

CHAPTER 6 RULES OF CONDUCT

6.01 Drug Free Workplace

It is the desire of the Town of Flower Mound to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

Violations of this policy may lead to disciplinary action, up to and including termination of employment.

The Town has a "no tolerance" policy, whereby employees who test positive as a result of drug or alcohol testing, or who refuse to submit to a drug or alcohol test, shall be terminated. Employees who are terminated as a result of testing positive for drugs or alcohol or refusing to submit to a drug or alcohol test shall not be considered for re-employment with the Town.

For the purposes of this section, the term "drug" includes alcohol, prescription drugs when not taken as directed by the employee's doctor, illegal inhalants, and illegal drugs.

- A. While on the Town premises and while conducting business-related activities off Town premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or drugs.
 - 1. The legal use of prescribed drugs or over-the-counter medications taken for a current health condition is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
 - 2. Any employee, who is legally taking a prescription drug or over-the-counter medication that may impair his ability to perform the essential functions of the job effectively and in a safe manner, shall inform his supervisor that he is taking such prescription drug or over-the-counter medication.
- B. An employee's voluntary disclosure of a chemical dependency problem

may result in required participation in a substance abuse or related rehabilitation or treatment program. An employee may not provide a "voluntary disclosure" upon being notified that he must submit to a drug or alcohol test.

1. Employees with questions or concerns about substance dependency or abuse may also wish to discuss these matters with their supervisor or the Human Resources Division to receive assistance or referrals to appropriate resources in the community.
 2. Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the Town's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of any substance not prescribed or approved by his attending physician; abides by all Town policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave shall not cause the Town any undue hardship.
- C. Under the Drug-Free Workplace Act, any employee must notify the Human Resources Division of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction.
- D. Employee Drug Testing: All employees of the Town of Flower Mound are subject to drug and/or alcohol testing. The following tests shall be conducted:
1. Employment drug and/or alcohol tests shall be conducted before applicants are hired.
 2. Post-motor vehicle accident alcohol and drug tests shall be conducted on all employees as soon as practical following the accident.
 3. Alcohol and drug testing shall also be conducted when a trained

supervisor has reasonable suspicion, or observes behavior, speech, appearance, or body odors, that may be characteristic of misuse of drugs or alcohol. Drug and alcohol testing shall occur as soon as practical following the supervisor's observation. The supervisor shall document his observations and forward the document to the Human Resources Division.

- E. U.S. Department of Transportation Drug and Alcohol Testing – Employees with a Commercial Driver's License (CDL):
 - 1. The Town of Flower Mound shall comply with the Department of Transportation rules requiring drivers who hold a position requiring a Commercial Driver's License (CDL) to submit to random alcohol and drug testing, effective October 1, 1996.
 - 2. Employees holding a position that requires a commercial driver's license shall be tested on a random, unannounced basis for drugs and alcohol. The testing shall be performed with unpredictable frequency throughout the year. Employees shall be randomly selected for testing from a pool of employees who hold a commercial driver's license. Random drug and alcohol testing shall be conducted just before driving, after driving, or while an employee is on call to drive.
- F. Employees with questions on this policy, issues related to drug or alcohol use in the workplace, or the required U.S. Department of Transportation's Drug and Alcohol Testing rules, should raise their concerns with the supervisor or the Human Resources Division without fear of reprisal.

6.02 Sexual Harassment

- A. No Town employee shall be subject to or engage in any form of sexual harassment, including physical touching or verbal suggestions of a sexual nature. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting that individual; or
 3. Such conduct has a purpose or effect of substantially interfering with an individual's professional performance or creating an intimidating, hostile, or offensive employment environment.
- B. Sexual harassment of any type, including jokes, the exhibition of pictures, diagrams, and cartoons, is strictly prohibited and shall not be tolerated. Supervisory personnel are required to take immediate and positive steps to eliminate any form of sexual harassment when it comes to their attention.
- C. The Human Resources Division shall investigate allegations of sexual harassment and take prompt and appropriate action when it learns of an instance of behavior inconsistent with the law or the intent of this section. Any employee found to have violated this section shall be subject to disciplinary action, up to and including termination.
- D. Any Town employee who becomes aware of a situation involving sexual harassment shall report such violation to a supervisor, who shall then report the violation to the Human Resources Division, or the employee shall report the violation directly to the Human Resources Division.

6.03 Harassment

It is the Town's policy that all employees have a right to work in an environment free of discrimination, which includes freedom from harassment - whether that harassment is based on gender, age, race, national origin, religion, disability, marital status, or membership in other protected groups. The Town prohibits harassment of its employees in any form by supervisors, co-workers, or the general public.

Harassing conduct in the workplace, whether physical or verbal, including slurs, jokes, or degrading comments concerning gender, age, race, national origin, religion, disability, marital status, or membership in other protected groups is prohibited.

The Human Resources Division shall investigate allegations of harassment and take prompt and appropriate action. Any employee found to have violated this section shall be subject to disciplinary action, up to and including termination. Any Town employee who becomes aware of a situation involving harassment shall report such violation to a supervisor, who shall then report the violation to the Human Resources Division, or the employee shall report the violation directly to the Human Resources Division.

6.04 Performance Standards

Every employee is expected to consistently maintain satisfactory performance standards. Continuing performance deficiencies, unlike the isolated violations noted in the subsequent sections of this chapter, should first be addressed by the mutually cooperative efforts of the supervisor and employee. Those efforts include but are not limited to:

- An analysis of the problem;
- A determination of needed changes and assistance; and
- Implementation of a corrective plan of action and establishment of achievement dates.

If performance standards are not met within a reasonable period of time, the employee, depending upon the reasons for failure, may be transferred, demoted, or terminated. The specific action taken and the status of the employee determine what, if any, appeal rights are available to the employee.

The following types of conduct are unacceptable and may be cause for discipline in the form of a documented oral reprimand, written reprimand, suspension, demotion, or termination, depending upon the facts and circumstances of each case. The examples given below are typical, but not all-inclusive:

A. **Unsatisfactory attendance** is exemplified by, but is not limited to, the following violations:

1. Unexcused absence or tardiness;
2. Failure to give notice of an absence or tardiness to the supervisor within thirty (30) minutes after starting time, or as may be

- prescribed by departmental policy;
3. Separate absences or days of tardiness which exceed the average absences of days of tardiness of the employee's work group and which lack sufficient justification;
 4. Absence or tardiness that causes significant curtailment or disruption of services without sufficient justification; or
 5. Abuse of leave, such that the employee's absence from the workplace renders him unable to perform the essential functions of the job at a satisfactory level, except as covered by the Family and Medical Leave Act.
- B. **Frequent claiming of sick leave** may constitute grounds for the assumption of the Department or Division Head that the physical condition of an employee is below the standard required for the employee to perform the essential functions of the job.
- C. **Abandonment** occurs when an employee deliberately and without authorization is absent from the job, or refuses a legitimate order to report to work, for three (3) consecutive work days. The employee is deemed to have abandoned his job and shall be terminated.
- D. **Inability to come to work** occurs when an employee is absent due to an extended illness or injury after all eligible leave has been exhausted, except when the employee's absence is covered by the Family and Medical Leave Act.
- E. **Inability or unwillingness to perform assigned work satisfactorily** is exemplified by, but is not limited to, the following violations:
1. Failure to follow routine written or verbal instructions;
 2. Arguing over assignments or instructions; or

3. An accumulation of other deficiencies indicating the employee's continuing failure to adequately perform in a productive, efficient, and competent manner.

F. **Indifference toward work** is exemplified by, but is not limited to, the following violations:

1. Inattention, inefficiency, loafing, sleeping, carelessness, or negligence;
2. Reading unauthorized material, playing games, watching television, movies or video cassettes, accessing unauthorized internet sites, unauthorized e-mail usage, or otherwise engaging in entertainment while on the job and/or in view of the public;
3. Excessive failure to remain at one's work station without notifying his supervisor, leaving work without permission, or taking excessive time or more time than allowed for eating or break periods;
4. Performance of personal business;
5. Interference with the work of others; or
6. Discourteous or irresponsible treatment of the public or other employees.

G. **Sabotage** is exemplified by, but is not limited to, the following violations:

1. Deliberate damage to or destruction of Town equipment or property;
2. Defacing of Town property;
3. Unauthorized alteration, removal, destruction, or disclosure of Town records;
4. Advocacy of or participation in unlawful trespass or seizure of Town property;
5. Encouraging or engaging in slowdowns, sit-ins, strikes, or other concerted actions or efforts to limit or restrict employees from working;
6. Encouraging Town employees to disobey provisions of these rules and regulations, the Town Charter, Town ordinances, or other laws;

7. Interference with the public use of or access to Town services, properties, or buildings; or
 8. Threats to commit any act of sabotage as defined in this subparagraph.
- H. **Safety violations** are exemplified by, but are not limited to, the following violations:
1. Failure to follow Town or departmental safety rules and regulations;
 2. Failure to use required safety apparel;
 3. Removal or circumvention of a safety device;
 4. Lifting in a manner which may cause injury;
 5. Operations of a vehicle or other equipment in an unsafe, negligent, or careless manner;
 6. Endangering of one's own safety or that of others by careless or irresponsible actions or negligence;
 7. Failure to report an on-the-job injury, vehicle accident, or unsafe working condition;
 8. Failure of a supervisor to remove from the workplace or to assist to a safe location an employee whose mental capabilities are impaired due to injury, illness, alcohol or drug use, or emotional distress; or
 9. Failure to maintain a driving record acceptable to the Town.
- I. **Dishonesty** is exemplified by, but is not limited to, the following violations:
1. Acceptance of money or anything of value from a person subject to the regulatory decision or supervision of the employees;
 2. Cheating, forging, or willful falsification of official Town reports or records;
 3. False reporting of the reason for a paid leave of absence; or
 4. Any other falsifying action detrimental to the Town, Town employees, or others.
- J. **Theft**, regardless of item value, is exemplified by, but is not limited to, the

following violations:

1. Unauthorized taking of Town property, Town supplies, or the property of others;
2. Unauthorized use of Town or employee funds;
3. Using or authorizing the use of Town equipment, supplies, or employee services for other than official Town business, including the unauthorized use of long distance or pay telephone services (including "900" toll calls); or
4. Using or authorizing the use of Town equipment or employee services without proper authority.

K. **Insubordination** is exemplified by, but is not limited to, the following violations:

1. Willful failure or refusal to follow the specific orders or instructions of a supervisor or higher authority; or
2. Pursuit of a denied request to a higher authority without revealing the lower level disposition; provided that:
 - a. If the employee believes an instruction or order is improper, he should request an interpretation of the next higher level of authority; or
 - b. If the employee believes the instruction or order, if followed, would result in physical injury to the employee or others, or damage to Town equipment, the employee should request approval by the next higher level of supervision before performing the work, unless the danger complained about is inherent to the job.

L. **Abuse of drugs or alcohol.**

1. Abuse of drugs or alcohol is exemplified by, but is not limited to, the following violations:
 - a. An employee is judged unable to perform duties in an effective and safe manner due to:

- (1) ingestion, inhalation, or injection of a drug; or
- (2) ingestion of an alcoholic beverage;
- b. An employee possesses or ingests, inhales, or injects into his body a drug:
 - (1) during working hours and lunch periods;
 - (2) in a Town vehicle;
 - (3) on Town property; or
- c. An employee possesses or ingests an alcoholic beverage:
 - (1) during working hours and lunch periods;
 - (2) in a Town vehicle; or
 - (3) on Town property; except at an authorized Town event.

2. In this section:

- a. "Drug" means a controlled substance as defined by Chapter 481 of the Texas Health and Safety Code, as may hereafter be amended.
- b. "Alcoholic beverage" means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

M. **Disturbance** is exemplified by, but is not limited to, the following violations:

- 1. Fighting or boisterous conduct;
- 2. Deliberate causing of physical injury to another employee or citizen;
- 3. Harassment, as defined by the Texas Penal Code, or intimidation;
- 4. Unnecessary disruption of the work area;
- 5. Use of profane, abusive, threatening, or loud and boisterous language;
- 6. Sexual harassment;
- 7. Spreading of false reports; or

8. Other disruption of the harmonious relations among employees or between employees and the public.
- N. **Abuse of Town property** is exemplified by, but is not limited to, the following violations:
1. Intentional, careless, or negligent damage or destruction of Town equipment or property;
 2. Waste of materials or negligent loss of tools or materials;
 3. Improper maintenance of equipment;
 4. Damage caused by use of tools or equipment for purposes other than that for which the tool or equipment was intended; or
 5. Unauthorized internet or e-mail usage.
- O. **Misconduct** is any criminal offense or immoral conduct, during or off working hours, which, on becoming public knowledge, could have an adverse effect on the Town or the confidence of the public in Town government. "Criminal offense" means any act constituting a violation of law and/or resulting in charges being filed, arrest, or confinement.
- P. **Disregard of public trust** is any conduct, during or off working hours, which, on becoming public knowledge, could impair the public's confidence or trust in the operation of Town government.
- Q. **Failure to report a violation** is exemplified by, but not limited to, failure to report to the proper authority any known violation described in Subsections F, G, H, I, J, K, L, or M.
- R. An employee shall maintain sufficient competence to properly perform his duties and to assume the responsibilities of his position. He shall direct and coordinate his efforts in a manner that will tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Town. The fact that the employee was deemed competent at the time of employment shall not preclude a judgment of incompetence as the result of job performance deficiencies. Apart from, or in addition to, other methods of proof of incompetence, such as failure to

achieve and maintain acceptable job proficiency and to accept and execute duties, responsibilities, instructions, and orders with minimum supervision, a written record of repeated disciplinary actions for infractions of policies, rules, regulations, manuals, or directives, or repeated adverse counseling reports and/or evaluations reflecting need for improvement or indicating performance inadequacies, will be considered prima facie evidence of incompetence.

- S. No employee shall discriminate against any individual on the basis of race, color, creed, religion, gender, national origin, age, disability, or physical handicap.
- T. An employee shall maintain a neat, well-groomed appearance and style his hair and wear his uniform or other apparel in accordance with individually established departmental standards.
- U. An employee shall maintain high standards of moral conduct in his personal affairs and shall not be a participant in any incident involving moral turpitude which tends to or does impair his ability to perform as a Town employee or cause the Town to be brought into disrepute.
- V. An employee shall refrain from undertaking any financial obligation which he knows, or should know, he will be unable to meet. An employee shall pay all just debts when due. Conduct in violation of this policy which tends to impair the efficient operation of municipal administration or causes the Town to be brought into disrepute may be cause for disciplinary action. Further, an employee shall not solicit any employee to co-sign or endorse any promissory note or other loan.
- W. An employee shall have the right to join labor organizations, but nothing shall compel the Town to recognize or to engage in collective bargaining with any such labor organizations. No employee shall engage in any strike. "Strike" includes but is not limited to any of the following when engaged in for the purpose of inducing, influencing, or coercing a change in the conditions, compensation, rights, privileges, or obligations of employment:

1. The concerted failure to report for duty, willful absence from one's position;
 2. Unauthorized holidays;
 3. Sickness unsubstantiated by a physician's statement in accordance with personnel policy;
 4. The stoppage of work or the abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment; or
 5. An acceleration of work performance resulting in an unreasonable and substantial increase in Town activity.
- X. No employee shall be or become a member with intent to further its aims of any organization, association, movement, or group which advocates or approves the commission of acts of force or violence to deny others their rights under the Constitution of the United States or which seeks to alter the form of government of the United States by unlawful means.
- Y. Employees shall notify their immediate supervisor of traffic violations, except Class C traffic offenses, any arrest, indictment or convictions within five (5) calendar days of such traffic violation, arrest, indictment or conviction. Employees who operate Town vehicles or equipment are required to notify their immediate supervisor of all traffic violations, excluding parking violations, within five (5) calendar days of any conviction therefor.
- Z. Any employee detained by law enforcement authorities who fail to report to work or timely notifies his supervisor will be subject to disciplinary action for unexcused absence. If the employee does not report to work, the time shall be recorded as unpaid leave.
1. At the time the Town is made aware of an employee's arrest or conduct constituting a criminal offense, the Department Head, with final approval of the Town Manager or his designee, may:
 - a. Allow the employee to return to regular duty with pay;

- b. Allow the employee to return to restricted duty with pay;
 - c. Place the employee on paid administrative leave; or
 - d. Take disciplinary action up to and including termination.
- 2. Disciplinary action may be pursued concurrently or at a later date.
- 3. Determination of any action is subject to a case-by-case review of the facts that will determine, in accordance with applicable law, the choice of the option to be pursued.
- AA. Except for sworn peace officers, no employee of the Town, whether licensed or not licensed by the State of Texas to carry a concealed handgun, shall carry a concealed handgun or any other firearm into any Town building or portion of a building, or any Town vehicle.
- BB. No employee shall make known any information concerning the progress of an investigation, a known or reported law violation, a condition against which action is to be taken at a future time or any proposed law enforcement action to any person not authorized to receive it. An employee shall treat the official business of the Town as confidential and shall disseminate information regarding official business only to those for whom it is intended in accordance with established Town procedures and consistent with Public Information Act. An employee may remove or copy official records or reports from a Town office only in accordance with established procedures and with the approval of the applicable Department or Division Head. An employee shall not promise confidentiality or divulge the identity of a person giving confidential information except when authorized by proper authority and necessary in the performance of their work. Further, an employee shall not use information gained from any Town information system for anything other than official Town business.
- CC. An employee shall cooperate in an internal investigation in which he is the primary focus or for which he is a witness or affected party.
- DD. No employee may smoke inside, or within 20 feet of any entrance to, any building, facility or enclosed public area that is owned or operated

by the Town. In addition, at no time shall smoking or smokeless tobacco be permitted in any Town vehicle or while operating motor equipment. *Smoking or to smoke* means the possession of a burning tobacco, weed or other plant product or the use of an "electronic vaping device." *Electronic vaping devices* shall include any electronically powered or battery powered device designed to stimulate the smoking of tobacco, cigarettes, pipes or cigars. An electronic vaping device includes personal vaporizers, electronic cigarettes (e-cigarettes), electronic pipes (e-pipes), electronic cigars (e-cigars) and any other type of electronic nicotine delivery system or any part thereof.

6.05 Code of Ethics (As it applies to Town Employees)

A. Definitions

1. Compensation. Any economic benefit received in return for services, property, or investment.
2. Discretionary Authority. The power to exercise any judgment in a decision or action.
3. Economic Benefit. Economic benefit refers to any money, real or personal property, purchase, sale, lease, contract, option, credit, loan, discount, service, or other tangible or intangible thing of value, whether similar or dissimilar to those enumerated.
4. Employee. Any person employed by the Town, including those individuals employed on a part-time or seasonal basis, but such term shall not be extended to apply to any independent contractor.
5. Entity. A sole proprietorship, partnership, limited partnership, firm, corporation, professional corporation, holding company, joint stock company, receivership, trust, or any other entity recognized by law through which business may be conducted.
6. Gift. Gift means favor, hospitality, or economic benefit, other than compensation.

7. Officer or Official. Any member of the Town Council and any appointive member of a board, commission, authority, or committee set up by ordinance, the charter, state law, or otherwise on a temporary or permanent basis, but not members of a board, commission, authority, or committee which functions only in an advisory or study capacity and which has no discretionary, government, quasi-judicial, or administrative authority.
8. Relative. A relative means any person related to an officer, official, or employee within the first degree by consanguinity or affinity and shall include a spouse, father, mother, son, daughter, brother, or sister.
9. Remote Interest. An interest of a person or entity, including an official, who or which would be affected in the same way as the general public.
10. Substantial Interest. An interest in another person or an entity if:
 - (a) the interest is ownership of ten percent (10%) or more of the voting stock, shares, or equity of the entity or ownership of five thousand dollars (\$5,000.00) or more of the equity or market value of the entity;
 - (b) fund received by the person from the other person or entity either during the previous twelve months or the previous calendar year equaled or exceeded five thousand dollars (\$5,000.00) in salary, bonuses, commissions, or professional fees or twenty thousand dollars (\$20,000.00) in payment for goods, products, or non-professional services, or ten percent (10%) of the person's gross income during that period, whichever is less; the person serves as a corporate officer or member of the board of directors or other governing board of the for-profit entity, other than a corporate entity owned or created by the Town Council; or
 - (d) the person or creditor, debtor, or guarantor of the other person or entity in an amount of five thousand dollars (\$5,000.00) or more.

11. Substantial Interest in Real Property. An interest in real property, which is an equitable or legal ownership, with a market value of five thousand dollars (\$5,000.00) or more.
12. Substantial Interest in Partnerships, Professional Corporations, and Other Entities. If a Town employee is a member of a partnership or professional corporation, or conducts business through another entity, a substantial interest of partnership, professional corporation, or entity shall be deemed to be a substantial interest of the Town employee if: (a) the partnership or professional corporation has fewer than twenty (20) partners or shareholders; (b) regardless of the number of partners or shareholders, the employee has an equity interest, share of draw equal to or greater than five percent (5%) of the capital or revenues of the partnership, professional corporation, or other entity; or with regard to the partnership, professional corporation, or other entity's substantial interest in a particular client, the employee has personally acted within the preceding twenty-four (24) months in a professional or fiduciary capacity for that client.

B. Policy and Purpose

1. It is the policy of the Town of Flower Mound that the proper operation of democratic government requires that:
 - a. Town employees be independent, impartial, and responsible only to the people of the Town;
 - b. Governmental decisions and policies be made using the proper procedures of the governmental structure;
 - c. No Town employee have any interest, direct, or indirect, nor engage in any business transaction or professional activity, nor incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest;
 - d. Public office not be used for personal gain;

- e. Town employees fully comply with any federal and state statutes, laws and regulations, as amended, concerning conflicts of interest.
 2. In furtherance of this policy, the Town Manager has determined that it is advisable to enact this Code of Ethics for all Town employees to serve not only as a guide for official conduct of the Town's public servants, but also as a basis for discipline for those who refuse to abide by its terms and provisions.
- C. Unethical Activity. No employee of the Town shall:
 1. Accept any gift or economic benefit of more than twenty dollars (\$20.00) in value from any person or entity which gift or economic benefit might reasonably tend to influence such employee in the discharge of official duties, or grant in the discharge of official duties any improper gift, economic benefit, service, or thing of value.
 2. Use his official position to solicit or secure special privileges or exemptions for himself or others.
 3. Directly or indirectly disclose or use any information gained solely by reason of his official position or employment for his own personal gain or benefit or for the private interest of others.
 4. Transact any business on behalf of the Town in his official capacity with any business entity of which he is an officer, agent, or member or in which he owns a substantial interest. In the event that such a circumstance should arise, he shall turn the matter over to his supervisor for reassignment, state the reasons for doing so and have nothing further to do with the matter involved.
 5. Engage in any outside activities which will conflict with his assigned duties in the employment of the Town, or which his employment with the Town will give him an advantage over others engaged in a similar business, vocation, or activity.
 6. Accept other employment or engage in outside activities

incompatible with the full and proper discharge of his duties and responsibilities with the Town, or which might impair his independent judgment in the performance of his public duties.

7. Receive any fee or compensation for his services as an employee of the Town from any source other than the Town, except as may otherwise be provided by law. This shall not prohibit an employee from performing the same or other services that he performs for the Town for a private organization if there is no conflict with his Town duties and responsibilities.
8. Represent, directly or indirectly, or appear on behalf of the private interests of others before any agency, board, commission, authority, or committee of the Town, or accept any retainer or compensation that is contingent upon a specific action being taken by the Town or any of its agencies, boards, commissions, authorities, or committees,
9. Use the prestige of his position on behalf of any political party or engage in any political activity which does not maintain the nonpartisan policy of the Town; provided however, that all employees are encouraged to register and vote as they may choose in all local, state, and national elections.
10. Knowingly perform or refuse to perform any act in order to deliberately hinder the execution and implementation of any Town ordinances, rules or regulations, or the achievement of official Town programs.
11. Have a substantial interest, direct or indirect, in any contract with the Town or a substantial interest, direct or indirect, in the sale to the Town of any land, or rights or interest in any land, materials, supplies, or service.
12. Participate in a decision on any matter in which the employee has a direct or indirect substantial interest or in which a relative of the

employee has direct or indirect substantial interest.

13. Grant any special consideration, treatment, or advantage to any individual, business organization, or group beyond that which is normally available to every other individual, business organization or group. This shall not prevent the granting of fringe benefits to Town employees as an element of their employment or as an added incentive to the securing or retaining of employees.
14. Knowingly disclose information deemed confidential by law.
15. Participate in any decision relative to any amendment to the Town's Comprehensive Master Plan or any change in the zoning classification of property if the employee or relative of the employee has any interest in any property within two hundred feet (200') of the property which is the subject of the amendment to the Town's Comprehensive Master Plan or on which the change in zoning classification is proposed. Further, any employee who has any such interest in property shall be legally disqualified from participating in any decision relative to the Comprehensive Master Plan amendment or change in zoning classification.

D. Disclosure of Interest

Any employee of the Town who has a prohibited or substantial interest in any matter pending before the Town, shall disclose such interest to a supervisor and shall refrain from further discussion of the matter.

E. Penalty

1. Any employee knowingly violating any provision of this Code of Ethics shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine as provided in §1.06 of Chapter 1 of the Town's Code of Ordinances.
2. The penalty prescribed herein shall not limit the power of the Town Manager to discipline those employees under the Town Manager's supervision pursuant to applicable provisions of the Town Charter,

Town ordinances, these Regulations, state statutes, or other laws defining and prohibiting conflicts of interest.

F. Adoption of State Statute

Chapter 171 of the Texas Local Government Code, as amended, being the statute which regulates conflicts of interest of officers of municipalities in the State of Texas, is hereby adopted and made a part of this Code of Ethics for all purposes, with the provision that in case of a conflict between the provisions of this Code of Ethics and Chapter 171 of the Texas Local Government Code, then in that event the more restrictive provision shall govern.

G. Cumulative Legal Effect

In its legal effect, this section is cumulative of all provisions of the Town Charter, Code of Ordinances, these Regulations, federal or state laws or regulations defining and prohibiting conflicts of interest.

6.06 Uniforms

Employees assigned to certain departments within the Town shall be provided uniforms for use during work hours. A uniform may include shirt(s), pant(s), shoes, boots, cap(s), hat(s), raincoat, jacket(s), and/or reflective vest.

Employees of the Town are expected to exercise due care in the maintenance of all uniform items. Uniforms shall be neat and clean when the employee reports to work. Employees in some departments will be unable to keep the uniform clean while working, but should strive to remain as neat in appearance as possible (shirt tucked in, etc.) When uniform items become unserviceable or unsightly, employees shall report such to their supervisor to authorize replacement.

Employees issued a uniform shall wear the uniform at all times while on duty. If a cap or hat is provided by the Town, the employee shall wear the cap or hat provided by the Town, and shall refrain from wearing a personally owned cap or hat.

Uniforms issued to employees by the Town are to be worn for work only, and shall not be worn for personal use, other than to and from work, except police officers, who are issued uniforms by the Town, shall wear uniforms in accordance with

established departmental policies.

All serviceable uniform items shall be returned by employees upon separation from employment with the Town.

6.07 Town Vehicles and Equipment

To establish credibility, maintain integrity, and develop public trust, driving and overall operation of Town vehicles and equipment must be above reproach. Employees are reminded that while operating Town vehicles and equipment, employees are more closely scrutinized by the public and are held to higher standards of accountability in vehicle operation practices than the motoring public at large. Furthermore, there are considerable dangers associated with the operation of any vehicles or equipment. Therefore, the following regulation shall govern operations of all Town vehicles or equipment that are owned, leased, or rented by the Town.

A. Traffic Violations

Town employees shall exercise due regard for the safety of others while operating Town vehicles and equipment, and shall obey all traffic laws, Town ordinances, these Regulations, or other applicable laws, including but not limited to the following:

1. Operation of Town Vehicles or Equipment

- a. Employees shall stay alert for other vehicles, pedestrians, and bicyclists, which might unexpectedly enter into the path of the vehicle.
- b. Employees shall avoid road hazards such as debris, curbs, potholes, etc.
- c. Employees shall operate Town vehicles or equipment at reasonable speeds while taking into consideration such things as visibility, road and weather conditions, other traffic, etc.
- d. Employees shall operate only vehicles or equipment, which are in safe mechanical condition, including lights on trailers.
- e. Employees shall not litter from Town vehicles or equipment, including the disposal of soft drink cans, etc.

- f. Employees shall ensure that all materials loaded in the back of a pick-up are securely fastened at all times.
- g. Employees shall wear a seatbelt at all times while operating or riding in a Town vehicle, as required by law.
- h. Except for police and fire emergency vehicles, Town vehicles and equipment shall be turned off and keys removed when employee(s) leave the vehicle.
- i. Employees assigned a Town vehicle or equipment that is equipped with beacon lights, shall use such beacon lights as deemed necessary for safety purposes. Employees assigned a Town vehicle or equipment that is not equipped with beacon lights shall exercise due caution when standing, stopping, or parking in a public right-of-way.
- j. At no time is the use of alcoholic beverages and/or illegal drugs permitted in Town vehicles.
- k. At no time may a Town employee operate a Town vehicle or piece of equipment under the influence of drugs, alcohol, or any other substance, which affects the employee's ability to operate a motor vehicle.

B. Lunch Breaks

Those employees who drive personal vehicles to and from work, but use Town vehicles during work hours, shall not be allowed to use Town vehicles during their lunch period. The following conditions shall be allowed:

- 1. A Town business lunch engagement,
- 2. Police and Fire emergency service employees,
- 3. Performing Town business when the lunch period approaches and the distance and time of travel to use their personal vehicle hinders their lunch period, or
- 4. An employee who is on twenty-four (24) hour call and drives a

Town vehicle.

C. Breaks

Breaks shall be taken within the Town's corporate limits except for one mile of the eastern corporate limits.

D. Travel Boundaries During Lunch

To enable the Town to respond promptly to the needs of the community and citizens, employees driving Town vehicles are not allowed to leave the Town limits during meal breaks, except for one mile of the eastern corporate limits, unless approved by the Town Manager.

E. Use of Take Home Vehicles

Many Town employees shall be driving Town vehicles in the course of their duties with the Town. Department Heads and certain other key personnel within the Town may be permitted to drive Town-owned vehicles back and forth to work, based on the position held and duties to be performed. Assignment of take-home vehicles should be limited to those employees whose job duties require them to be on twenty-four hour call and conduct Town business on a frequent basis before and after normal working hours (supervisors and department heads). Permission for the assignment of a take-home vehicle shall be granted and authorized by the Department or Division Head. Any employee assigned a take-home vehicle shall have the additional responsibility of always being available for service when they are off-duty, unless prior arrangements have been made with the employee's Department or Division Head.

Town of Flower Mound vehicles and equipment shall be used for official purposes only. Personal and social uses of any nature, including transporting passengers who are not directly involved in official Town business, are prohibited, excluding police and fire emergency personnel. Any exceptions to this rule must be approved in writing by the Town Manager.

F. On Call

On occasion, employees, other than supervisors, Department or Division Heads, and police and fire emergency personnel may be on call after their normal working hours and on weekends. Those employees may be assigned a take-home vehicle for the purpose of responding to Town emergencies/duties as required while on call. Employees using a take-home vehicle while on call shall strictly adhere to these Regulations at all times. Employees on call must respond within the time frame established by the Department Head and approved by the Town Manager.

G. Care and Condition of Vehicles and Equipment

To prolong the life and properly maintain Town vehicles, employees shall ensure that their assigned vehicles have sufficient gas, oil, and other fluids to prevent premature failure, and that all tires are kept properly inflated. Additionally, when an employee suspects an impending mechanical malfunction, the vehicle shall be stopped and the motor turned off. The employee shall then seek advice or assistance from his immediate supervisor for proper continued operation or towing of the vehicle. Vehicles determined to be unsafe for operation shall be taken out of service until proper repairs are made. Any employee using a Town vehicle or equipment shall be responsible for the condition of that vehicle or equipment.

1. Responsibility for properly functioning safety equipment and general inspection of Town vehicles rests with the individual operator. Employees should inspect their assigned vehicles prior to operation. When vehicle damage is observed or equipment is determined to be missing or unsafe, the employee shall notify his or her supervisor as soon as practical.
2. Employees should strive to keep their assigned vehicle as clean and free of trash as possible. Employees shall remove all trash and litter while fueling the vehicle and prior to turning the vehicle over to

another employee.

3. Employees shall secure the spare tire in its proper place and ensure that all other equipment is properly stored and secured.
4. Careless, abusive, negligent, or reckless handling or operation of any Town vehicle or equipment by any employee may result in disciplinary action up to and including termination.

H. Driving Record Requirements

1. For new employees, the following is a list of UNACCEPTABLE DRIVING VIOLATIONS:

Either three (3) or more accidents in the last three years, or one (1) TYPE A VIOLATION in the last three (3) years, or any combination of accidents and TYPE B VIOLATIONS which equal four (4) or more in the last three (3) years.

2. For current employees, the following is a list of UNACCEPTABLE DRIVING VIOLATIONS:

Either two (2) or more at-fault accidents in the last three years, or one (1) TYPE A VIOLATION in the last three (3) years, or any combination of at-fault accidents and TYPE B VIOLATIONS which equal four (4) or more in the last three (3) years.

For purposes of this Regulation, three (3) years shall be determined from the date the driver's license record, as provided by the Texas Department of Public Safety.

TYPE A VIOLATIONS

1. Driving while intoxicated.
2. Driving under the influence of drugs.
3. Negligent homicide arising out of the use of a motor vehicle (gross negligence).
4. Using a motor vehicle for commission of a felony.
5. Aggravated assault with a motor vehicle.
6. Operating a motor vehicle without owner's authority.

7. Reckless driving.
8. Hit and Run (Bodily Injury and/or Property Damage) driving.

TYPE B VIOLATIONS

All moving violations not listed in Type A.

Any violation of these Regulations is subject to disciplinary action up to and including termination of employment.

6.08 Solicitation

A. Definition

Solicitation is defined as any act or attempt to advertise, market, take orders, offer to sell, sell any product or service, to seek employee membership in any organization, or to seek contributions for organizations, campaigns, or charitable purposes.

B. Policy

Solicitation shall not be permitted of or by Town employees during work or business hours, other than for the following exceptions:

1. Solicitation of funds for the purpose of parties, gifts, flowers, cards, or events for a Town employee shall be permitted of or by Town employees during work or business hours.
2. Solicitation of funds for Town sponsored functions and events shall be permitted of or by Town employees during work or business hours. Town functions and events may include but are not limited to United Way, Muscular Dystrophy, Library fundraisers, and other charitable purposes.
3. Solicitation of funds shall be permitted for local, not for profit youth-sponsored events (i.e. school, band boosters, scouting). Solicitation of funds for these purposes shall be limited to placing order forms or products in the breakroom for employees to view at their leisure. Distribution of purchased goods shall only be permitted during lunch, or before or after work hours.

- C. No employee is required to make any contribution, nor will an employee be penalized in any way in connection with his or her employment according to his or her response to a solicitation of funds for Town sponsored functions or events.
- D. Employees engaged in non-authorized solicitation efforts shall be instructed to cease such activity and further engagement in such activities may result in disciplinary action.
- E. Vendors and Salespersons
 - 1. This policy does not limit or restrict salespersons and vendors from conducting Town-related business with the Town.
 - 2. Salespersons and vendors attempting to conduct unsolicited business with employees should contact the Human Resources Division for information on the Town's administrative policy for "Solicitation of Business." This policy allows businesses to provide discount flyers or handouts for all employees through the Human Resources Division. All inquiries shall be directed to the Human Resources Division for review and final approval.

6.09 Political Activity

- A. It is the policy of the Town of Flower Mound to encourage its employees to fully exercise their constitutional rights as citizens to vote and participate in political activities. Although the Town encourages active participation in electoral activities, employees should be aware of certain provisions which apply to them.
- B. Employees shall not engage in partisan political activity during work hours or actively take part in political campaigns for elected positions in the Town.
- C. An employee of the Town of Flower Mound may become a candidate for public office. However, the employee is still expected to fulfill all duties and responsibilities associated with their employment with the Town.