take vacations. All vacations must be scheduled and approved by the employee's supervisor, giving due consideration to the needs of NTMWD and the ability of the remaining staff to perform the work.

(8) The ED/GM has authority and discretion to grant new hires, as a recruiting incentive in compelling circumstances, additional vacation time available for use in the first year of employment, and/or different vacation accrual rates. The ED/GM also has the authority and discretion to make "equity adjustments" for certain current employees in similar positions as such new hires, to allow for equal benefits.

## **5.6 Vacation Sellback Program**

NTMWD offers employees the opportunity to receive payment for a portion of their accumulated vacation leave at their current rate of pay. To be eligible, an employee must be currently in active status (not on paid or unpaid leave of absence for the full calendar month of the request), have been employed for a minimum of 12 consecutive months, and must have at least 120 hours currently accrued. Further, eligible employees must have taken at least one consecutive week of vacation in the last 12 months; a "week" for this purpose may be less than five days when in conjunction with a Holiday, or, for shift workers, if they take off the equivalent of their normally scheduled work for that week. Once per quarter, employees will have the option to convert 40 hours of vacation leave to pay; however, an employee may convert only 40 hours once per fiscal year. Vacation sellback hours do not count as time worked, and therefore, they are not used in the calculation of overtime or pensionable earnings.

## **5.7 Official Holidays**

(1) The following designated holidays shall be observed as official holidays:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King Jr. Day	Third Monday in January
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving Day
Christmas Day	December 25 <sup>th</sup>
Day Before or After Christmas	Day before or after Christmas as determined by ED/GM

(2) When one of the above-named holidays falls on a Saturday, the holiday shall be observed on the preceding Friday; if it falls on a Sunday, it shall be observed on the following Monday.

(3) As many employees as possible shall be given each holiday off; however, employees who, because of the nature of their work, cannot be off on a regular holiday will receive, in addition to their regular pay for the holiday, pay for the actual time worked at their regular rate of pay.

- (4) Any employee who is absent for unplanned or unauthorized time off on the workday immediately preceding or following a holiday, or who is off for authorized unpaid leave for an entire calendar week of the holiday, shall not be paid for the holiday. Unplanned sick leave may require a doctor's note prior to authorization.
- (5) Part-time, temporary, and seasonal employees shall not be eligible for holiday pay.

## **5.8 Bereavement/Emergency Leave**

Regular full-time employees may be granted bereavement/emergency leave with pay, when approved by the ED/GM, or his/her designated representative, up to a maximum of three working days (up to a maximum of 24 hours pay) in the case of death or life-threatening illness in the employee's immediate family, which shall be defined for purposes of this policy as: spouse, parent, child, sibling, grandparent, grandchildren, or other members of kinship who may be residing with an employee at the time of death, or the "step" or "in-law" versions of each. Death of relatives other than those mentioned above shall be considered for bereavement/emergency leave based on the special circumstances of the relationship.

- (1) Bereavement/emergency leave shall be available upon employment and may be used per occurrence as described above.
- (2) Employees may be required to furnish satisfactory proof of their reason for bereavement/emergency leave.

## **5.9 Military Leave**

NTMWD complies with all state and national laws relating to employees in reserve or active military service and does not discriminate against employees who serve in the military. NTMWD supports its employees and their service in state and national military units and provides them with a number of military leave benefits. However, temporary employees who have brief or non-recurrent positions with NTMWD and who have no reasonable expectation that their employment with the NTMWD will continue indefinitely or for a significant period of time are generally ineligible for reemployment rights under this policy.

This policy covers employees who serve in the uniformed services on a voluntary or involuntary basis. All requests, documentation, and determinations about military leave must be directed to the HR Department.

### 5.9.1 Notice to NTMWD of Need for Leave

Employees must provide as much advance written or verbal notice to NTMWD as possible for all military duty (unless giving notice is impossible, unreasonable, or precluded by military necessity). Absent unusual circumstances, such notice must be given to NTMWD no later than 24 hours after the employee receives the military orders.

### 5.9.2 Paid Leave for Military Training and Duty

- (1) Paid Leave for up to 15 days - Employees are entitled up to 15 working days per fiscal year of paid military leave, for use when an employee is engaged in reserves training or duty ordered or approved by proper military authority. This leave may be used when an employee is a member of the Texas military forces (Texas Army National Guard, Texas Air National Guard, and the Texas State Guard), a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team. The paid leave days may be consecutive or scattered throughout the year.
- (2) Paid Leave for up to Seven days - Employees are entitled to seven working days per fiscal year of paid military leave when called to state active duty by the governor or another appropriate authority in response to a disaster (as defined in Tex. Gov't Code § 418.004).
- (3) During any paid military leave of absence, the employee may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.
- (4) Other Paid Leave - Employees who have exhausted all available paid military leave may, at their option, use vacation leave to cover their absence from work.

### 5.9.3 Unpaid Leave

After an employee has exhausted all available paid military leave (and vacation leave time that the employee chooses to use to cover a military absence), the employee will be placed on military leave without pay for up to five years, or longer as required by law.

### 5.9.4 Group Health

While an employee is on military leave, NTMWD will continue to pay its portion of the monthly premium for group health benefits for no less than 30 days, provided the employee continues to make regular employee contributions. An employee may elect to continue group health coverage under COBRA for up to 24 months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/herself and eligible dependents. Upon an employee's return to employment following military service, NTMWD will provide health insurance coverage immediately, without a waiting period or pre-existing condition exclusions (except those incurred as a result of military service).

### 5.9.5 Other Benefits

While on paid military leave, employees continue to accrue vacation, sick leave and other benefits provided to other employees on paid leave. Benefits such as vacation and sick leave do not accrue while an employee is on unpaid military leave but will be suspended until the

employee's return to active employment. Once an employee returns to work following an unpaid leave, he/she will be treated as though he/she was continuously employed for purposes of determining benefits based on length of service.

#### 5.9.6 Reemployment Rights

In most cases, employees who complete their military service within five years of the date of being placed on military leave, or as otherwise required by law, will be reemployed in their previous or equivalent position with NTMWD.

#### 5.9.7 Deadline to Notify NTMWD of Intent to Return to Work

The deadline for an employee to return to work and/or notify NTMWD that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

- (1) For service of less than 31 days, employees have eight hours following their return home from service to notify their supervisor of their availability to return to work.
- (2) For service between 31 days and 180 days, employees have 14 days following their release from service to apply for reemployment.
- (3) For service of more than 180 days, employees have 90 days following their release from service to apply for reemployment.

These deadlines may be extended for two years or more when an employee suffers service-related injuries which prevent him/her from applying for reemployment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable.

#### 5.9.8 Required Documentation

To qualify to return to work, an employee returning from leave must provide documentation of the length and character of his/her military service. Also, evidence of discharge or release under honorable conditions must be submitted to NTMWD if the military leave lasted more than 31 calendar days.

#### 5.9.9 Rights to Continued Employment

Employees who serve in the military for more than six months will not be terminated by NTMWD without cause for one year following the date of reemployment. Employees who serve for between one and six months will not be terminated without cause for six months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under federal law from termination without cause.

#### 5.9.10 Changed Circumstances

If NTMWD's circumstances have changed to such an extent that it would be impossible or unreasonable to reemploy an employee, NTMWD has no legal obligation to reemploy an employee following his/her return from military leave.

### 5.10 **Jury Duty**

Employees who are required by law to render jury service shall receive their regular pay during such service. Employees called for such service may be required to submit proof of same to their supervisor. Employees will not be required to submit to NTMWD fees they receive for jury duty that are intended to reimburse the employee for travel, parking, and similar expenses.

### 5.11 **Training Leave**

The ED/GM, or their designated representative, may grant approval for an employee to attend job-related professional conferences, short courses, and other training activities, with pay.

### 5.12 **Family and Medical Leave (FMLA)**

#### 5.12.1 Definitions

(1) 12-Month Period means a rolling 12-month period measured backward from the date leave is taken.

(2) 12-Month Servicemember Period means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.

(3) Covered Active Duty means 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member 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 the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a war or national emergency.

(4) Covered Family Member includes: a) legal spouse under the law of the jurisdiction where the marriage was entered into; b) biological parent or individual who stood in place of a parent when the employee was a child; or c) biological, step, adopted, or foster son or daughter for whom the employee has day-to-day responsibility for care, and who is under 18 years of age (or 18 or older if incapable of self-care because of a mental or physical disability). For purposes of a son or daughter on active duty or call to active duty, or for Servicemember Family Leave, the child may be of any age.

(5) Covered Servicemember means a member of the Armed Forces (including a member of the National Guard or Reserves) or a veteran who was a member of the Armed Forces in the previous five years, who is undergoing medical treatment for a serious injury or illness.

(6) Qualifying Exigency means a family member's need for leave arising from a covered military member's active-duty status or call to active duty. Qualifying Exigency includes: 1) notification of a call to covered active duty seven 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); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to 15 days with a military member who is on short-term, temporary rest and recuperation leave; 6) caring for a military member's parent who is incapable of self-care, when such care is necessitated by the military members' covered active duty and, 7) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.

(7) Serious Health Condition means a medical condition that involves a) inpatient care; b) incapacity requiring absence from work for more than three days along with continuing treatment by a health care provider; c) continuing treatment for a chronic or long-term health condition; or d) prenatal care.

#### 5.12.2 General Protected Leave Provision

NTMWD will grant up to 12 weeks of job-protected unpaid leave per 12-Month Period to eligible employees for the following reason(s):

- (1) Care of a child after birth, adoption, or placement within the 12-month period following the birth or placement
- (2) Care of a Covered Family Member with a Serious Health Condition
- (3) In the event of an employee's own Serious Health Condition
- (4) To attend to a Qualifying Exigency.

#### 5.12.3 Servicemember Family Leave

In addition, NTMWD will grant an additional 14 weeks (up to a total of 26 weeks) of unpaid leave to eligible employees who are the spouse, child, parent, or next of kin of a Covered Servicemember to care for that Covered Servicemember with a serious injury or illness sustained while on active duty in the military. No more than 26 weeks of leave may be taken in a single 12-Month Servicemember Period, and no additional extended leaves may be taken in other years for the same injury or illness.

#### 5.12.4 Eligibility

To be eligible for FMLA, an employee must have completed at least a total of one year of service and have worked a minimum of 1,250 hours with NTMWD during the previous 12-month period. Per DOL requirements, special “hours of service” requirements apply to airline flight crew employees.

#### 5.12.5 Intermittent or Reduced Leave

An employee may take leave intermittently (a few days or hours at a time) or on a reduced leave schedule.

#### 5.12.6 Notification and Certification Requirements

An eligible employee who requests a leave for the reasons provided under this policy will be granted unpaid leave under the following conditions. All medical and military certifications requested by NTMWD must be submitted within 15 calendar days of such request or rights under the FMLA may be denied.

(1) If planned in advance, at least 30 days' notice prior to the anticipated leave date must be given. If the leave is unexpected, notice as soon as the need for leave is known must be given. The notice must provide a reason for the leave that qualifies it under FMLA.

(2) Employees requesting a leave under FMLA for the employee’s own serious health condition or to provide care for a family member will be required to provide medical certification from the treating physician providing the complete information requested on the Department of Labor’s appropriate form. Periodic statements from the treating physician may also be required.

(3) Prior to returning from a personal medical leave, employees will be required to present certification from their attending physician(s) indicating they are capable of returning to work and performing all of the essential functions of their job.

(4) An employee requesting leave related to a Covered Servicemember’s active duty or call to active duty shall provide supporting documentation issued by the applicable Armed Forces.

(5) An employee requesting Servicemember Family Leave must provide official Armed Forces documentation of the injury, recovery or need for care, showing the injury or illness was incurred on active military duty and renders the member unfit to perform military duties.

#### 5.12.7 Conditions and Benefits

(1) Employees will be required to use all accrued and appropriate paid leave (including vacation, sick leave, compensatory time, and occupational injury leave) concurrently with FMLA leave, except while on short-term disability or on workers’ compensation paid leave. Employees

receiving short-term disability payments or workers' compensation may supplement those payments with accrued leave up to the equivalent of their base wages.

(2) All NTMWD benefits which are accrued, such as vacation and sick leave, will cease to accrue during any unpaid leave, including unpaid portions of FMLA leave.

(3) NTMWD will continue to make its health insurance premium payments during FMLA leave, provided the employee continues to make their timely employee contributions. If the employee's contribution is more than 30 days late, NTMWD may terminate the employee's insurance coverage. Other benefits, such as pension and life insurance, will be governed by the terms of each plan and NTMWD policies.

#### 5.12.8 Job Protection Rights

Qualified employees who return to work on or before the expiration of the FMLA leave will normally be reinstated to their former position, or an equivalent position. However, the employee's restoration rights are the same as they would have been had the employee not been on leave. If the employee's position would have been eliminated, or the employee would have been terminated but for the leave, the employee would not have the right to reinstatement.

It is unlawful for an employer to interfere with, restrain, or deny the exercise of FMLA rights, or to terminate or otherwise discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.

All questions regarding FMLA should be directed to the HR Department.

Click on the following link to learn more about your rights under the FMLA: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/fmlaen.pdf>

### **5.13 Limitations on Leaves of Absence**

With the exception of leaves of absence for military duty, no leave of absence or other period of inability or failure to perform full-duty work, by itself or in combination with other periods of leave, may last longer than 26 weeks or the remainder of the employee's accrued sick leave, whichever is more. Any employee who, for any reason or combination of reasons, exceeds this limit in a 12-month period, will be separated from employment due to unavailability for work. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

NTMWD will reasonably accommodate disabled and pregnant employees with additional, limited extension of leave, in compliance with the Americans with Disabilities Act (ADA) and the Pregnant Workers Fairness Act (PWFA), when (1) additional, limited time off is necessary to accommodate an employee's disability, , childbirth, or pregnancy-related medical condition (2) such leave is for a definite, specified time period so that he or she may return to work, (3) the leave can be

granted without undue hardship to the NTMWD, and (4) the employee is otherwise qualified for the position, with or without reasonable accommodation.

## **5.14 Meals and Breaks**

Employees will be afforded sufficient time for breaks and meals, which will be scheduled by the supervisor to best accommodate the work requirements of the Department.

### 5.14.1 Non-Meal Breaks

Normally, breaks should not exceed 15 minutes in each four-hour work period. For breaks of less than 20 minutes, non-exempt employees shall not be required to clock out. For breaks of 20 or more minutes that do not include a meal, employees must clock out. Employees returning late from a break may be counted as tardy for disciplinary purposes and will be required to adjust their time if the break is 20 minutes or more.

### 5.14.2 Meal Breaks

Non-exempt employees must clock out for lunch or dinner breaks, and such breaks must be at least 30 minutes and normally no longer than 60 minutes. If an employee is required by work requirements to return from a meal break in less than 30 minutes, or if the employee's meal is interrupted so that there is not at least a 30-minute period free, then the employee will be paid for the entire break.

### 5.14.3 Break Time for Nursing Employees

NTMWD supports the practice of expressing breast milk, and reasonably accommodates its employees who have a need to do so during working hours. Employees who are nursing women are allowed reasonable break time, comfort, and privacy to express milk. If regularly scheduled breaks and mealtimes are not sufficient, nursing employees may take additional time to express milk. Employees will be relieved of all job duties while on break unless otherwise notified by their immediate supervisor. These uninterrupted additional breaks are not considered compensable working time and should be deducted from the total time worked. Employees may choose to use accrued paid leave for this purpose. If an employee is not completely relieved of their job duties during this time, the time is considered compensable working time. Nursing employees should notify their immediate supervisor or HR of their need for this accommodation so that arrangements can be made to provide a private, comfortable location to express milk.

## **SECTION VI. HEALTH AND RELATED BENEFITS**

### **6.1 Insurance and Retirement**

NTMWD provides health insurance and retirement benefits for eligible employees as set out in the insurance policies and plan documents. Summaries of these plans are available on the NTMWD Intranet under Benefits Hub on the HR page.

## **6.2 Retirement Recognition Program**

- (1) Employees who retire with less than ten years of service shall be presented with a certificate of achievement and will be noted in the NTMWD Employee newsletter.
- (2) Employees who retire with ten or more years of service, but less than 20 will receive a plaque of appreciation, normally presented during a departmental recognition ceremony, and will be noted in the NTMWD Employee newsletter.
- (3) Employees who retire with 20 or more years of service shall receive the plaque and newsletter notation, as well as an engraved NTMWD logo watch. Executive level employees will also be presented with an official resolution during a regularly scheduled Board meeting.

## **6.3 Employee Recognition Programs**

In order to recognize outstanding job performance and to commemorate and memorialize Carl W. Riehn's dedicated service to the NTMWD for 28 years prior to his retirement and untimely death in 1998, once a year, one below Grade 40 employee is recognized as the NTMWD Employee of the Year with the Carl W. Riehn Award. NTMWD also recognizes outstanding teamwork and job performance in service to achieve the NTMWD mission with the NTMWD Team of the Year. Further, all regular full-time NTMWD employees are eligible for this award. Employees are recognized periodically for achieving certain years of service milestones.

## **ADOPTION BY BOARD OF DIRECTORS**

The Personnel Policies in this Manual have been passed and approved, as amended to be effective October 1, 2024, by the Board of Directors of the North Texas Municipal Water District, in a Regular Meeting of the Board, on this \_\_ day of \_\_\_\_\_ 2024, and attested to by the signature of the President and Secretary, as indicated below.

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DONALD IMRIE, Secretary

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GEORGE CRUMP, President

(SEAL)