

# ***CITY OF DENTON***

## **POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE**

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 108.13
SUBJECT: STANDARDS OF CONDUCT FOR EMPLOYEES	INITIAL EFFECTIVE DATE: 07/15/91
TITLE: INVESTIGATION AND INSPECTION OF CITY FACILITIES /EQUIPMENT	LAST REVISION DATE:

### **POLICY STATEMENT:**

The City of Denton has an interest in ensuring that the day-to-day operations of the City are carried out in an effective, efficient, and safe manner. The consequences of employee misconduct or incompetence may be severe both to the City and the public interest. City facilities, offices and equipment are provided to employees for the sole purpose of facilitating the work of the City and as such, are subject to an investigatory search for evidence of work-related misconduct. The term "City equipment" includes City owned offices, work areas, vehicles, lockers, desks, cabinets, and other containers. Employee owned items, such as purses and briefcases, are not included within the definition of this term.

The City reserves the right to search the contents of City equipment at any time, and for any reason.

A supervisor may conduct an investigatory search of City equipment if there are reasonable grounds for suspecting that the search will uncover evidence that the employee is guilty of work-related misconduct and if safeguards are employed to ensure compliance with constitutional and statutory requirements.

The searching of City equipment is not subject to the requirements of this policy if the search is necessary only for non-investigatory purposes ordinarily associated with the conduct of everyday business (i.e., retrieving a needed file) provided the non-investigatory search begins in the most likely location and immediately ends when the sought after object is found. Nothing in this policy is intended to prevent the seizure of any evidence of work-related misconduct if inadvertently found in a non-investigative search. Nothing in this policy is intended to prevent the institution of a disciplinary action or criminal charges associated with the possession of such evidence.

Employees are prohibited from installing personally owned locks on City equipment, unless a method of opening the lock is provided to the employee's supervisor. The presence of a personal lock on City equipment shall in no way protect the equipment from search in accordance with this policy.

All City employees are strongly encouraged to refrain from storing on or in City equipment any personal article, including personal correspondence, they wish to protect from inspection by City officials. By accepting or continuing employment, each employee is deemed to have consented to unannounced searches of his or her work area upon request.

Retention of personal items within City equipment is at the risk of the employee, and the City shall not be responsible for any losses.

**POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE (Continued)**

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Searches of employees' personal containers, such as purses, briefcases, and lunch pails will not be conducted without the employee's consent. An employee's refusal to permit a search of personal containers; however, may result in disciplinary action.

**ADMINISTRATIVE PROCEDURES:**

- A. Supervisory personnel are required to maintain access to all City equipment or facilities within their areas of supervisory responsibility in order to ensure that services are provided to citizens in a timely and quality manner.
- B. A supervisor may conduct an investigative search for evidence City equipment of work-related misconduct if he or she:
  - (1) has notified his or her Department Director and received approval to search;
  - (2) has notified the Director of Human Resources or designee and received approval to search;
  - (3) has two or more witnesses available as selected by the Human Resources Department.
  - (4) has excluded, to the extent practical, all uninvolved personnel from the vicinity of the search; and
  - (5) has offered every employee responsible for the City equipment an opportunity to be present during the search. If an employee is unavailable to voice his or her preferences in this regard the supervisor must obtain approval from the Director of Human Resources with coordination from the Legal Department prior to proceeding with any search.
- C. The supervisor shall within 48 hours of an investigative search for work-related misconduct prepare a report documenting the reasonable suspicions relied upon, the date of approval of the Department Director, the notification of the employee, the time of the search and results of the search. The Supervisor shall forward a copy of this report to the Department Director and the Human Resources Director within 72 hours of the search.
- D. In the event that evidence of work-related misconduct is inadvertently discovered by any person during a non-investigatory search of City equipment ordinarily associated with the conduct of everyday business, the supervisor of the employee charged with custody of the City equipment shall within 48 hours of the discovery prepare a report documenting the facts and circumstances surrounding the discovery. A copy of this report shall be forwarded to the Department Director and Human Resources Director within 72 hours of discovery.
- E. Any employee failing to abide by the terms of this policy shall be subject to disciplinary action.