

ORDINANCE No. 2014 - 26

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS,
AMENDING ORDINANCE 2005-22, WHICH ADOPTED THE CITY OF BASTROP'S
PERSONNEL POLICIES MANUAL; RELATED TO EMPLOYEE BENEFITS;
REPEALING CONFLICTING ORDINANCES, RESOLUTIONS AND POLICIES;
INCLUDING A SAVINGS CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, pursuant to the authority granted to it by State law and its Home Rule Charter, the City Council, acting in the best interest of the City, has determined that a revision to the City's Personnel Policies Manual should be made, as the Policies relate to the provision of benefits to employees of the City; and

WHEREAS, the City Council of the City of Bastrop, Texas, finds that in today's quickly evolving regulatory climate, the City should authorize the City Manager to make the necessary decisions regarding the City's provision of employee benefits, in a more timely way and with flexibility that is beyond that generally provided for by the municipal ordinance process and, accordingly, it is in the City's and employees' best interest for the employee benefit provisions to be removed from the City of Bastrop's Personnel Policies that were enacted by, and thus, are controlled by City Ordinance 2005-22; and

WHEREAS, the City Council of the City of Bastrop, Texas, finds that it is in the best interest of the City and its employees to approve the amendments to the City's Personnel Policies Manual, as set forth herein below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS THAT:

Part 1:

The existing Personnel Policies Manual Chapter 10 is hereby amended as follows:

CHAPTER 10

EMPLOYEE BENEFITS

SECTION 1: LIFE INSURANCE AND LONG TERM DISABILITY INSURANCE

The City provides group life insurance coverage for all full-time employees, in a coverage amount determined by the City. Coverage shall begin upon three (3) months from the date of employment except for Department Heads and the City Manager, in which case coverage shall begin immediately. The cost of providing this insurance to employees is paid by the City. The life insurance is payable in the event of death of an employee. Payment will be made to the beneficiary designated by the employee.

Full-time and part-time employees will be defined by the insurance plan in effect.

The City also provides an LTD (Long Term Disability) benefit for all full-time employees. Coverage shall begin upon three (3) months from the date of employment. The cost of providing this insurance to employees is paid by the City. The coverage provides income replacement benefits when you become disabled, as that term is defined by the policy provider. When the insurance company receives satisfactory proof of disability, LTD monthly benefits according to the terms of the policy will be paid.

Part-time employees working twenty (20) hours or more will have the option of having life/long term disability insurance if they wish to pay one-half (1/2) of the cost. The City will pay the other one-half (1/2) of the cost. Part time employees working thirty (30) hours or more will have the option of having life insurance if they wish to pay for 25% of the cost. The city will pay the remaining 75 % of the cost.

SECTION 2: WORKER'S COMPENSATION INSURANCE AND INJURY WAGE CONTINUATION BENEFITS

Any City employee injured as a result of duties performed in the course of his/her job shall be eligible to receive worker's compensation benefits from the City's insurance carrier at no expense to the employee.

In addition, subject to the provisions set forth below, paid employees who sustain physical injury on the job will receive wage payments as injury wage continuation payments, separate and distinct from and in addition to worker's compensation payments, during such time as an appropriate, health care provider certifies that the employee is not able or should not return to regular or full time work due to the injury. Wage continuation benefit payments shall not be charged against sick leave or vacation time until supplemental wage continuation benefits have been exhausted. The total amount paid an injured employee while absent from work, including any combination of worker's compensation benefits, wage continuation benefits, sick leave, vacation leave, and wages for work performed shall not exceed one hundred percent (100%) of full pay which he or she should have received for such period at his or her regular hours and rate of pay. All checks received by the employee from the insurer during this time must be turned in to the Human Resources Department, who will in return ensure that the employee receives 100% of the applicable pay. In no event, shall the total amount of wage continuation benefits paid to an employee as a result of any incident resulting in physical injuries (including any later aggravation, relapse, or re-injury) exceed thirty (30) working days at one hundred percent (100%). While off work and drawing injury wage continuation benefits, an injured employee shall continue to accrue vacation and sick leave at the regular rate. Injury wage continuation benefits shall be administered under the following rules:

1. The term "physical injury" as used herein, shall mean an injury to the physical structure of the body or a part thereof including any subsequent aggravation or reinjury that occurs while the employee is acting in the course and scope of his/her employment and shall not include any illness, disease, or infection except such illness, disease, or infection as is directly caused by and naturally results from a physical on-the-job injury. Injuries that occur while traveling to and from work, while acting beyond the scope of employment, while engaged in horseplay, while attending to personal matters and partly in employment matters, shall not be deemed injuries so as to qualify for this supplemental benefit.
2. During the time an employee is unable to work and is authorized to be off duty due to a physical injury, he/she will be paid injury wage continuation benefits for a period not to exceed thirty (30) days in an amount not to exceed the difference between his or

her regular pay and his or her worker's compensation benefit payment in accordance with the maximum limits established herein.

3. An employee with a physical injury who is able, as determined by the treating physician, to perform light duty may be required to do so for his or her original department or another department as determined appropriate by the City.
4. If an injured employee is unable to perform the regular work duties and tasks of his or her position for a period of six (6) months or more, the City Manager, upon a determination of City need, may permanently fill the employee's position and terminate the employment of the employee. The terminated employee may be reinstated in a position as similar to his or her former position as is available.
5. An employee who does not qualify for injury wage continuation benefits, or whose benefits are used up before being released to duty by the treating physician may take his or her accrued sick leave and/or vacation leave, to equal one hundred percent (100%) of regular pay. If the employee is receiving weekly worker's compensations payments then sick and vacation leave may be taken in an amount necessary to make up the difference between such payments and full regular pay. An employee who has used all accrued sick and vacation leave, and injury wage continuation benefits before being released to duty by the treating physician may be granted a leave of absence without pay for a reasonable period upon recommendation of the Department Head and approval by the City Manager.
6. An employee who is physically able and who fails to report any on-the-job injury, however minor, within twenty-four (24) hours after it occurs, to his or her supervisor and take such first aid treatment as may be necessary shall not receive or be eligible for injury wage continuation benefits. When an employee is injured on the job, he or she shall complete a written accident report as soon as possible and submit it to the Department Head with a copy to the Human Resources Department. Refusal to assist the City with completing and filing proper documentation of on-the-job injuries may result in disciplinary action, when appropriate.
7. Documented abuse of the City's worker's compensation and leave benefit program and policies will result in disciplinary action up to and including termination of employment.

SECTION 3: SOCIAL SECURITY/MEDICARE

All employees of the City are covered under the Federal Insurance Contributions Act (FICA). This type of government insurance, known as "Federal Old Age and Survivor's Insurance", provides benefits for retirement and disability.

This insurance is financed through payroll deductions by the employee and the City's matching contributions.

SECTION 4: UNEMPLOYMENT INSURANCE

All employees of the City are covered under the Texas Unemployment Compensation Insurance program. The City is a participant in the state's Unemployment Compensation Insurance program, which provides payments for unemployed workers in certain circumstances as provided by law.

SECTION 5: RETIREMENT AND IN SERVICE DEATH BENEFITS

The City of Bastrop is a member of the Texas Municipal Retirement System. The

purpose of this system is to provide a plan for the retirement and disability of employees of Texas municipalities. Participation in this system is compulsory for all full-time employees and all part time employees who work at least 1,000 hours per year. Coverage shall begin on the first (1st) day of employment. The employee will contribute five percent (5%) of his or her salary through payroll deductions into the retirement plan, with the City matching this amount on a 2 to 1 basis. Employee participation is mandatory.

In addition to the TMRS retirement plan, the City also provides an "In Service Death Benefit" for its employees participation in the Texas Municipal Retirement System. This death benefit is payable to the designated beneficiary upon death of the covered employee. The amount payable to the beneficiary is equal to the annual salary of the covered employee. This supplemental benefit is provided by the City at no cost to the employee.

SECTION 6: TERMINAL ILLNESS BENEFIT

1. The City of Bastrop Terminal Illness Benefit allows employees with a terminal illness to apply for a terminal illness benefit after all other vacation, sick leave, catastrophic leave, and any other earned or available leave time has been exhausted. The terminal illness benefit is limited to a maximum of 520 hours/lifetime total, per employee.
2. Employees wishing to request the terminal illness benefit must meet the following guidelines:
 - a. You must be a permanent full-time City of Bastrop employee.
 - b. You must have a terminal illness, which has caused you to exhaust all paid leave balances (including vacation, sick leave, catastrophic leave, and any other earned leave time).
 - c. You must complete a City of Bastrop Terminal Illness Benefit Request Form and provide the requested information from your physician.
 - d. You must have demonstrated a strong desire to return to work for the City of Bastrop.
 - e. You must have a total of at least 20 years of service with the City of Bastrop. This service does not have to be continuous.
 - f. This benefit terminates if you are not physically at work for the City of Bastrop for at least 70% of any calendar year in which you are receiving the benefit.
 - g. If you are unable to complete any portion of the application process for the terminal illness benefit, you must designate a representative from your department to act on your behalf.
 - h. Once your application is completed, it is submitted to the Human Resources Department to determine your eligibility as an applicant for the terminal illness benefit. It is then submitted to the City Manager for review. The City Manager then determines whether you qualify to receive the terminal illness benefit.

SECTION 7: MEDICAL/DENTAL INSURANCE BENEFITS - CURRENT AND RETIRED EMPLOYEES. All medical and dental Insurance benefits for current and retired employees, if any are dealt with by the City separate and apart from these Policies. The Human Resource Department will make information regarding such benefits available to employees and retirees, as appropriate and upon request.

Part 2: Any and all references to "post-employment benefits" for terminated, voluntarily separated, or retired employees are deleted in their entirety, including medical, dental, life and disability insurance benefits, and same will be handled soely by the City Manager, and are not within the scope of the Policies, inasmuch as such individuals are

no longer employees of the City.

Part 3: All ordinances, policies, resolutions, or parts of ordinances, policies and resolutions, in conflict with this Ordinance are hereby repealed, and are no longer of any force and effect.

Part 4: If any provision of this Ordinance and the Policies adopted herein or application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this Ordinance and the Policies adopted hereby which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are hereby declared to be severable.

Part 5: The Mayor is hereby authorized to sign this Ordinance and the City Secretary to attest.

Part 6: The Ordinance shall take effect immediately after passage noted below in accordance with the City's Charter and the laws of the State of Texas.

| PASSED AND APPROVED on first reading on the 14th day of October 2014.

PASSED AND ADOPTED on second reading on the 28th day of October 2014.

APPROVED:



Mayor Ken Kesselus

ATTEST:



Elizabeth Lopez, City Secretary

APPROVED AS TO FORM:

J.C. Brown, City Attorney