



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

### PROCEDURE(S): CONDUCT STANDARDS

EFFECTIVE DATE: [PREVIOUSLY CODE OF CONDUCT] MAY 20, 2019

REVISION DATE(S): NOVEMBER 12, 2019, JULY 27, 2020, OCTOBER 20, 2020, OCTOBER 1, 2022, MAY 7, 2025

## **CONDUCT STANDARDS**

Each team member is responsible for following City rules of conduct, policies, and practices. The City expects all team members will interact and treat each other with dignity and respect. All City team members should maintain the utmost standards of personal integrity, truthfulness and fairness in carrying out their duties, avoiding real or perceived improprieties in their roles as public servants and never using their City positions or powers for improper personal or professional gain. Any conduct that is contrary to this policy is not acceptable and may result in disciplinary action, up to and including termination of employment. This policy does not alter the at-will employment relationship between the city and the team member.

All team members shall perform their official duties in a lawful, professional, and ethical manner; practice responsible stewardship of organizational resources and report any conduct or activity that they believe to be in violation of this policy.

### **A. Improper Conduct**

Team members must perform their assigned duties to the best of their ability and in the best interest of the City, fellow team members, customers, visitors and vendors. Team members must not take action that creates a risk, harm or damage to oneself, another person, the City, or the property of the City or others.

Team members must adhere to and fully comply with all City policies and procedures. Team members must be conscious of the fact that they are agents of the City, and as such, their actions may be attributed to the City under certain circumstances even while off duty. Therefore, they should avoid situations that place the City at risk and/or call their professionalism into question.

This section provides examples of prohibited conduct. The infractions listed are only examples and are not meant, and do not, include all reasons for which a team member may be disciplined or terminated. The Team member Conduct Guidelines may be amended from time to time.



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1. Intentional destruction of City property or of property belonging to another team member.
2. Violent acts or threats of violent acts.
3. Possession of dangerous or unauthorized materials such as explosives or firearms on City property.
4. Failure to follow the safety standards to ensure the safety and well-being of all team members, customers and vendors.
5. Selling, distributing, offering, possessing, transferring or using alcohol or illegal/controlled substances during work time or on City property.
6. Gambling on City property or during business hours.
7. Falsification of timesheets, financial or City documents.
8. Falsification of employment documents.
9. Alteration of City records.
10. Violation of any criminal law at any time.
11. Conviction of a traffic citation received while conducting City business.
12. Insubordination.
13. Failure to meet the performance standards.
14. Failure to perform a specifically assigned work task or directive unless doing so would clearly violate City policy or the law.
15. Excessive or unscheduled absenteeism/tardiness in reporting to work.
16. Leaving work during business hours without the permission of the Manager/Supervisor and/or Department Director.
17. Lying with regard to work or in an investigation.
18. Failure to cooperate with an investigation.

### B. Personal Relationships

Relationships that occur in the workplace must not interfere with work performed and may not violate the City's nepotism policy.

1. Supervisors may not date or have a sexual relationship with a subordinate, on or off duty.
2. In the event a relationship involving any City team members interferes with work performed or causes distraction within the workplace, one of the team member's may be reassigned or asked to resign in lieu of being terminated.



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### C. Children in the Workplace

Team members are generally discouraged from bringing children to work. However, exceptions may be allowed at the discretion of the Department Director for occasional, brief visits to the worksite. These visits should be infrequent, planned in advance, and organized to minimize disruption to the workplace. While children are in the workplace, they must be directly supervised by the host/parent at all times.

### D. Working Hours and Reporting for Work

1. The normal work week for City team members is forty [40] hours. The normal number of hours worked per week may vary by department based on such factors as local, state or federal statutes, workload, time of year, etc.
2. Administrative and staff team members will normally work from 8:00 a.m. to 5:00 p.m.; however, Department Directors, with City Manager or designee approval, may establish work schedules in their departments based on the business needs and functions of the department. Scheduled changes may not affect coverage during business hours or affect customer service. Lunch breaks will be scheduled by Department Directors in accordance with the Department of Labor, department requirements and the need to provide service to citizens and customers. All non-exempt team members who work a 9-hour day must be offered a 60-minute, unpaid lunch. These team members shall not be required or expected to perform any job-related tasks while at lunch.
3. A team member shall report for work physically and mentally fit at the time and place specified by the Manager/Supervisor and remain physically and mentally fit throughout the workday. The team member must be properly prepared to immediately assume and continue the duties of their position, which includes being aware of information required for proper performance of that work.

### E. Absences and Late Reporting to Work

1. No team member may be absent without prior notification and authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment without proper authorization. This rule applies to any scheduled activity for which



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the team member is compensated to include but not limited to break[s] by the City.

2. In most, but not all cases, team members should be able to plan their absences from work. Team members shall advise their Supervisor or Department Director that he/she will not be at work and provide an explanation within the time limits established by the department.
3. Any team member missing work for two [2] consecutive shifts or workdays without prior approval by the Manager/Supervisor or without notifying the Manager/Supervisor or the Department Director of the reason for the absence shall be deemed to have resigned their employment with the City.

### **CONFIDENTIALITY**

In the course of one's work, a team member may have access to information about the City, team members, or vendors, which is confidential. The City requires all team members to protect the integrity and confidentiality of such information by safeguarding it and accepting responsibility for its security and proper use.

#### **A. Examples of Precautionary Measures**

1. Discuss work matters only with other City team members who have a specific business reason to know or have access to such information.
2. Do not discuss confidential work or customer-related matters in public places.
3. Monitor and supervise visitors to City offices to ensure they do not have access to confidential information.
4. Secure confidential information in desk drawers and cabinets at the end of every business day.
5. Take steps to protect the confidentiality of electronic confidential information by limiting access, for example, by the use of passwords.

If at any time you are uncertain as to whether you can divulge certain information or how you should secure it, please consult with the Human Resources Department. Confidential information



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which team members are exposed to shall remain the property of the City. Such information cannot be disclosed or used on behalf of anyone else except the City, during your employment or afterwards. All documents and materials received in connection with your employment must be returned upon the termination of your employment, regardless of the reason.

Team members who are found violating the City's policy on confidentiality will be subject to disciplinary action, up to and including termination of employment. The City reserves the right to take any legal action necessary to enforce its proprietary interest in any confidential information and to protect such information from unauthorized disclosure.

### **B. Confidentiality of Medical Information**

The City strives to protect the privacy of its team members' medical information. To accomplish this, the City and its managers and team members are required to follow these guidelines regarding the confidentiality of medical information.

1. All medical information concerning team members will be maintained in separate, confidential medical files that are stored separately from regular personnel records in the Human Resources Department. Only authorized team members will have access to such files. Access will be provided solely on a need-to-know basis and in accordance with applicable law.
2. Team members with access to medical information of other team members are instructed that such information is absolutely confidential and will not be discussed with or disclosed to any other team member or person unless such discussion or disclosure is necessary as part of the team member's job duties or when discussing the information with the team member that is the subject of the information and with the subject team member's invitation.
3. Any team member who is found to have violated the Confidentiality of Medical Information policy or has been found to have released such information without authorization, will be subject to disciplinary action, up to and including immediate termination from employment. Team members also should be aware that a violation of medical information confidentiality may also subject the team member to civil and criminal liability under state and federal laws.



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## SOCIAL MEDIA

Social media is a powerful communication tool that can impact both professional and organizational reputations. This policy provides guidelines for team members' personal use of social media, rather than the City's own use of it. Social media refers to platforms that allow users to interact and share content easily, such as Facebook, X, LinkedIn, Instagram, Snapchat, Pinterest, Reddit, and YouTube.

Team members 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 the City. A team member speaks as a private citizen when the social media activity is not part of the City team member's job, but rather, the team member is speaking on their own behalf. Protected social media activity must be on a matter of public concern, which can include speech on matters of political, social, or other concern to the community. In determining whether speech is on a matter of public concern, the City Manager and City Attorney will look at the form, content, and context of a statement. Personal grievances or posts that do not involve matters of public concern are not protected under the First Amendment.

The City generally will not restrict or regulate team members' off-duty social media activity. However, if the City Manager believes that a team member's social media could cause an actual and unreasonable disruption to the City's mission or operations, the City reserves the right to limit such speech within its authority under the law. Accordingly, the City has the right to monitor its team members' social media sites and protect its interests.

Whether social media activity creates an actual and unreasonable disruption is a fact-specific analysis that depends on a number of factors including the team member's position with the City, the type of social media activity, the social media platform used, and who was witness to such activity. Additional factors include:

- The need for a harmonious work environment
- Whether the social media activity affects working relationships between team members
- The time, place, and manner of the speech
- The context surrounding the speech



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- The degree of public interest in the speech
- Whether the speech affects the team member's ability to perform their duties effectively

The City Manager is the sole decision makers on whether the speech could create an actual and unreasonable disruption to the City. Below are examples where City team members' social media activity based on a matter of public concern would nevertheless create an actual and unreasonable disruption:

1. A Department Director shares details about the security system of City facilities and vehicles.
2. A City police officer posts unverified rumors claiming corruption and conflict of interest in an investigation.
3. A lifeguard at a City facility posts an unverified rumor that the City hired lifeguards and swim instructors without CPR and First Aid certifications.
4. A City team member with management or public-facing duties posts racist comments about a group of people.

If a team member is unsure whether a social media post is about a public concern or could cause disruption, they are responsible for checking with their supervisor or HR before posting. Not knowing that a post could cause disruption is not a valid excuse and won't prevent discipline under this policy.

### A. Provisions

1. Team members can only access personal social media during designated mealtimes or scheduled breaks. Social media use is not allowed during business hours, and City devices cannot be used for personal social media accounts.
2. When posting on social media, team members must be careful not to give the impression they are representing the City. They cannot share confidential or proprietary City information and should avoid using the City logo. If posting about City-related matters, team members must clearly state that their opinions are personal and not those of the City. Personal social media accounts may be subject to open records laws if they relate to City business.
3. Team members are prohibited from harassing, bullying, defaming, or demeaning coworkers



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through online posts.

4. Team members are prohibited from making any statements and/or comments that disparage any race, color, religion, sex, age, genetic information, veteran status, disability, national origin, or any other unlawful classification of anyone who works at the City or anyone who the team member interacts with during the course of their employment. In addition, the City prohibits disparaging commentary about gender identity and sexual orientation.

Violating any part of this policy may result in disciplinary action, including termination. Team members who are aware of policy violations but do not report them to their supervisor or HR in a timely manner may also face disciplinary action, including termination.

## **SOLICITATION**

It is the policy of the City of New Braunfels to limit solicitation and distribution of literature by team members and/or vendors in the workplace. Any solicitation by team members and/or vendors in the workplace is subject to Human Resources Department approval.

Solicitations within the community on behalf of the City must have the prior approval of the City Manager or designee.

## **POLITICAL ACTIVITY**

The City desires to maintain a high level of accountability and high standards of professionalism while respecting the rights of team members outside the workplace. This Policy is designed to maintain those goals.

### **A. Political Participation**

Section 12.03 of the New Braunfels City Charter and Section 2-5 [c] of the City Code of Ordinances contain provisions dealing with political activity by City team members, and team members should



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familiarize themselves with those rules. Generally, the Charter and Code provide the following:

1. During work hours, while in the performance of official job duties, whether or not on City property, or while otherwise in a City uniform or while wearing a City logo or emblem, team members shall not perform or be involved in political campaigning or related activities.
2. No team member shall solicit or assist in the soliciting of any assessment subscription, or contribution for any political party or political purpose from any subordinate team member, whether in a municipal election or otherwise.
3. Team members 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 the City. Team members speak as private citizens when their political speech is not part of their job, but rather, team members are speaking on their own behalf, and political speech is inherently on a matter of public concern.
4. The City generally will not restrict or regulate team members' off-duty political participation. However, during municipal elections, if the City Manager believes that a team member's public political speech or conduct will cause an actual and unreasonable disruption to the City's mission or operations, the City reserves the right to limit such participation within its authority under the law.
  - a. Whether a team member's municipal political activity creates an actual and unreasonable disruption is a fact-specific analysis that depends on a number of factors including the team member's position with the City, the type of political activity, and where the political activity occurred and who was witness to such activity. The City Manager and City Attorney are the sole decision makers on whether municipal political activity creates an actual or unreasonable disruption to the City. Below are examples where City team members' municipal political speech would likely create an actual and unreasonable disruption:
    - i. A Council appointee or other City team member with Council-facing duties, liked the Facebook page of a councilmember's opponent and was seen volunteering over the weekend, handing out yard signs and campaign materials for the opponent. Such political activities interfere with the team member's interactions with the Council and negatively impact a team member's ability to do their job.
    - ii. A Department Director announces that he will not support a new political



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proposition recently approved by voters, which is set to be implemented by his department. Such political speech interferes with the Director's workplace duties and undermines public trust and confidence that the political proposition will be implemented and enforced in good faith.

- b. Team members with questions as to whether specific municipal political activities will create an actual and unreasonable disruption in violation of this policy, they are responsible for asking their supervisor or HR prior to engaging in the political activity. The fact that a team member did not understand that his or her political activity would create an actual and unreasonable disruption is not a valid defense and will not insulate the team member from discipline under this policy.
5. For all other non-municipal elections, including county, state or national elections, a team member is not limited in his or her off-duty participation or support. [Please reference Endorsements as City Team members].
6. In addition to the above Charter and Code provisions, no team member shall:
  - a. Coerce a team member to participate in, or to refrain from participating in, a political campaign.
  - b. Require a team member to contribute to any political fund, render any political service, or support or oppose any political election. Team members may not be punished in any way for refusing to do so.

### B. Endorsements as City Team members

1. Team members are prohibited from using their official capacities as City team members to influence, interfere with, or affect the results of an election. A team member shall not list their position or occupation with the City in an endorsement of a candidate for public office, or while addressing political gatherings in support of, or in opposition to, a partisan candidate or political proposition on a ballot where the team member's position or occupation is listed.
2. Team members shall not engage in any activity that could be construed as giving City sanction to any candidate for public office or for or against any political proposition.
3. Team members shall not use City equipment, including computers, printers, cell phones, telephones and e-mails, to engage in any political activity.
4. With regard to City bond elections, a City team member may use City equipment or appear in City uniform or while wearing an article of clothing containing a City logo or emblem, to explain



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the use of the bond proceeds or the projects to be funded with the bond proceeds. However, a City team member shall refrain from stating that citizens should vote in favor of, or against, the bond propositions. While on duty, team members must also refrain from using words that are supportive or derogatory of such propositions.

### **C. Candidates for Political Offices, Including New Braunfels City Council**

1. A City team member who enters a race for any political office, including New Braunfels City Council, shall notify their Manager/Supervisor or Department Director and the City Manager. A City team member can become a candidate for public office so long as his or her candidacy does not interfere with the team member's duties and responsibilities associated with their employment. The City Manager will be the sole decision-maker in determining whether a City team member's candidacy interferes with his or her employment.
2. A City team member elected to any political office, including New Braunfels City Council, shall report this fact to their Department Director and the City Manager. The City Manager may review the situation and the team member's election to determine if actual or potential conflicts of interest or other reasons exist that could require the team member to resign or be terminated.

### **COUNCIL COMMUNICATION**

At the City Manager's discretion, they will set parameters and expectations regarding direct or indirect communication between staff and City Council members.