



# Aransas County Personnel Policies

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This document was prepared exclusively for the use of Aransas County, Texas, by Ray Associates, Inc., 508 West 12<sup>th</sup> Street, Austin, Texas 78701, (512) 478-4699. Provisions were drafted to conform to unique conditions at Aransas County, Texas, and are not necessarily transferable to other employers. Ray Associates, Inc., does not have a duty to update these policies except by prior arrangement with Aransas County, Texas.

March, 1994

## NOTICE TO EMPLOYEES

Aransas County operates under the legal doctrine of “**employment-at-will**” and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. Every effort will be made to ensure that employee dismissals are not made in an arbitrary and capricious manner; however, these Personnel Policies do not constitute an employment agreement between the County and any of its employees and in no way limit or restrict the at-will nature of employment. The County has the right to change these Policies at any time, without prior notice to employees.

Each reference in these Policies to the County means Aransas County, Texas.

Each reference in these policies to the County personnel office means the Human Resources office.

NOTE: The parenthetical legal references contained in these policies are for information purposes only and are subject to change.

## WELCOME

Welcome to employment with Aransas County. We are happy to have you as one of the team of employees that serves the people of our County. You will find public service a rewarding career.

As taxpayers ourselves, we expect nothing less than the highest quality of service from our government. As public servants, our objective is to provide the best possible service to the citizens of the County in a fair, efficient, and courteous manner. Your job is important to our overall success.

As a County employee, you have the responsibility to the citizens of Aransas County. How well you do your work and how you conduct yourself on the job are both subject to public approval. Often your contact with citizens will be the only basis on which the County government is judged; therefore, you owe it to both the County and yourself to serve the public to the very best of your ability. The County has proven to be a good place to work, but it is up to each individual employee to maintain his or her position as a result of good performance, proper attitude, and responsible action to the tax dollar.

This manual, and the Personnel Policies contained within it, are guidelines on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you the facts about the County, how it works, and the policies which govern us as employees.

The Personnel Policies and procedures of the County are adopted by the Commissioners' Court and are subject to regular review, and may be updated or changed from time to time without prior notice.

Other County Elected Officials and Department Heads may have additional policies governing their employees. Be sure to check with your supervisor or Department Head to see which additional policies, if any, are applicable to you. If you need more details on the county-wide policies and procedures, please consult the County Human Resources office.

Sincerely,

Aransas County Judge and  
Commissioners' Court

## **ABOUT ARANSAS COUNTY GOVERNMENT**

Aransas County's government organization is established by the Constitution of the State of Texas and by state statutes. Its operations are governed by state and federal law and by actions of the Commissioners' Court. County operations are conducted through departments, each administered by an elected public official or an appointed Department Head.

The Aransas County Commissioners' Court is the one body with powers and duties which allow it to affect all areas of County operations. It is composed of five Elected Officials: the County Judge who represents the whole County and four County Commissioners who each represent a different geographical area—a precinct.

As a group, the Commissioners' Court is the chief policy or legislative branch of county government and the chief administrative or executive branch. Among their many functions, the Commissioners' Court:

- Adopts the annual budget
- Approves new programs or changes existing ones
- Adopts ordinances, regulations, and policies
- Approves and manages County facilities
- Sets tax rates

The Commissioners' Court carries out these and other duties by meeting in formal sessions. Formal sessions usually take place every second and fourth Monday at 9:00 AM, excepting Holidays. Decisions of the Commissioners' Court require a majority vote of its members.

### Independent Elected Offices

While the Commissioners' Court has the broadest range of authority, in some areas state law gives greater authority to independent Elected Officials who are directly responsible to the voters for carrying out powers and duties assigned to their offices. In fact, the individual members of Commissioners' Court also have independent functions separate from their joint duties. In these areas, while the Commissioners' Court may influence the functions through the budget, the Elected Officials have the policy making and administrative power.

### Appointed Offices

State law also prescribes some offices whose directors are appointed by Elected Officials and it allows the Commissioners' Court to create some departments and appoint personnel to run them. The auditor, who is appointed by the District Judge, is an example of state mandated appointed officer. The Airport Manager is an example of a position created and filled by the Commissioners' Court.

### Coordination and Cooperation

The mixture of independent and group authority, elected and appointed officials, and exclusive and shared power require intra-county cooperation and coordination. To function effectively, County activities usually require many offices and people who work as a team.

## **SERVICE TO THE PUBLIC**

On a day-to-day basis, citizens base their opinion of Aransas County on the actions of County employees like you. Over the years we have developed a code of personal conduct we think will help maintain a reputation for good county government.

### **CODE OF PERSONAL CONDUCT:**

1. Remember that we are here to serve the people of Aransas County.
2. Our responsibility is to provide fair, efficient service in a courteous manner.
3. Be a good and sincere listener; our visitors and callers are wanting us to understand and care about their problems.

4. Learn all about the activities of the County and try to help others get their problems solved in the most efficient manner, even if the problem must be referred to another employee or department.
5. Write down all of the information you will need to complete a task for a citizen, including the date and time of a call or request and the telephone number or address where the person can be contacted, if possible.
6. Fulfill all promises you make. If you cannot complete a promised task as anticipated, get back in touch and explain the circumstances.
7. Respect the dignity of every individual; try honestly and sincerely to see the other person's point of view; speak kindly to and of others; avoid arguments; and be friendly.
8. Be punctual in your work and for appointments.
9. Make suggestions to your immediate supervisor about ways we can improve our services to the citizens of Aransas County or can get our work done in a more efficient manner.
10. Dress and appearance must be appropriate to our job. Expensive clothes are not necessary, but a neat, orderly appearance is important.
11. County employees are trustees of public funds – conserve County money, time, and equipment as if it were your own.

Finally, public service requires that we not only obey the law, but it is also important that we avoid even the appearance of any improper action or of using our official position to gain any personal advantage.

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## PERSONNEL POLICIES

### 1.0 GENERAL POLICIES

#### 1.01 AUTHORITY.

These policies are established by the Commissioners' Court pursuant to its authority to regulate the various forms of compensation, office and travel expenses, and all other allowances for County officers and employees; and any deletions, amendments, revisions, or additions to the policies must be approved by the Commissioners' Court.

These policies completely replace and supersede any and all Personnel Policies previously adopted, individually or as a set of policies, by the Commissioners' Court.

In addition to these Personnel Policies, Elected Officials and Department Heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. Departmental rules are important and employees must comply with them. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail.

**1.02 SEVERABILITY.** The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this will not affect the validity of the remaining provisions or parts of provisions, which will remain in force and effect.

#### 1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES.

Responsibility for personnel functions in the County is divided among County offices as follows:

- The County Judge oversees general Personnel Policies;
- The Human Resources Director maintains these policies and the official personnel records pertaining to new hires, current employees, resignations, work-related injuries, and unemployment;
- The County Treasurer maintains records pertaining to time & attendance and related payroll calculations and reports.
- Elected Officials and Department Heads maintain other records on departmental employees and are responsible for administration of these Personnel Policies within their own departments or units.

Funds approved in County budgets may not be expended in violation of these policies.

**1.04 PURPOSE** These policies set forth the primary rules governing employment with the County. The policies contained here inform employees of the benefits and obligations of employment with the County. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors which will result in high quality public service to the citizens of the County.

**1.05 APPLICABILITY OF PERSONNEL POLICIES.** These personnel policies apply equally to all employees of the County unless a class of employees is specifically exempted by law or the terms of these policies. Any employee who knowingly and intentionally violates any of these policies will be subject to disciplinary measures up to and including dismissal.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will be substitute for these Personnel Policies only insofar as necessary for compliance.

**1.06 DISSEMINATION OF PERSONNEL POLICIES.** The Human Resources office maintains the official set of Personnel Policies with all revisions for reference by employees. In addition, the Human Resources office will provide a complete copy of this manual and copies of all subsequent revisions to each Department Head or Elected Official; will notify employees of policy changes; and will make the updated manual available to employees. If a question arises about a particular policy, the official set of policies should be consulted and will control.

The Human Resources office will provide a copy of the Personnel Policies to new employees on their first day of employment. Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Within two weeks of employment, every employee is required to sign an acknowledgement of having read the Personnel Policies manual and understood the policies contained in it. Signing an acknowledgement of understanding of these policies within the first two weeks of employment is a condition for continuing employment with the County.

**1.07 EQUAL EMPLOYMENT OPPORTUNITY.** It is the policy of the County to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, gender, religion, color, disability, or national origin. Personnel decisions will be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

Retaliation or discrimination against an employee for alleging discrimination on any of the bases covered in this chapter is prohibited.

*(Legal reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights Act, V.T.C.S. Article 5221K; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990; U.S. Executive Order 11246; U.S. Equal Pay Act; Texas V.T.C.A. Health and Safety Code, Chapters 591-596.)*

The County also prohibits discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on political affiliation.

**1.08 SEXUAL HARASSMENT.** It is the policy of the County to provide and maintain a work environment which is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including termination. In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature (1) that creates a hostile working environment, (2) the

submission to which is made a term or condition of a person's employment, or (3) the submission to, or rejection of such conduct, is used as a basis for employment decisions affecting the harassed employee. It is illegal and against the County's policy for any worker, male or female, to harass another worker or to create a hostile working environment by either committing or encouraging:

- Physical assaults on another employee, including but not limited to, rape, sexual battery, molestation, or attempts to commit these assaults; or
- Intentional physical contact that is sexual in nature, including but not limited to, touching, pinching, patting, or brushing up against another employee's body; or
- Unwanted sexual advances, propositions, or sexual comments, including making sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct in his or her presence is unwelcome; or
- Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The County's grievance procedure (see **Section 15.00 Grievances**) provides procedures for reporting alleged sexual harassment. The County will investigate such reports immediately.

Supervisors and managers who receive a sexual harassment complaint should carefully investigate the matter, questioning all employees who may have knowledge of either the incident in question or similar problems. Both the complaint and the investigative steps and findings should be documented as thoroughly as possible. As much as possible, confidentiality shall be maintained with respect to a sexual harassment complaint and only those who need to know about such a complaint will be advised of its existence. No retaliation or other adverse action will be taken against an employee who, in good faith, files a claim of sexual harassment. Reporting or failing to report claims in accordance with the procedures given in this policy in no way limits other legal recourse an employee may have in regard to sexual harassment charges.

*(Legal reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604:11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986.)*

**1.09 PERSONS WITH DISABILITIES.** It is the policy of the County to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities. The County will make reasonable accommodations to a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on County operations. A copy of the federal law will be posted in each County building for reference by employees.

*(Legal reference: U.S. Rehabilitation Act of 1973, as amended; Americans with Disabilities Act, 1990, ADA Amendments Act, 2008.)*

**1.10 SMOKING.** The use of tobacco products is prohibited within County facilities and all County-owned vehicles. The Commissioners' Court believes that its employees and the public are entitled to a smoke free environment within County buildings. The Commissioners' Court's Personnel Policy on safety is to provide healthful and safe working conditions. Further, the Commissioners' Court recognizes federal warnings on smoking and secondary smoke.

**1.11 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS.** These Personnel Policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the Commissioners' Court. In addition, the Human Resources office conducts a periodic review of the policies contained in this manual as part of the budget process and submits any necessary or recommended changes to the Commissioners' Court for approval prior to the beginning of the new fiscal year.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a Personnel Policy change should submit his or her suggestion(s) to the appropriate Department Head or Elected Official who will forward the information to the Commissioners' Court, where appropriate, along with the rationale for making the change. Employees are responsible for maintaining current knowledge and understanding of all Personnel Policy changes and for requesting clarification or assistance when needed.

## **2.00 EMPLOYEE RESPONSIBILITIES**

**2.01 GENERAL.** The County is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, good judgment, courtesy, and avoidance of even the appearance of illegal and unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their parts in maintaining good relationships with the public, their supervisors, County officials, and their fellow employees.

**2.02 RELATIONSHIPS BETWEEN CO-WORKERS.** Relationships between co-workers must never affect an employee's job performance or interfere with activities in the workplace.

**2.03 PROFESSIONAL APPEARANCE.** Employees of the County are hired to provide services to the County's citizens and to perform specific tasks in a professional manner. As representatives of the County, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal appearance to the public. Appearance is often viewed as a direct reflection of the level of professionalism of the workplace. All employees contribute personally to the image of the County by their individual attire and grooming. Each County employee is expected to follow these basic minimum guidelines;

1. Maintain an appropriate appearance that is businesslike, neat and clean as determined by the requirements of the area in which the employee works.
2. Clothing should be in good repair and fit appropriately.
3. Sweatshirts, t-shirts, flip flops, and like attire are generally not considered appropriate in most work environments.
4. Employees whose jobs require that they wear a County-supplied uniform are expected to keep their uniforms in good repair and laundered.

If in the opinion of the Elected Official/Department Head, an employee is not dressed appropriately, the employee will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for time away from work.

**2.04 TIMELINESS AND ATTENDANCE.** Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work. An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not less than two hours before the time the employee is scheduled to begin work, unless emergency conditions exist. It is preferable, and may be required in some departments, for an employee who will be late or absent to contact his or her supervisor or Department Head at least one day prior to the employee's scheduled time to begin work unless emergency conditions exist. See also **Section 8.00 Leave Time** of these policies for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including dismissal.

**2.05 OUTSIDE ACTIVITIES.** Employees may not engage in any outside employment, activity, or enterprise (1) which is inconsistent or incompatible with employment with the County; or (2) which affects the employee's job performance.

The County accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a County employee.

**2.06 GIFTS AND GRATUITIES.** A County official or employee may not accept any gift or free service that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the County. See **Section 2.07 Conflict of Interest** below.

#### **2.07 CONFLICT OF INTEREST.**

**2.07.01 County Elected Officials.** A member of Commissioners' Court and certain other County officials will not participate in a vote or decision affecting a business or real estate in which the member or official has a substantial interest. The details of this prohibition are set out in the County's "Conflict of Interest Policy for Members of the Commissioners' Court and Certain other County Officials."

**2.07.02 County Employees.** An employee may not (1) solicit or accept or agree to accept a financial benefit, other than from the County, that might reasonably tend to influence his or her performance of duties for the County or that he or she knows or should know is offered with intent to influence the employee's performance; (2) accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties; (3) accept outside employment or compensation that might reasonable tend to impair independence of judgment in performance of duties for the County; (4) make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the county; or (5) solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

*(Legal reference: V.T.C.A., Local Government Code, Chapter 171.)*

**2.08 POLITICAL ACTIVITY.** Employees of the County are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. County employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so.



An employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election, appointment, or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for a political purpose.

County employees, except Elected Officials, may not participate in political activities while on County duty. Employees are expected to remove County uniforms before participating in a political activity. In addition, no County-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.

Any County employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election (a partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected). County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.

An employee's political activity which is not in violation of this section will not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel requests, or in applying any other employment practices to the employee.

*(Legal reference: U.S. Hatch Act of 1940, as amended)*

**2.09 CHAIN OF COMMAND.** Individual County employees are responsible to the appropriate elected or appointed Department Head or to a supervisor designated by the Elected Official or Department Head. Elected Officials are responsible to County voters. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command.

**2.10 COMMUNICATIONS.** From time to time, an employee may be given directions from persons other than his or her immediate supervisor or elected or appointed Department Head. In such cases, it is the employee's responsibility to notify his or her immediate supervisor about the direction, its purpose, and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action.

Communication with the public about County issues or problems is the responsibility of the appropriate Department Head or Elected Official or his or her designee. Employees are to refer the public to the appropriate elected or appointed Department Head if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

**2.11 TELEPHONE USE.** County telephones are to be used for County business. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

County employees and officials may not place personal long-distance telephone calls on County telephone equipment unless the charges will be billed directly by the telephone company to the individual's personal account. A call to notify family of County requirements to work unscheduled overtime is a County business call.

**2.12 UNIFORMS.** Some County departments require employees to wear uniforms. Each employee is expected to keep his or her uniform neat and clean. Uniforms are subsidized only through a uniforms plan provided by the County and approved by the Commissioners' Court. All uniforms issued to an employee must be returned to the County prior to the employee receiving final pay upon leaving County employment.

**2.13 PURCHASING.** Purchases by County employees will be made only as authorized by elected or appointed County Department Heads or the Commissioners' Court and will be made only after obtaining a purchase order number. Additionally all purchases must be made in accordance with state purchasing laws as they apply to counties.

*(Legal reference: V.T.C.A., Local Government Code, Chapter 262.)*

**2.14 INDEBTEDNESS TO THE COUNTY OR STATE.** State law prohibits issuing a paycheck to a County employee if the employee is indebted to the County or to the State.

*(Legal reference: V.T.C.S., Local Government Code, Section 154.025. Applies only to counties with populations of 190,000 or less.)*

**2.15 DONATIONS.** Employees may not be forced or force others to make donations to any cause or organization, and any collection(s) must be authorized by the Elected Official/Department Head.

**2.16 IDENTIFICATION BADGES.**

Purpose:

- To establish and secure access to County buildings
- To enhance Aransas County's mission of providing high quality public service
- To provide standards and requirements for the display of identification
- To provide a consistent method of identification
- To provide an additional means of establishing a safe work place for employees
- To provide a safe environment for the public to conduct business

Employees are required to display, carry, and/or wear photo ID badges at all times while at the workplace or on County business unless they are excepted from this requirement – See Exceptions below.

Identification badges will be utilized by all Aransas County employees while on the payroll. These will be issued following placement on the payroll, and returned to the County when leaving employment prior to receiving final paycheck. Employees will sign a Badge Acceptance Form during New Hire Orientation that states:

"I hereby acknowledge that I am being issued an Aransas County Identification Badge. I understand that if I lose the badge I will be required to pay a replacement fee in order to receive another badge, as per Commissioners' Court."

\_\_\_\_\_  
Employees Signature

\_\_\_\_\_  
Date

The Sheriff's Department will create the ID photo badge after receiving appropriate documentation from Human Resources and the hiring Department Head. Department Heads will determine and advise employees on badge requirements at their respective work stations.

Identification Badges remain the property of Aransas County and are to be used appropriately by the named employee only, maintained in good condition, and not to be altered in any manner. If some change occurs (such as a name change) requiring a new badge, the supervising Department Head will arrange for a new badge to be issued and the old one returned.

In the event of an employee's badge being lost or stolen, the employee is to inform their supervisor immediately who will advise Human Resources and make arrangements for a replacement badge to be issued. The cost for a replacement badge will be paid by the employee.

*Exceptions:*

Employees who have safety/privacy concerns can choose to use their first initial of last name only and/or first name only on the card. In departments where additional confidentiality concerns exist, a Department Head or Elected Official can approve to have no name and have job title only, on the card. Exceptions to this policy may be granted by the County Judge or designee in departments where uniforms showing the employee's name and department are required and/or employee carries an ID badge issued by his/her own department. Those departments granting exceptions to this policy shall furnish a written list to the Human Resources Department.

ID Badge Information:

- Photo
- First, Last Name
- Title
- Department
- Classification (Elected Official, Department Head, Supervisor, Employee, Temporary)
- Job Status (Essential in Emergency or Non-Essential in Emergency)

### **3.00 HIRING PRACTICES**

Each person desiring employment with the County must, before employment, fill out an application for employment available from the Human Resources office, or the Road and Bridge Department, as appropriate, and turn in the application to that office. The appropriate office must remove the EEO Statistical Data Form and forward it to the Human Resources office for filing.

It is the responsibility of the department to make appropriate checks to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. Each employment application must be retained by the County for two years after receipt of the application.

*(Legal reference: 29 Code of Federal Regulations 1602.)*

In the case of applicants for positions with the County which require driving a vehicle, the Department Head must check the prospective employee's driving record through the Human Resources or Auditor's office prior to offering the applicant employment with the County. See **Section 3.12 Driving Record**.

**3.01 METHODS OF RECRUITMENT.** The County has five methods of recruiting and selecting persons to fill vacancies: (1) promotion from within, (2) transfer from within, (3) public announcement and competitive consideration of applications for employment, (4) referral from a job training program, and (5) selection from a valid current eligibility list of applicants. A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding 180 days. The Elected Official or appointed Department Head determines the method of selection to be

used in filling each vacancy. However, the Commissioners' Court must approve funding and recruitment for a position before recruitment begins if the position is not in the current budget or if the hiring range is above step 3 of the pay group.

The County does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the County, when a specific vacancy does not exist, are informed as to how County job announcements are advertised and that they may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

**3.02 POSITION ANNOUNCEMENTS.** Public announcement of position openings at the County, for which there will be competitive consideration, are posted in public notice areas within the County simultaneously with notification to the general public by publication in the newspaper. Announcements of position openings will also be posted on the County website. Current County employees can view posted vacancies on the bulletin board in the main Courthouse or in the Human Resources department. The only exception to the public posting is in the case of a temporary position which will last no longer than six months. Employees will be permitted to apply for positions for which they believe themselves to be qualified. A County employee can transfer to another County position without loss of pay if his or her current pay is within the limits set by the Commissioners' Court for the transfer position. The head of the department (not including Elected Officials) to which the employee is transferring shall be required to consult with the employee's current Department Head prior to the hiring/transfer process. Compensatory time shall be paid by the department where the compensatory time was earned at the time of transfer to a new department.

The County requires that County job vacancies be published in the local newspaper. The length of time during which applications will be accepted will be determined by the appropriate Department Head in accordance with the circumstances that exist at the time.

**3.03 PAY PLAN.** A pay plan is a document that assigns dollar values to each job class, groups the classes into pay grades, arrays pay grades on a pay schedule showing salary or wage steps and ranges for each grade, and sets forth procedures for administering the pay schedule. Aransas County will use the pay plan developed by Ray and Associates, Inc., as follows:

### **3.04 TYPES OF POSITIONS.**

**Classified Position:** A classified position is an authorized and budgeted position which is assigned to a job class and to a pay grade of the County pay plan. A classified position can be full-time, part-time, or seasonal.

**Unclassified (Special Position).** An unclassified position is an authorized and budgeted position for which the pay is set by individual determination. Unclassified positions for the County are (1) Elected County Officials, (2) positions funded from Non-County funds, and (3) those hourly, part-time, or seasonal positions which, in the judgment of the Commissioners' Court, should not be placed in a regular classified position.

### **3.05 CLASSIFICATION AND PAY ADMINISTRATION**

**Availability of Funds.** All of the following procedures are subject to each department having funds available within its budget. If funds are not available, a budget amendment is required.

**Hiring.** New employees are hired into classified positions unless specifically designated as unclassified. New employees normally are hired on Step 1 of the pay grade to which their position is assigned. A new

employee may be hired in up to Step 3 of the pay grade without Commissioners' Court approval conditioned on the following:

- The prospective employee's unusually high qualifications or significant experience clearly warrant higher pay;
- Hiring above Step 1 will not disrupt current internal salary relationships;
- Funds are available in the respective department's personnel budget to finance the higher pay rate for the remainder of the fiscal year; and subsequent years;
- The action is in the best interest of the County.

*Approved in Commissioner's Court, August 14, 2006*

An employee who has completed the required 150-day introductory period will be evaluated and will be eligible for a merit raise.

*Approved in Commissioners' Court, July 12, 1999*

**3.06 SELECTION.** Except for positions filled by a vote of the Commissioners' Court, each Elected Official or Department Head is responsible for selection of persons to fill each vacant position within the pay limits set by the Commissioners' Court. Once a selection is made, the Elected Official or Department Head will submit to the County Human Resources office a personnel action form listing the name of the applicant, the requested classification, beginning salary, and the effective date of employment. A copy of the applicant's resume or application for employment and a copy of the job description signed by the employee will be attached to the personnel action form. The personnel action form will be placed in the employee's personnel file, the results of the physical examination will be filed in the Human Resources office's confidential medical records file.

The responsible appointing authority (i.e. elected or appointed official) is permitted to select the specific individual for each position in the department. As soon as practicable after a selection is made, the Department Head or official will send written notification to all unsuccessful applicants who were interviewed for the position.

**3.07 PRIOR SERVICE WITH THE COUNTY.** Employees entering service with the County who have had prior service with the County may be considered for appointment above the Step 1 salary level. Employees rehired to fill regular full-time positions with the County will not receive credit for their prior length of service as regular full-time employees for longevity pay purposes. In addition, a break in continuous service with the County forfeits vacation and sick leave benefits accrued prior to the break.

**3.08 PLACEMENT ON COUNTY PAYROLL.** Before an employee will be placed on the County payroll, the hiring official or Department Head must file a personnel action form with the Human Resources office. New employees must report to the Human Resources office before or during their first day of employment to fill out employment forms for new employee orientation.

**3.09 AGE REQUIREMENTS.** Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective County employee under 18 years of age must have written permission (a signed Minor's Release Form) from his or her lawful parent or guardian in the Human Resources office prior to the first day of employment.

*(Legal reference: U.S. Fair Labor Standards Act of 1938, as amended.)*

Other age limitations will be applied only as required by state or federal law applicable to the County.

*(Legal reference: U.S. Age Discrimination in Employment Act of 1967, as amended.)*

**3.10 EMPLOYMENT OF RELATIVES (NEPOTISM).** Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the County. No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the County Commissioners' Court or any County Elected Official or any County Department Head. Prohibited degrees of relation are defined in the charts on the following pages.

*(Amended by Commissioners' Court 10/27/99.)*

\* Spouses of relatives within the first or second degree of consanguinity (i.e. son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.

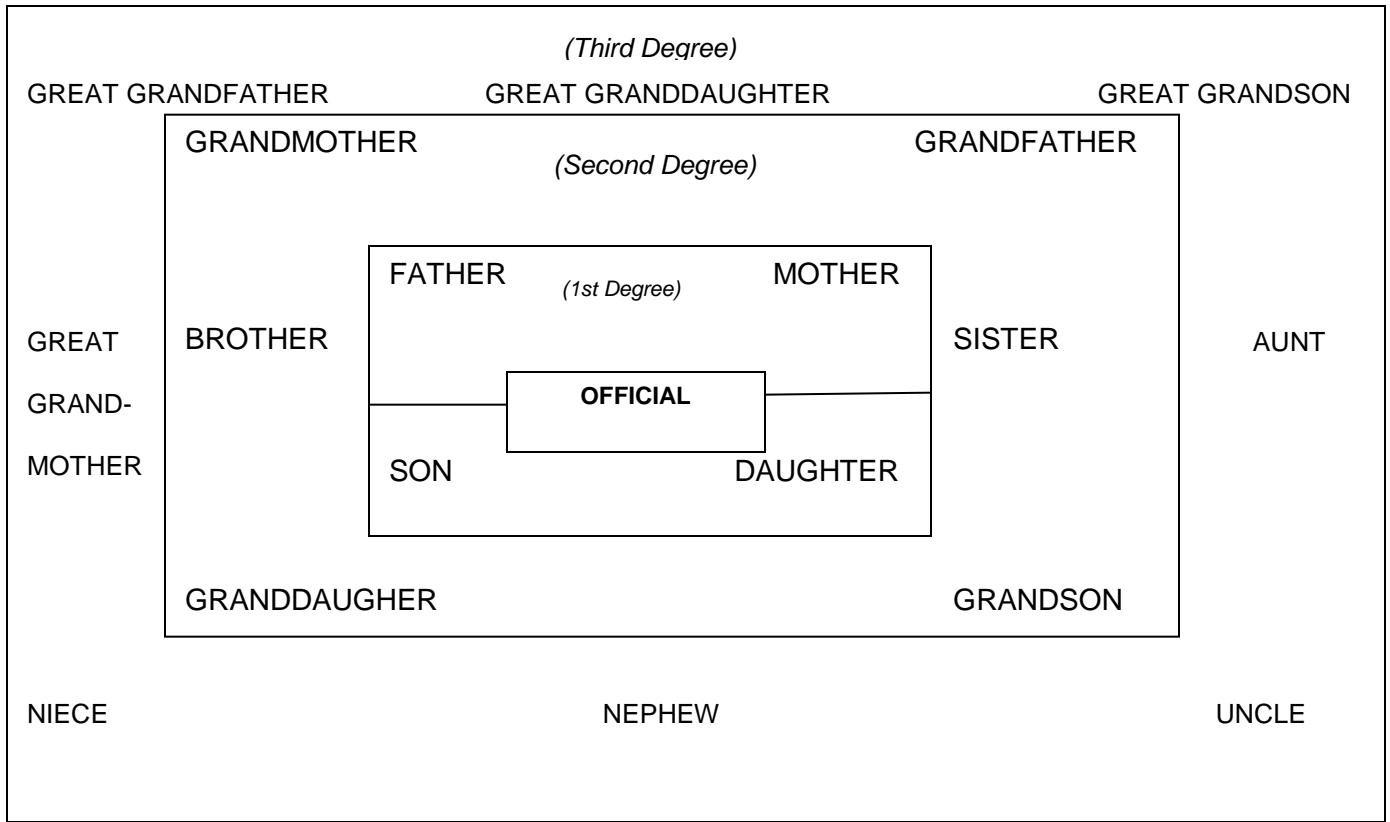
*(Legal Reference: V.T.C.S. Article 5996h.)*

No person may continue in County employment who is related in one of the prohibited degrees unless the employee has been employed continuously by the County for a period of:

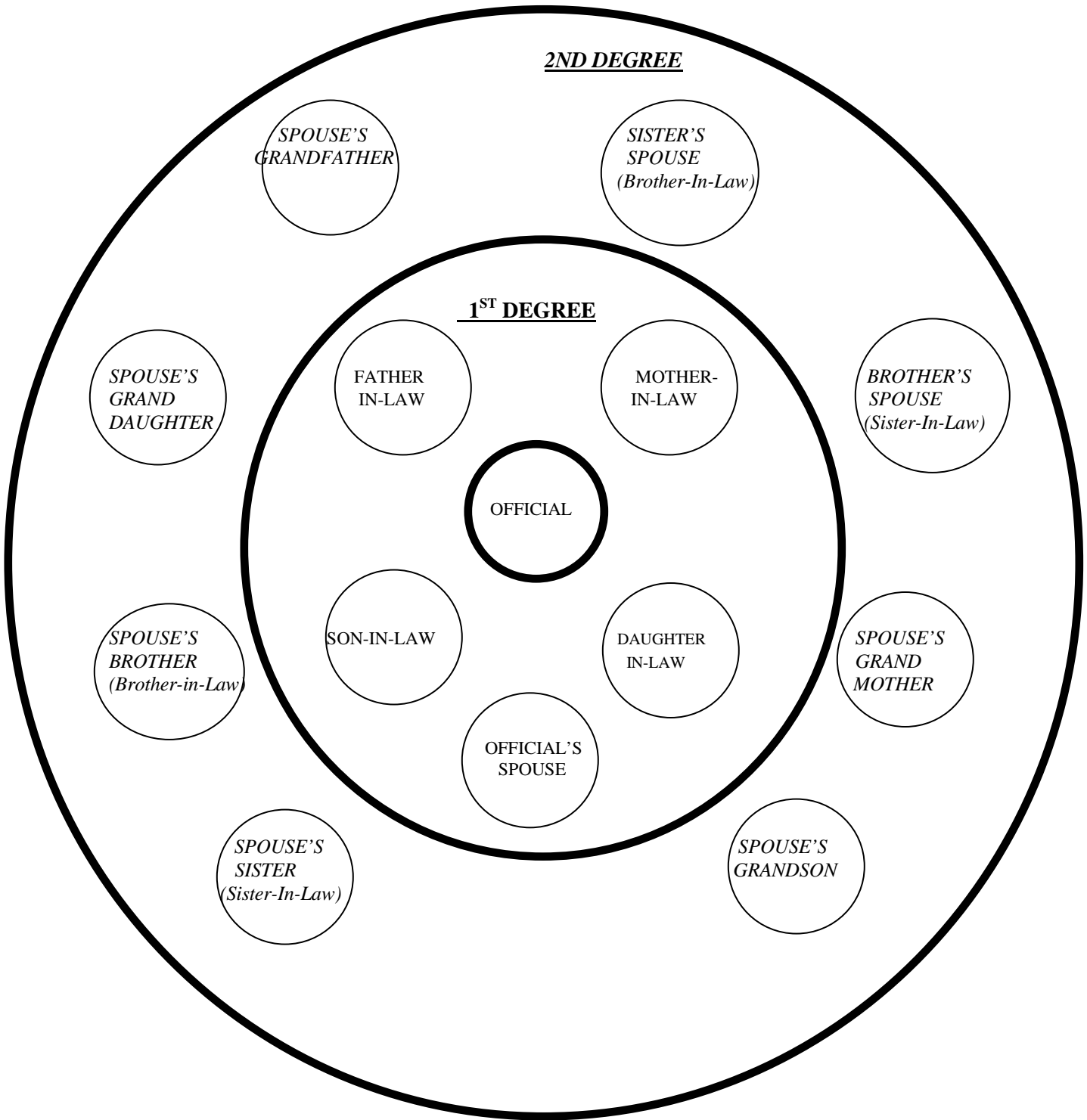
1. At least 30 days, if the officer or member is appointed;
2. At least six months, if the officer or member is elected at an election other than the general election for State and County officers; or
3. At least one year, if the officer or member is elected at the general election for State and County officers.

*(Legal reference: V.T.C.S. Article 5996a, as amended.)*

In addition, no personnel action will be taken that would result in any employee's supervising another employee who is related within the second degree of affinity or the third degree on consanguinity to the supervisory employee.



**Figure 1 – CONSANGUINITY KINSHIP CHART**



**FIGURE 2 – AFFINITY KINSHIP CHART (MARRIAGE)**



**3.11 TESTING.** Except for (1) drug and psychological tests for law enforcement officers, (2) other tests that may be required by state law, and (3) other employee drug tests included in the County's substance abuse policy, the only performance tests administered for employment or promotion will be specifically job-related tests (i.e., typing, operating a computer, operating a piece of equipment, moving something heavy required in the job, tabulating columns of numbers, writing samples.)

**3.12 PHYSICAL STANDARDS.** Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons, a person is required to complete a physical examination after a job offer has been made and prior to employment, and will not be placed on the County payroll until he or she has completed the physical exam.

In addition to the physical examination and the pre-employment substance abuse tests required by the County for all prospective employees, prospective employees for law enforcement officer positions must be tested by a licensed physician and declared by the physician in writing to show no trace of drug dependency or illegal drug usage, and examined by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health.

*(Legal reference: V.T.C.A., Government Code, Section 415.057.)*

Required examinations will be made by a physician and psychologist or psychiatrist of the County's choice and will be paid for by the County.

**3.13 VERIFICATION OF ELIGIBILITY TO WORK.** In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign a USCIS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility.

*(Legal reference: Federal Immigration Reform and Control Act of 1986, P.L. Number 99-603.)*

**3.14 DRIVING RECORD.** Every county employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record and may be required to participate in defensive driving courses at the County's request. The Sheriff (or his designee) is responsible for checking the driving record in addition to the criminal history record for all the employees and new hires within his department only. The Auditor (or her/his designee) is responsible for checking the driving records of all other new hires within the County.

**3.15 DISQUALIFICATION.** An applicant is disqualified from employment by the County if he or she (1) does not meet the minimum qualifications for performance of the duties of the position involved; (2) has knowingly made a false statement on the application form; (3) has committed fraud during the selection process; (4) is not legally permitted to hold the position; (5) has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process; (6) does not meet physical requirements as a result of the required physical examination; or (7) has not provided proof of citizenship or legal work status in the United States within the first three days of employment.

*(Legal reference: Federal Immigration Reform and Control Act of 1986, as amended.)*

**3.16 TEMPORARY/EMERGENCY EMPLOYEES.** Before a Department Head or Elected Official may hire a temporary or emergency employee, the department's budget must contain a line item, authorized by the Commissioners' Court, for payment of temporary or emergency employees' salaries. There also must be sufficient funds available in that line item to cover the incoming employee's salary for the

specified temporary period of employment. The Department Head or Elected Official shall consult with the Auditor to identify and transfer funds available within that same department in another salary line to the temporary employee's salary line. Under no circumstances will the County issue a pay check to a temporary or emergency employee if these conditions are not met.

**3.17 ORIENTATION AND TRAINING.** The Human Resources office provides a general orientation for new employees about employment with the County. A brief overview is also given of the County's Accident Prevention Plan, Information Technology Policy, and Substance Abuse Policy. During this orientation, employees are given a copy of the Personnel Policies manual, are required to read it within two weeks, and are given information about County benefits programs.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation conducted by the Elected Official or Department Head for whom s/he will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better and its relationship to the overall operation of County government. Training an employee is the responsibility of the Elected Official or Department Head for whom s/he works. Whenever possible, employees receive on-the-job training under close supervision.

In addition, Elected Officials and Department Heads are responsible for scheduling employees to attend job-related seminars and workshops when an employee's attendance would benefit the County, provided that funds are available and the department can afford to be without the employee's services for the time required to attend. When an employee attends outside seminars or workshops, his or her attendance should be documented in the employee's personnel file.

**3.18 REHIRING RETIREES AND/OR FORMER EMPLOYEES WHO WITHDREW THEIR RETIREMENT FUNDS FROM TCDRS.**

The County may rehire a retiree and his or her monthly TCDRS annuity will not be suspended as long as the original termination was bona fide under IRS guidelines and met certain TCDRS requirements. This is not a 'RETIRE IN PLACE' policy. It gives some flexibility in rehiring retirees, but there are strict guidelines that must be followed to maintain our plan's qualified status. A "qualified plan" refers to any contributions or deposits to plan accounts which are tax deferred. Losing the plan's qualified status is extremely expensive and has tremendous tax consequences for the County and the employees.

The IRS requires that the retirement or termination be based on a bona fide separation from employment. The County cannot make a prior agreement or arrangement to hire any employee after s/he retires their position. There can be no expectation that the County will hire the employee after s/he retires or leaves employment and there can be no understanding between the County and the employee that s/he will be hired after retirement or resignation.

If an employee has withdrawn their funds from the County's TCDRS retirement account, TCDRS REQUIRES a break in service before you rehire a retiree or any other type of employee. TCDRS requires at least one full calendar month to pass before a retiree or other person leaving employment is rehired. For example, if an employee's date of termination is April 15, then the earliest he/she may be rehired is June 1. The entire calendar month of May must pass before a retiree or other employee who withdraws their retirement funds can legitimately be hired again.

*(Amended by Commissioners' Court 1-9-06)*

## 4.00 TYPES OF EMPLOYMENT

**4.01 CATEGORIES OF EMPLOYMENT.** There are five categories of employment with the County:

- **Regular Full-Time.** A regular full-time employee is one who is employed to hold an authorized position that involves, on the average, at least 40 work hours per week, and who has been appointed to a position that is not specified as part-time or temporary. Regular full-time employees, depending on their position, may either be hourly or salaried employees.
- **Elected or Appointed Department Heads.** Some County Department Heads are elected by the people to serve a specific term. Others are appointed by the Commissioners' Court and may be dismissed at any time at the will of the Commissioners' Court. Department Heads may be designated as either full-time or part-time; each holds a salaried position earning a specific amount per pay period, as set by the Commissioners' Court, regardless of the number of hours actually worked during the pay period. All Department Heads are expected to work the number of hours and days per week needed to accomplish their work. Elected Officials do not accrue specific vacation or sick leave benefits, but are members of the County's retirement system. Appointed officials, however, accrue vacation and sick leave benefits, and are also members of the County's retirement system.
- **Regular Part-Time.** A regular part-time employee is employed in an authorized position that, on average, involves fewer than 30 work hours per week. Regular part-time employees may be either salaried or non-exempt hourly. A part-time employee must be added to TCDRS retirement plan if the part-time position is permanent.
- **Temporary.** A temporary or seasonal employee is an employee hired to work a specified, limited time period, or hired to complete a specific project or assignment. Temporary employees may be full-time or part-time. They are not entitled to the County's fringe benefits other than Worker's Compensation and, in some instances, unemployment insurance.
- **Hourly.** An hourly employee is employed to hold an authorized position that typically involves fewer than 40 work hours per week. Hourly employees work on an irregular schedule, as call upon, and are paid at an hourly rate for the actual number of hours worked. Hourly employees are not paid for holidays and are not entitled to the County's fringe benefits other than workers' compensation and, in some instances, unemployment insurance and group health insurance.

See **Section 7 Benefits** for details of benefits available to each category of employees.

**4.02 INTRODUCTORY PERIOD.** All new regular employees serve a 150-day introductory period, unless waived by their Department Head. In the event that the employee is terminated or resigns during the introductory period, he or she will not be paid for any accumulated leave.

Completion of the introductory period does not guarantee employment for any specific period of time. Eligible employees receive all benefits offered by the County and receive credit for the introductory period. Retirement deductions are made from the date of employment for all employees who qualify under the County's retirement plan with the Texas County and District Retirement System (TCDRS.)

*(Amended by Commissioners' Court 12/13/99.)*

**4.03 ASSIGNED STAFF.** Staff who are assigned to the County but are paid directly by another government or private organization are not employees of the County. These employees' benefits are specified in the contract for services. As a condition of their assignment, such staff is governed by all terms of the policies not in conflict with their contract for services.

## 5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

**5.01 PAY.** Pay for County Elected and Appointed Officials and for employees who are paid from County funds are set each year by the Commissioners' Court in the adopted County operating budget. Rules governing salary administration and pay increases are also established by the Commissioners' Court.

*(Legal reference: V.T.C.A., Local Government Code, Chapter 152.)*

**5.02 SALARY GRIEVANCES.** Appointed employees of the County have access to the chapter of these policies entitled **Grievances** for matters related to compensation. **See Section 15 Grievances.**

The remainder of this subsection 5.02 applies only to Elected Officials. An elected County or precinct officer who is aggrieved by the setting of his or her salary, expenses, or other allowances by the Commissioners' Court may request a hearing before the Salary Grievance Committee. The Salary Grievance Committee is composed of:

- The County Judge, who will be chairman of the committee but who will not be entitled to vote; AND
- The Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, district Clerk, County Attorney or Criminal District Attorney, and the number of public members necessary to provide nine voting members; OR
- Nine public members, if the Commissioners' Court votes on the second Monday in January each year to have nine public members.

Any request for a hearing must be in writing, must be submitted within five days after the date the officer receives notice of salary or personal expenses and must state the manner in which he or she is aggrieved, including the desired change in salary or personal expenses. A formal request must be delivered to the County Judge, who will announce the time and place of the hearing, which will be held within 10 days after the date the request is received.

If, after a hearing, the committee by a vote of six to eight of its voting members decides to recommend a change in the salary or personal expenses of the person requesting the hearing, it will prepare its recommendation in writing and deliver it to the Commissioners' Court. The Commissioners' Court will include the increase in the budget before the budget is filed and the increase will take effect in the next budget year.

*(Legal reference: V.T.C.A., Local Government Code, Chapter 152, Subchapter B.)*

**5.03 PAYDAYS.** Hourly non-exempt employees are paid bi-Weekly every other Friday. If a pay date falls on a holiday, then the pay date will be the last business day before the holiday except for January 1<sup>st</sup>.

*(Amended by Commissioners' Court 01/27/2010)*

Exempt (elected and appointed) employees are paid bi-weekly, every other Friday. If a pay date falls on a holiday, then the pay date will be the last business day before the holiday except for January 1<sup>st</sup>.

**5.04 CHECK DELIVERY.** Paychecks will not be issued other than on the days set out in **5.03** above. The County Treasurer is responsible for the proper distribution of paychecks. Checks may be released only to the individual responsible for their proper distribution within a department. No salary advances or loans against future salary will be made to any employee for any reason.

*(Legal reference: Texas Constitution, Article II, Sections 51, 52, and 53.)*

An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deduction) to the attention of the payroll clerk.

**5.05 PAYROLL DEDUCTIONS.** Any deductions other than those required by federal and state law must be approved and authorized by the Commissioners' Court. Deductions will be made from each employee's pay for the following:

- Federal Social Security and Medicare taxes;
- Federal income tax;
- Court-ordered child support;
- TCDRS contributions (for regular eligible employees and eligible elected and appointed Department Heads); and
- Any other deductions required by law.

In accordance with policies and general procedures approved by the Commissioners' Court, deductions from an employee's pay may be authorized by the employee for:

- The portion not paid by the County for group health/medical or dental premiums for the employee or dependents;
- Optional, supplemental deferred compensation plans; and
- Such other deductions as may be authorized by the Commissioners' Court.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the Human Resources office the appropriate forms for communicating these changes.

**5.06 ACROSS-THE-BOARD PAY INCREASES.** During budget deliberations for the forthcoming year, the Commissioners' Court may authorize an across-the-board pay increase and shall determine the employment types that will receive such pay increases. If an across-the-board or cost-of-living pay increase is approved, the increase will be in the form of a percentage rather than a flat dollar amount. When this is done, each salary amount on the pay schedule and each individual employee's salary are adjusted by the authorized percentage increase.

**5.06.01 EMPLOYEE SALARIES – STEP INCREASES.** Any increase in employee salary above a Step Three must be approved by the Commissioners' Court.

*(As amended April 9, 2007.)*

**5.06.02 EMPLOYEE PERFORMANCE EVALUATIONS.** The performance evaluation provides a means for discussing, planning, and reviewing the performance of each employee. Regular performance evaluations accomplish the following:

- Define employees' responsibilities, provide criteria by which their performance will be evaluated, and identify ways by which they can improve their performance.
- Recognize employees with proven high performance for possible advancement within the County.
- Assist elected/appointed officials and Department Heads to achieve departmental goals.
- Provide a more equitable foundation for awarding compensation based on performance.

It is the Elected/Appointed Official or Department Head's responsibility to develop and maintain a work environment in which employees can receive feedback about their performance, develop plans for improvement, and be recognized for service performed well in a consistent manner. To encourage

superior performance, regular full-time employees will receive a periodic performance evaluation with an opportunity to be awarded a one-step increase in pay. Performance evaluations influence wages and promotions so it is critical that the Elected/Appointed Official or Department Head maintains objectivity in conducting performance evaluations and assigning overall performance ratings. Evaluation forms will be provided by the Human Resources department and a copy of the completed evaluation will be retained in the employee's personnel file within that office.

**PERFORMANCE EVALUATION SCHEDULE.** Performance evaluations are conducted on an annual cycle based on the anniversary date of the employee's date of hire or most recent job title. The performance evaluation should be discussed and signed by both the elected/appointed official or Department Head and the employee to ensure that all strengths, areas for improvement, and future job goals have been clearly communicated. The elected/appointed official or Department Head will not discuss any proposed action or step increase with the employee until all written approvals are obtained.

Pay increases are not guaranteed. The employee's overall performance and pay level relative to his/her position's responsibilities must be assessed to determine if an increase is warranted by meeting established criteria. The funding must be consistent with the approved budget when awarding a step increase based on performance evaluation.

**5.06.03 EMPLOYEE STEP INCREASE AWARDS.** Step increases are neither automatic nor periodic. The employee must have a minimum of one year tenure with the County directly prior to receiving the step increase. Overall budget allocations and individual step increases are planned for and allocated prior to the start of each calendar year. (Their estimate must be included during the budgeting process and approved by the Commissioners' Court for the following calendar year.) Step increases are reserved for employees who demonstrate achievements such as the following:

- Improvement in skills;
- Higher than average performance of duties;
- Willingness to accept additional responsibilities, and/or
- Completion of related professional education credits, licensure, or certification.

The step increase program is designed to assist the County management in planning and allocating wage increases that will:

- Reward individual performance;
- Maintain reasonably competitive rates within the market;
- Demonstrate internal equity based on verifiable performance improvement and accomplishments.

The approved paperwork will be forwarded to the Human Resources department for processing. Pay increases must be supported by a performance evaluation before the increase will be implemented. Human Resources will review all pay increase requests to ensure compliance with County policy and the department's budget prior to having the County Judge sign approval.

*(Approved Commissioners' Court 10/22/12.)*

**5.07 LONGEVITY PAY.** Longevity pay is subject to budgeting, and will be considered at each annual budget process on a "funds available basis." Longevity pay is therefore discretionary on an annual basis and shall be excluded when calculating overtime rate.

*(Approved Commissioners' Court 09/08/08.)*

Longevity is based on the number of years of continuous service by County employees. Employees with 12 or more months of continuous employment are eligible to receive \$100 per year for each year of service up to a maximum of \$1,500 for 15 years of service. Employees with 16+ years of service will receive a maximum longevity payment of \$1,500.00 annually. Beginning January 1, 1995, Longevity pay will be paid in a separate paycheck as a single lump sum payment in November or December, as determined by the County Treasurer, of the year in which it was earned. Longevity pay is not affected by percentage salary increases or cost-of-living adjustments.

If an employee terminates or gives notice of termination of employment with the County prior to the established lump sum payment date, s/he will not receive a longevity payment. Part-time hourly employees and temporary employees do not receive Longevity pay.

**5.08 PROMOTIONS.** Promotions are changes in the duty assignment of any employee from a position in one classification to a position in another classification in a higher pay group. A promotion recognizes advancement to a higher classification requiring higher qualifications and involving greater responsibility. A promoted employee will receive a pay increase within budgetary constraints approved by the Commissioners' Court and commensurate with qualifications and responsibility.

Any reclassification of positions must have prior approval of Commissioners' Court before affecting any change. All changes must begin at the beginning of a pay period. Any employee promoted to an exempt position from a non-exempt position will be paid for any accrued compensatory time at the time of the promotion. Time equivalent to the total comp hours paid must elapse prior to filling the vacancy created by the promotion, unless otherwise authorized by Commissioners' Court.

Upon promotion, an employee serves an introductory period of 150 days in the new position and may be returned to the lower position at any time during the introductory period if performance is inadequate.

**5.09 LATERAL TRANSFERS.** A lateral transfer is the movement of an employee between positions in the same pay group within the County. Lateral transfers may be made within the same department or between departments and are subject to a 150-day introductory period. An employee will not receive a pay reduction when making a lateral transfer provided that the employee's current salary is within the range approved by the Commissioners' Court for the transfer position. An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation and sick leave.

**5.10 DEMOTIONS.** A demotion is a change in duty assignment of an employee to a lower paid position. Demotions may be made for the purpose of voluntary assumption of a less responsible position; as a result of a reclassification of the employee's position; or as a disciplinary measure, because of unsatisfactory performance in a higher position. Disciplinary demotions always involve a decrease in pay.

**5.11 PAY REDUCTION FOR DISCIPLINARY REASONS.** An employee's pay for continued performance in the same position may be reduced, as a disciplinary measure, to a lower rate. The period covered by this type of disciplinary action may not exceed 60 days. See **Section 13 Discipline** for information about suspension with or without pay for disciplinary reasons.

**5.12 APPROVING AUTHORITY.** The Commissioners' Court is the approving authority of all payrolls and payroll transfers granted under the terms of (1) these policies, (2) the classification and pay plans, and (3) the annual budget.

## 6.00 WORK SCHEDULE AND TIME REPORTING

**6.01 WORK HOURS.** Normal working hours for most County employees are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per work week. Morning and afternoon breaks of 15 minutes each may be authorized by the responsible Elected Official, but, if authorized, this time does not accumulate if not taken. Employees in specific departments may be required to work on different schedules. Sheriff's Department officers, jailers, administration assistants, clerical and nursing employees work varying shifts of eight (8) hours or twelve (12) hours in order to provide services 24 hours each day.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule established. When leaving the job during working hours, an employee must obtain permission from his or her supervisor, stating the reason for leaving, the destination, and expected time of return. Employees are expected to return to work as soon as their reason for leaving has been accomplished.

*(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)*

**6.02 NUMBER OF HOURS WORKED.** The Commissioners' Court determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the County's budget.

**6.03 FAIR LABOR STANDARDS ACT WORK WEEK AND WORK PERIOD.** For the purposes of complying with the Federal Fair Labor Standards Act (FLSA), a work week is a fixed and regularly recurring period of 168 hours or 7 consecutive 24-hour periods. The official work week for all non-law enforcement employees begins on Monday morning at 12:01 a.m. and ends at 12:00 midnight the following Sunday night. In accordance with FLSA (7k) provisions for law enforcement, personnel who are not exempt from FLSA provisions work scheduled 8 hour shifts and 12 hour shifts in a 14-day work period.

The Sheriff sets the work schedule monthly for the Sheriff's personnel and notifies them in writing of their work schedule assignments.

- Scheduled for three and four shifts of twelve hours in a 14-day work period and to provide, as directed, up to 6 hours of **unscheduled** work (emergencies, court appearances, other necessary duties) for a total of 86 hours per 14-day work period.
- Scheduled for five shifts of eight hours for every seven days in a 14-day work period and to provide as directed up to 6 hours of **unscheduled** work (emergencies, court appearances, other necessary duties) for a total of 86 hours per 14-day work period.

Sheriff's employees (administrative, clerical and nursing) who work 40 hours per week have the same work week as other County employees who are paid bi-weekly.

**6.04 OVERTIME WORKED.** The policy of the County is to allow overtime only in cases of emergencies or when specifically authorized by the Commissioners' Court. Employees may be required to provide services in addition to their normal hours, on weekends, holiday, or during emergencies. Overtime is defined as hours worked in excess of the allowable number of hours under the FLSA; i.e. 40 hours per seven-day work week for non-law enforcement employees; 86 hours per 14-day work period for certified law enforcement officers and certified jailers.



For non-law enforcement employees, overtime begins to accrue with the 41<sup>st</sup> hour worked during the seven-day work week. For law enforcement employees, overtime begins to accrue with the 87<sup>th</sup> hour worked during the 14-day period.

*(Legal reference: U.S. FLSA of 1938, as amended.) (Amended by Commissioners' Court 07/30/97.)*

All overtime services by employees covered under FLSA must be authorized in advance by the employee's supervisor and approved by the elected or appointed Department Head.

**6.05 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION).** Elected Officials, Department Heads, and other executive, administrative, and professional employees are exempt from the overtime provisions of FLSA and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this condition in mind. Some additional County positions are exempt from FLSA because of the close relationship of the position and the Elected Official for whom the employee works.

*(Legal reference: U.S. FLSA of 1938, as amended.)*

Extra hours worked by executive, administrative, professionals and Elected Officials' closest staff members may be used as a factor in granting or denying paid leave other than vacation or sick leave. Employees engaged in recreational, seasonal activities which do not operate for more than seven months in any calendar year and meet the other statutory prerequisites are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees. Each County job description designates whether persons hired in that classification are exempt from or covered by (nonexempt) the overtime provisions of FLSA.

**6.06 OVERTIME COMPENSATION.** In accordance with County policy that existed prior to April 15, 1985, when emergency circumstances necessitate overtime work, nonexempt employees are compensated for the overtime worked by being given one of the following (listed in order of the County's policy preference):

1. Equal time off within the same work period (usually 7 days/one week, 14 days for law enforcement officers and jailers);
2. Compensatory time off at one and one-half times the number of hours worked up to a maximum number of hours which may be accrued (maximum of 90 hours for law enforcement employees, representing 60 actual hours of overtime worked, and maximum of 60 hours for others, representing 40 actual hours of overtime worked); or
3. Payment at the rate of one and one-half times the employee's regular hourly rate if specifically authorized by order of the Commissioners' Court and approved by the Department Head, normally only in emergency situations.

The Commissioners' Court discourages time and one-half payment for overtime, which may be authorized by the Elected Official or Department Head in charge only if adequate funds are available in the department's budget and the Commissioners' Court has granted authority to pay overtime by a separate court order. In addition, the court discourages the accumulation of compensatory time off at one and one-half times the number of hours worked because of the contingent liability this creates for the County. The preferable method of overtime compensation is to schedule equal time off for the affected employee during the same work period in which the overtime was worked.

**6.07 COMPENSATORY TIME.** Any compensatory time earned must be used within 120 days of the date the overtime was worked. Use of compensatory time will reduce accrued balances in the order that the leave time was accrued (leave accrued first is used first). If not used during that time period, the

compensatory time (which was entered and carried on the employee's records at one and one-half times the number of hours worked) will be payable at the employee's regular, straight-time rate of pay for the total number of hours on the employee's compensatory time record which were posted more than one year previously. Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for hours actually worked. It is preferable for the Department Head and employee to schedule the use of compensatory time off within the same pay period in which the overtime was worked.

**6.08 HOLIDAY WORKED.** The County's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular employee is required to work on a scheduled holiday, he or she will be given an alternate day off, preferably within the same work week or work period. See **Section 9.02 Work During Holidays** for a more detailed discussion of this policy.

An employee subject to the overtime provisions of FLSA who is required to work a full 40-hour week during a week in which he or she takes a paid holiday will receive straight-time compensation (time off or pay) for the 40 hours actually worked. This is because a paid holiday is not considered as time worked for the purposes of determining when an employee has reached his or her maximum allowable hours (40 per week for non-law enforcement personnel; 86 hours per 14-day work period for certified law enforcement officers and certified jailers) without being subject to overtime pay. In addition, in the sample cited above, that person will be given an alternate day off for the holiday. This equates to hour-for-hour, rather than time and one-half. If the employee actually worked only 35 hours, five hours would be charged to holiday time off, and three hours would be accrued as compensatory leave at the straight-time rate.

*(Legal reference: U.S. FLSA of 1938, as amended)*

**6.09 LEAVE OR HOLIDAY TAKEN AND OVERTIME.** If a full-time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a workweek in which he or she has used sick leave, vacation leave, or any other type of released time including holiday time off, the employee will be given hour-for-hour time off for the extra number of hours worked as comp time; *i.e. the employee will be paid hour-for-hour until the actual number of hours worked for the week equals 40. Any excess of 40 hours for the week will be paid in accordance with the overtime provision of this manual.* Sick leave will be charged only for the difference between the number of hours actually worked and the standard 40 hour work week (or 86 hours per 14 days for law enforcement). For example, if an employee misses an eight-hour day because of illness, but then has to work six extra hours one day later that same week, the employee's sick leave account would be charged only two hours rather than the full eight hours which were missed.

If the extra hours worked are more than the number of leave time hours taken, the employee will be compensated (with compensatory time off, or in emergencies, with pay) at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the leave time hours take. See **Section 9.0 Holidays** for benefits allowable in "around-the-clock" departments when a holiday falls on a non-workday.)

**6.10 TIME REPORTING.** All employees whether in an exempt or a non-exempt status will keep records of all hours worked and release time taken (and, where appropriate, hours credited to particular projects) and will submit time sheets to the payroll clerk in the Treasurer's office. Forms for this purpose are provided by the County.

Time records must be signed by the employee and by the appropriate Elected Official or Department Head. It is recommended that these forms be filled out after each day's work in order to maintain an

accurate and comprehensive record of the actual time spent on particular projects. Each Elected Official or Department Head is responsible for ensuring that all hours worked and leave time taken are correctly reported on the time sheets sent to the payroll clerk for payroll purposes, as well as being recorded on the individual department's records. This signature attests to the accuracy of the hours reported.

## **7.00 BENEFITS**

**7.01 MEDICAL AND LIFE INSURANCE.** Regular full-time County employees working an average of 30+ hours per week and Elected/Appointed Department Heads are eligible for the County's group hospitalization, medical, and life insurance coverage. Employees and Elected/Appointed officials who enroll are required to pay a portion of the monthly premium for coverage, and the County pays the remaining balance of the premium. Eligible employees and Elected/Appointed officials may add dependent coverage at their own expense. Dependent premiums are deducted from the paycheck of the employee or official.

*(Amended by Commissioners' Court 12/13/99.)*

Upon employment, each employee who is expected to become eligible for insurance coverage is given a Contribution Schedule for Premiums and Schedule of Coverage containing detailed information about the County's insurance program. A copy of the master contract containing the benefits for the program is kept in the Human Resources Office and may be reviewed during normal working hours.

Newly hired employees are not eligible for health insurance coverage until a 60 day waiting period from the first of the month following hire date has been met. After completion of the waiting period, a new employee will be eligible for all group hospitalization, medical, and life insurance available to all eligible employees.

*(Amended by Commissioners' Court 8/15/2011.)*

**7.02 HEALTH INSURANCE – RETIRED EMPLOYEES.** Retired County employees with combined age and service tenure of 75 will be allowed to purchase, for the employee and/or their spouse, and at the employee's expense, medical insurance from the County's insurance carrier at the same rate as if still employed by the County, until each respectively turns 65 or otherwise become eligible for Medicare.

**7.03 RETIREMENT.** The County is a member of the Texas County and District Retirement System (TCDRS). Membership in the retirement system is mandatory for all regular full-time employees and authorized elected or appointed officials. Both the employee and the County contribute to the employee's retirement account. The employee's portion of the retirement contribution will be deducted from every paycheck. Employees who leave County employment prior to retirement will, upon request, be refunded their portion of the retirement account plus interest earned on their portion.

Retirement benefits are determined by a formula that involves age, number of years of creditable service, and amount deposited in employee's account. A new, eligible employee will complete the paperwork to enroll in TCDRS during new hire orientation. TCDRS will mail membership information to the new employee once the first deposit has been received. The Human Resources Office has resources to assist in guiding employees who want to make plans for their retirement.

**7.04 SOCIAL SECURITY.** All employees and Officials of the County are covered by Social Security. The County contributes to the Social Security system on behalf of each employee. Deductions are made from each employee's paycheck in accordance with the requirements of the Social Security Program. Specific questions regarding Social Security benefits should be directed to the nearest Social Security office.

**7.05 WORKERS' COMPENSATION.** All employees and Officials of the County are covered by the Workers' Compensation insurance program, and the County pays the premium. This coverage provides medical treatment and temporary income benefit payments to employees who receive bona fide, on-the-job, work-related injuries. For detailed information about Workers' Compensation benefits, see **Section 11 Health and Safety**.

*(Legal reference: Article 8306-8309, esp. 8308 et seq. V.T.C.S.)*

**7.06 UNEMPLOYMENT INSURANCE.** All employees of the County, except for Elected Officials, are covered under the Texas Unemployment Compensation Insurance Program, and the County pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

*(Legal reference: Article 5221b, V.T.C.S.)*

**7.07 LEAVE TIME.** County employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. For detailed information about leave and other types of released time, see **Section 8 Leave Time**.

**7.08 REQUIRED EDUCATION AND TRAINING.** When the County requires an employee to attend any education or training course, conference, or seminar, the County will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals, and lodging. When appropriate, the County may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. For additional information, see **Section 18.0 Travel and Subsistence Reimbursements**.

**7.09 EDUCATION INCENTIVE.** Employees who voluntarily pursue additional education or training may petition to have the tuition and book costs associated with that education or training reimbursed. In order to be eligible for reimbursement, employees must notify their supervisor or Department Head and the County Auditor in writing that they intend to enroll in a specific training session or classes. Upon submission of transcripts or course completion certificate with *minimum of a passing grade of 70* and a copy of the tuition and book receipts, employees will be reimbursed as follows:

1. 100% reimbursement on maximum of \$500 per student per quarter/semester,
2. Course or training session shall be directly related to the employee's field of employment,
3. Course or training session is intended to improve the overall ability, skill, and performance of an employee.

Under no circumstances may any of the time utilized for voluntary, off-duty education be construed as training time as defined by the Fair Labor Standards Act and thereby make it necessary for the County to compensate the employee. Any hours of education during regularly schedule work hours must be approved by the employee's supervisor.

*(Amended by Commissioners' Court 12/12/2005 and 03/29/2006.)*

**7.10 REIMBURSEMENT POLICY – STEEL-TOED BOOTS** Road and Bridge, Fleet Operations, and Transfer Station employees may be reimbursed for the purchase of steel-toed boots which they are required to wear. Maximum reimbursement shall be \$160 per 12-month period. This authorization may include total reimbursement for one pair or two pairs of boots but cannot exceed \$160 total per 12-month period.

## 8.00 LEAVE TIME

### 8.01 DEFINITIONS.

- **Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
- **Holidays.** Holidays are days designated by the Commissioners' Court as days that County offices are closed on what otherwise would be regular business working days.
- **Unauthorized Absence.** An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or appropriate Elected Official or Department Head. Employees are not paid for unauthorized absences.

**8.02 APPROVAL OF LEAVE.** All leave taken by County employees must be approved by the employee's supervisor and the appropriate Elected Official or Department Head. Copies of signed leave forms are sent to the Treasurer's office for recording on the central leave records. County payroll records are verified against these leave records.

Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance (or in accordance with departmental protocol.) In all other instances of use of sick leave, the employee must notify the appropriate Elected Official or Department Head not less than 15 minutes before the scheduled work time on the first day of absence, unless emergency conditions exist, and request that approval of sick leave be granted. Some departments may require earlier advance notification.

Elected Officials and Department Heads are responsible for determining that leave has accrued and is available for use in the amounts requested by an employee. In addition, these officials are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet sent to the Payroll Clerk for payroll purposes, as well as being recorded in the individual's department.

**8.03 VACATION LEAVE.** All regular full-time employees with at least twelve months of service are eligible to use accrued vacation leave. Part-time and temporary employees (full-time or part-time) do not earn vacation leave.

*(Amended by Commissioners' Court 1/23/2000.)*

County employees are encouraged to take regular vacations at least annually. No vacation leave benefits are posted as an accrual nor may be used by a new County employee during the first twelve months of employment. Employee vacation will be accrued at a proportional rate each pay period according to the schedule below. Regular full-time employees earn vacation leave on a proportional basis as follows:

Length of Service	Vacation Leave Earned
10 years or less	80 hours/year, (3.077 hrs./pay period)
More than 10 years	120 hours/year, (4.615 hrs./pay period)

**Accumulation of Vacation Leave.** Employees are encouraged to use their accrued vacation leave each year. Pay in lieu of vacation is not permitted. The maximum carryover amount at the end of each fiscal year is 80 hours. At the end of each fiscal year, all unused vacation leave in excess of 80 hours is dropped from the employee's account without compensation.

**Payment for Unused Vacation Leave upon Termination.** When an employee leaves the service of the County, he or she will be paid for his or her accrued but unused vacation leave balance. The rate of pay will be determined by the salary rate in effect at the time of termination.

*Approved Commissioners' Court 10/13/2008.*

**Scheduling Vacation Leave.** Elected Officials and Department Heads should encourage their employees to schedule vacations and request their leave well in advance, and vacation schedules must accommodate the County's work schedule. Provided departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with County requirements, the County's requirements are given first consideration. No employee will be entitled to take unearned vacation leave nor will employees be allowed to take vacation leave in advance of when it is earned.

An employee may take earned vacation leave in increments of one-half day or four hours, whichever is less, unless a shorter time is approved by the Department Head in advance. Department Heads must maintain vacation leave records for their employees and must report such leave to the Payroll Clerk.

**8.04 SICK LEAVE** An employee with accrued sick leave may use it if the employee is absent from work due to:

1. Personal illness or serious health condition;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness or serious health condition of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child(ren) or parent who resides in the employee's household.

**Accrual of Sick Leave.** Sick leave accrues at the rate of eight hours per month while an employee is employed by the County on a full-time basis, for a total of 96 hours per year. Part-time employees and temporary employees (full-time or part-time) do not earn sick leave.

**Use of Sick Leave.** Accrued sick leave can be used by a regular full-time employee only after completion of the employee's first month of employment. If an employee is absent with permission because of illness during the first month of employment, the missed number of hours' pay will be subtracted from the employee's regular pay before a paycheck is issued. Sick leave may be taken in increments of one or more hours. If an employee is absent and has exhausted all sick leave, accrued vacation leave and comp time will be used to cover the absence. Sick leave cannot be used until after it has accrued and posted to the employee's account. For details about Sick Leave Pool, see **Section 20 Sick Leave Pool**.

**Notification Requirements.** Approval of sick leave for non-emergency medical, dental or optical appointments must be secured at least one day in advance. In all other instances of use of sock leave, the employee must notify his or her supervisor or the appropriate Elected Official or Department Head not less than two hours before the time to employee is scheduled to report to duty on the first day of absence, unless emergency conditions exist, and must request that approval of sick leave be granted. Some departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Employees must complete a sick leave application prior to non-emergency appointments or within two days upon return to work in other instances, as applicable. Departments must forward completed sick leave applications to the Payroll Clerk with timesheet attached. Request forms are available in the Treasurer's Office. Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as their reasons for absence have been resolved.

**Medical Statement.** An Elected Official or Department Head may request an employee to furnish, and the employee must provide upon request, written verification by a physician of that employee's medical disability precluding his/her availability for duty.

**Accumulation of Sick Leave.** Sick leave, not used by regular full-time employees during the year in which it accrues, will accumulate and be available for use in succeeding years up to a maximum allowable accumulation of 960 hours. At the beginning of each fiscal year, any sick leave balance in excess of the 960 hour maximum is reduced to the maximum without compensation to the employee for any forfeited hours.

**Exhaustion of Sick Leave.** An employee who has exhausted accrued sick leave benefits must request to use accumulated vacation or other paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.

**Illness While on Vacation Leave.** Sick leave may not be substituted for vacation leave if an employee becomes ill or physically incapacitated while on vacation.

**Cancellation upon Termination of Employment.** Unused sick leave is cancelled upon termination of employment, without compensation to the employee.

**8.05 MILITARY LEAVE.** Regular employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to a leave of absence from their duties, without loss of time or efficiency rate, vacation time, or salary on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed 15 days in any one federal fiscal year (October 1 – September 30). Employees will continue to receive pay from the County. Pay for military leave is only authorized for periods which fall within the employee's normal work schedule. Requests for approval of military leave must have copies of the relevant military orders attached and the orders must be submitted to the appropriate supervisor within three days after receiving them. Military leave in excess of 15 days will be charged to vacation leave or leave without pay. Regular employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their honorable release from active duty. See also **Section 8.07 FMLA, subsection Military Leave Entitlement** on page 36.

*Legal reference: V.T.C.A., Government Code, Section 431.005; V.T.C.S. Article 6252-4a; 38, U.S. Code Ann., Chapter 43)*

**8.06 CITIZENSHIP/CIVIL LEAVE.** Employees are granted civil leave with pay for jury duty that requires attendance on a regularly scheduled workday, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. Employees must notify the appropriate supervisor 72 hours in advance of taking civil leave, unless an employee is subpoenaed; in which case he or she must notify the appropriate supervisor immediately upon receipt of subpoena. When an employee has completed civil leave, he or she must report to the County for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of each workday.

## **8.07 FAMILY AND MEDICAL LEAVE ACT (FMLA).**

**Eligible Employees.** To be eligible for family and medical leave, an employee must have been employed continuously by the County for at least the previous 12 months and have worked at least 1,250 hours during those 12 months in a regular position. This policy applies equally to male and female employees. However, if both spouses are employed by the County, and the reason for the leave is to care for a newly arrived child or a sick parent, 12 weeks is the aggregate family leave limit for both. Temporary employees are not eligible for family leave.

**Eligible Circumstances.** An eligible employee is entitled to 12 paid or unpaid workweeks of leave during any 12-month period (defined in the Calculation of 12-Month Period below) for three purposes: (1) birth or placement for adoption or foster care of a child (only within 12 months of the birth or placement); or (2) a serious health condition of a spouse, child, or parent; or (3) the employee's own serious health condition. A serious health condition is one that requires either inpatient care or continuing treatment by a health care provider.

**Calculation of 12-Month Period.** The 12-month period for eligibility for leave is calculated on an individual employee basis in a uniform manner for all employees. The 12-month period is measured forward from the date any employee's first FMLA leave begins.

**Definition of Family Members.** "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

**Limitations/Restrictions.** Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the County. However, leave for serious health conditions – either of an eligible family member of the employee or of the employee – may be taken intermittently or on a reduced schedule if medically necessary, provided that other conditions of these policies are met.

**Intermittent Leave/Temporary Transfer.** If the employee's request for intermittent leave is foreseeable based on planned medical treatment, the County may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits, that better accommodates recurring periods of leave.

**Maximum Duration.** The total cumulative maximum period of time which an employee may be absent from work on family and medical leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. If an employee has accrued sick, vacation, or personal leave on the books at the time FMLA leave commences, the employee must exhaust those leave balances before being eligible for unpaid FMLA leave. However, paid sick leave may not be used for family and medical leave in any situation in which the County would not normally provide paid sick leave. Once the employee's leave balances have been exhausted, the County will then provide unpaid FMLA medical leave until the maximum total of 12 weeks has been offered to the employee. This 12-week total includes both paid and unpaid leave in any combination. During the unpaid portion of an employee's FMLA leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.



**Part-Time/Variable Hour Employees.** Where an employee normally works a part-time schedule or variable hours, the amount of leave to which an employee is entitled is determined on a pro rata or proportional basis.

**Notice.** In the case of leave for birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the County's operations. The same advance notice requirements apply.

**Certification of Condition.** An employee requesting a paid or unpaid leave of absence for extended illness or temporary disability must submit to the Department Head (1) a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties or (2) a statement that the employee is needed to care for a spouse, parent, or child, with the expected length of the recuperation period or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition. In addition, the employee must also provide the Department Head with a written statement from the employee concerning his or her intentions about returning to work at the County. An employee on FMLA leave must contact his or her supervisor at least once each workweek unless another schedule satisfactory to the County has been established in writing and signed by the Department Head and the employee. The County may also require subsequent re-certifications as reasonably needed. Failure to provide required medical status reports or to contact the office on the schedule required by the Department Head is grounds for disciplinary action up to and including termination.

**Second, Third Opinions.** The County may require a second opinion, and, if conflicting, a third opinion from a health care provider as to the need for and scheduling of FMLA leave. The second and third opinions, if sought and obtained by the County, will be paid for by the County and will be obtained from independent health care providers who are not employed by the County. If a third opinion is necessary, the third opinion obtained is final.

**Return to Work/Assurances.** After completion of an approved FMLA leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees," defined as those salaried employees in the top 10 percent of the County's workforce. Key employees will be notified in advance of their status. Regardless of whether the family and medical leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family and medical leave period. However, should the employee decide, at any time after FMLA leave begins, that he or she will not return to work at the County, the employee must reimburse the County for health coverage premiums paid by the County on behalf of the employee during the FMLA leave period unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This is subject to certification.

**Insurance Premiums.** As long as an employee is on paid leave, his or her portion of the insurance premiums will be deducted in the normal manner. If an employee is on unpaid leave, the employee must submit his or her portion of the employee's premium to the County not later than the first of each month for the upcoming month's premium. In the event that an employee fails to make a payment or payments,

the County will pay the premium in full. However, upon the employee's return to work, any indebtedness created by nonpayment of the employee portion of insurance premiums will be deducted from the employee's paycheck(s) until the County has been fully reimbursed. If the employee does not pay his or her portion of the insurance premium, and the employee's portion includes dependent coverage, the County will cancel the dependent coverage if the payment is more than 30 days late. If dependent coverage has been cancelled, the employee may reinstate it upon return to work provided that payment for the coverage is deducted from the employee's paycheck from that point forward.

**Retention of Benefits.** An employee on FMLA leave does not lose any previously accrued seniority or employment benefits, but does not earn any leave credits or other benefits during the unpaid portion of the leave.

**Summary of Act.** The County has posted a summary of the Family and Medical Leave Act on its central bulletin board and in other locations throughout the County for employees' information.

*(Legal reference: Family and Medical Leave Act of 1993 (P.L. 103-3.)*

**Documentation.** All documentation regarding family and medical leave will be filed in the employee's medical file, which is maintained separate from the personnel files and is accessible to a limited number of persons only on a "need-to-know" basis.

*(Legal reference: U.S. Americans with Disabilities Act of 1990.)*

#### **FMLA – MILITARY LEAVE ENTITLEMENT.**

**Military Family Leave.** Congress amended the FMLA in 2008 to provide eligible employees working for covered employers two new important leave rights related to military service:

- (1) **New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of "any exigency" arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. By the terms of the statute, this provision requires the Secretary of Labor to issue regulations defining "any qualifying exigency." In the interim, employers are encouraged to provide this type of leave to qualifying employees.
- (2) **New Leave Entitlement.** An eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This provision became effective immediately upon enactment. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

*(Legal reference Public Law 110-182, Section 585(a) National Defense Authorization Act of FY2008)*

*(Approved in Commissioners' Court May 12, 2008.)*

**8.08 EMERGENCY LEAVE.** Up to three days per year of emergency leave with pay may be granted to regular employees by an Elected Official or Department Head in the event of (1) a death and/or funeral in an employee's family, or (2) life-threatening illness of a member of the employee's immediate family who requires the employee's personal care and attention. For purposes of emergency leave, family includes spouse, child, parent, brother, sister, grandparents, or grandchildren of an employee or an employee's spouse. Emergency leave is limited to no more than three days per year. The length of time granted for a specific emergency leave must be approved by

the appropriate Elected Official or Department Head in advance and will depend on the circumstances. The terms of and reasons for the leave must be documented on a request for approval of leave form and filed with the employee's timesheet. Should more than three days be needed for this purpose, the additional, approved time will be charged to accrued compensatory time, sick leave, vacation leave, or unpaid administrative leave.

At the discretion of the Department Head, regular full-time employees may be allowed time off, to a maximum of four (4) hours, to attend the funeral of a relative who is not a member of the immediate family or for the funeral of a friend. This leave will be paid time off and documented on the employee's timesheet. **Discretionary funeral leave is not to exceed eight (8) hours per calendar year.**

**8.09 ADMINISTRATIVE LEAVE.** Individual Elected Officials or Department Heads may authorize up to five days or 40 hours of administrative leave per year, without pay, for employees in their department, when warranted by unforeseen circumstances not otherwise provided for in these policies. Administrative leave can be used when compensatory, sick, and/or vacation leave have been exhausted and employees receive no pay for any unused administrative leave balance at the time of termination of employment.

**8.10 LEAVE OF ABSENCE.** Leave of absence without compensation is permitted at the discretion of the Commissioners' Court to perform local community volunteer work without compensation.

*(Amended by Commissioners' Court 04/08/96)*

**8.11 INJURY LEAVE.** For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, see **Section 11 – Health and Safety.**

**8.12 USING LEAVE IN COMBINATION.** If an employee is sick or temporarily disabled for non-work-related reasons, and he or she exhausts accrued sick leave, the County will automatically begin applying any accrued vacation leave available. Sick leave cannot be used for vacation purposes. With the approval of the appropriate Elected Official or Department Head, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the County and the employee.

**8.13 ABANDONMENT OF POSITION.** Unauthorized absence from work for a period of three consecutive working days will be considered by the Elected Official or Department Head as a resignation. Unless the County official determines otherwise, the resignation is not in good standing and the employee is not eligible for re-employment.

## 9.00 HOLIDAYS

**9.01 GENERAL POLICY.** Paid holidays are established each year by the Commissioners' Count. The following are normally observed as paid holidays for regular County employees:

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day and the Friday following Thanksgiving
- Christmas Eve and Christmas Day

A list of holidays approved by the Commissioners' Court for the current year, specifying days of the week and dates, may be obtained from your Department Head or the County Judge's office. Regular full-time employees receive eight hours of pay for each official holiday. Part-time, temporary, and hourly employees are not paid for holidays not worked. An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

Whenever an approved legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined annually by the Commissioners' Court.

**9.02 WORK DURING HOLIDAYS.** It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts in an "around-the-clock" operation. Any Elected Official or Department Head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday.

When a regular, full-time, nonexempt, non-airport and non-police employee is required to work on a holiday, he or she will be given the same number of hours off on an alternate workday. If the employee works only a portion of the holiday, then the number of hours actually worked on the holiday will be accrued, hour-for-hour, as compensatory leave, and the difference between the number of hours worked and the employee's regular hours will be charged to holiday leave. For example, if the employee worked four hours on the holiday, or did not work on the holiday, but worked four extra hours later that same week, the employee would be paid for 40 hours, with 36 hours having been worked, four hours charged to holiday leave, and four hours to compensatory leave accrued.

When an employee of the Airport or Sheriff's Department is required to work on an official holiday, the employee will be paid for the actual hours worked on the holiday in addition to his or her normal pay.

**HOLIDAYS FALLING ON NON-WORK DAYS.** Whenever a legal holiday on the current year's list of approved holidays falls on a regular, full-time employee's regular day off and the employee does not work that day, he or she will be paid his or her regular salary amount for the pay period involved, and will not receive any additional compensation for the holiday, neither additional pay nor time off.

**HOLIDAY DURING VACATION.** If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

## **10.00 EMERGENCY CLOSING OR EVACUATION**

**10.01 DECLARATION OF AN EMERGENCY.** The County Judge shall be the local County authority to declare an emergency exists, or in the County Judge's absence, the County Judge Protem (or another County Commissioner if necessary). In the event of an emergency closing or evacuation, the County shall provide paid leave for "essential" and "nonessential" employees in the event of certain emergencies including, but not limited to:

- Hurricanes
- Tornadoes
- Floods
- Other acts of God
- Nuclear, chemical, and biological emergencies
- Terrorist attacks
- Any other emergency declared by the federal, state, or local authority

**10.02 CLOSING DUE TO AN EVACUATION ORDER.** When an evacuation has been ordered, all “non-essential”, non-emergency personnel will be released from work and encouraged to evacuate. Employees designated by their Department Head as “essential” Emergency Services Personnel will not be authorized to evacuate if an evacuation order is issued in accordance with Chapter 22 of the Texas Labor Code. Any “essential” employee who fails to report to work as scheduled during an emergency evacuation order may be subject to disciplinary action, up to and including job termination; if the employee is necessary to provide for the safety and well-being of the general public or is otherwise necessary for the restoration of vital services. All “essential” employees must be designated and made aware of their assignment prior to an emergency. A list of “essential” employees shall be provided to the Emergency Management Coordinator and the Human Resources Director and shall be updated annually. Shifts may be established according to departmental needs at the discretion of the Department Head. Employees who are assigned “on call” status must notify supervisors of locations where they can be contacted.

### **10.03 COMPENSATION OF EMPLOYEES.**

#### **ESSENTIAL:**

When there is an emergency closure of County offices, all “essential” employees who are required to work during the emergency closure will be compensated as indicated below for the duration of the closure for all documented time during which they actually worked. (Exempt employees’ salaries will be converted to an hourly equivalent.) The term “actually worked” means time actively engaged in physical or mental exertion related to the County’s business (at the direction and control of the Department Head or Commissioners’ Court) either on the County’s premises or actively engaged in the same manner in the County’s business off premises at the direction and control of the Department Head or Commissioners’ Court. The term “actually worked” shall include stand-by and stand-by/sleep time as recognized under the Fair Labor Standards Act (FLSA) only in those instances where the employee is required by the Department Head (or Commissioners’ Court if the employee is an appointed Department Head) to stay on County premises engaged to wait on instructions to work, and the employee does, in fact, stand by and/or sleep on the County premises. Following are examples for each FLSA classification:

- a. Exempt – A chief deputy in the Sheriff’s office who is designated as an “essential” employee during an emergency closure would receive his/her regular salary plus straight-time pay for all hours actually worked during the emergency closure. Their hourly rate would be derived from their regular salary.
- b. Nonexempt - A Road and Bridge equipment operator normally working a 10-hour shift who is designated as an “essential” employee during an emergency closure would receive 10 hours of regular pay for each normally scheduled workday plus straight-time pay for all hours actually worked during the emergency closure unless and until the total hours actually worked during the work week exceeded 40 hours. At that time, the employee would receive overtime pay for those hours worked in excess of 40.
- c. Sheriff’s deputies who are designated as “essential” employees during an emergency closure would receive their regular pay, based on a 14-consecutive day work period with a maximum of 86 hours of straight-time before overtime accrues to them. They then would receive additional straight-time pay for all hours actually worked during the emergency closure unless and until the total hours actually worked during the period exceeded 86 hours. At that time, the employees would receive overtime for those hours worked in excess of 86.
- d. The maximum number of work hours which may be recorded for any single work day is 24 hours for the first 72 hours of the emergency closure and 18 hours per day thereafter.

**NON-ESSENTIAL:**

- a. Full-time, regular employees who are not required to report for duty will be paid for the Mandatory Emergency Days as if the days were additional holidays for the purpose of calculating their compensation.
- b. Part-time and temporary employees will not be paid for time lost due to an emergency closing.
- c. In the event of this type of closing, employees who had previously requested paid leave for time off prior to the declaration of an emergency closing will have the approved leave time deducted from their appropriate leave balance.

**10.04 RETURN-TO-DUTY PHASE:** All “non-essential” employees will report to their usual work areas as soon as possible following the order for resumption of normal operations, after the lifting of the emergency closure order and/or instructions from the applicable Elected Official/appointed Department Head. By reporting to work as directed, each employee meets their responsibility to work with other County employees as a team in restoring the community to normal service levels following a disaster. Non-essential service employees who evacuated will report to work at the start of the next normal shift, or sooner as directed, following the announcement of the Return-to-Duty Phase. A telephone number will be established and announced prior to evacuation for all employees to call for Return-to-Duty information. Any employee who is off work or scheduled to be off on sick leave, sick pool, vacation, emergency leave, workers’ compensation, FMLA, or disciplinary leave shall have their leave recorded as such.

**Violation of this Policy.** An employee violates this policy by:

- (a) Refusing to perform assigned duties required by this Policy or to obey any order or directive made or given by a supervisor; or
- (b) Failing to report for duty as directed during any applicable phase of this Policy; or
- (c) Failure to abide by County Policy, departmental rules of regulations; or
- (d) Any conduct that interferes with, or might reasonably be expected to interfere with the proper and orderly conduct of the County’s business or that brings, or might reasonably be expected to bring, discredit on the public service.

**Consequences for Violation of the Policy.** A violation of this Policy shall be considered a violation of County Policy, departmental rules, or regulations for which disciplinary action up to and including dismissal may be taken by the applicable Department Head, with the concurrence of the Elected Official.

The County reserves the right to amend, change, or delete this policy at any time, with or without prior notice. Furthermore, this policy does not grant a right or benefit to any employee, either expressed or implied, that in any way alters the “at will” basis of employment that is intended by the County.

**10.05 PUBLIC ANNOUNCEMENTS.** The following radio stations and television stations will be contacted by the County Judge concerning the closing and reopening of County offices:

- KIII-TV Channel 3
- KRIS-TV Channel 6
- KZTV Channel 10
- KFTX FM 97.95
- KLUX FM 89.5
- County Web site [www.aransascounty.org](http://www.aransascounty.org)
- TAC Web site [www.county.org](http://www.county.org)

## 11.00 HEALTH AND SAFETY

**11.01 SAFETY POLICY.** It is the policy of the County to make every effort to provide healthful and safe working conditions for all of its employees. Supervisors are responsible for providing employees with a copy of the County's detailed safety policy.

**11.02 EMPLOYEE RESPONSIBILITIES AND REPORTS.** Employees are responsible for familiarizing themselves with the County's safety policy and for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees. In addition, each employee will provide the County with a signed statement acknowledging that he or she has read, understands, and will comply with the safety policy. This statement will be included in the employee's personnel file. Employees are encouraged to make suggestions to their supervisors for improvements that would make the County workplace safer or more healthful.

An employee must report every on-the-job accident, no matter how minor, to his/her supervisor as soon as possible and always within 24 hours. Failure to report is grounds for disciplinary action. The Elected Official or Department Head in charge is responsible for completing and filing a First Report of Injury (written accident report) immediately with the Human Resources Director, who will notify and file the Workers Compensation injury reports with the County's insurance carrier in a timely fashion.

The following rules are designed to promote the safety and well-being of County employees and are to be observed by employees at all times:

- No employee may engage in horseplay, wrestling, or practical joking while on duty or while operating County equipment;
- Employees should maintain awareness of potentially dangerous situations that may cause injury to themselves, fellow employees or the public, and correct them if possible;
- Employees must report immediately to their supervisors any conditions that in their judgment threaten the health or safety of employees or the public;
- An employee who is unable to perform his or her duties safely due to illness or impairment must promptly notify his or her supervisor; and
- Employees must immediately seek proper First Aid treatment for all on-the-job injuries, including minor injuries, and must immediately report all injuries to their supervisor unless emergency circumstances exist.

**11.03 SEAT BELT USE.** This policy is mandatory for County employees operating County-owned vehicles, all employees operating personal vehicles while engaged in County business, and employees riding as a passenger in a vehicle while on County business. This policy is intended to protect County employees who are operating or riding in motor vehicles, including construction equipment, from the hazards of motor vehicle accidents.

All County-owned vehicles will be equipped with seat belts. This includes the vehicle cab or operator's compartment, passenger seating area, and jump seats. Operators of tractors or other off-road vehicles equipped with "Roll-Over Protection Structures" (ROPS) will use seat belts. Vehicle passengers will be permitted to ride only in areas of the vehicle designed for that purpose. Seat belts shall be used by all employees riding in a vehicle while the vehicle is in motion. There are no vehicle exemptions to this policy. Employees who have a medical condition which may preclude wearing a seat belt may carry a physician's note indicating a waiver for medical reasons. Violation of this policy will result in disciplinary action by the Department Head.

*(Adopted by the Commissioners' Court as revised February 25, 2013.)*

#### **11.04 ON-THE-JOB INJURIES/WORKERS' COMPENSATION.**

**Medical Attention.** Workers' compensation insurance pays for medical bills resulting from injury or illness that an employee incurs while carrying out the duties of the job. Employees will be encouraged to refrain from using the Group Benefit Plan medical insurance for treatment of work-related injuries or illnesses. Workers' compensation generally covers medical and prescription costs related to the injury. An employee returning to work must submit a physician's statement of medical condition and release to return to work, a copy of which must be forwarded to the Human Resources office. As determined by the Commissioners' Court, at the County's expense, an employee may be required to submit to examination by an independent physician.

*(Legal reference: Workers' Compensation Act, V.T.C.S. Article 8308.)*

**Insurance Coverage.** The County provides workers' compensation insurance for all of its employees and Elected Officials through the TAC Political Subdivision Workers Comp Alliance.

**Statutory Benefits.** Workers' compensation also pays a partial salary continuation benefit for time lost from work in excess of seven calendar days as the result of eligible work-related injuries or illnesses. The County shall not pay the difference between supplemental income benefits paid under workers' compensation and the employee's regular salary, except as may be required by law applicable to certain law enforcement personnel. Compensation benefits for lost time due to an on-the-job injury are subject to a seven calendar day waiting period. Employees may use their accrued paid leave to cover the first seven (7) days of absence from an on-the-job injury. After 14 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation by the insurance carrier.

*(Texas Labor Code §§408.01-408.105 28 Texas Administrative Code (TAC) §§129.1 – 129.11.)*

**Exclusion.** Injuries caused by willful intent and attempt to injure self or to unlawfully injure another; intoxication; horseplay by the injured employee; an act of God, except in certain limited circumstances (i.e., assigned to official duty during a hurricane, lightning storm, etc.); or act of a third party for personal reasons, are excluded specifically from coverage by injury leave with pay.

*(Legal reference: Workers' Compensation Act, V.T.C.S. Article 8308.)*

**Coordination with FMLA Leave.** The County counts an employee's leave due to a work-related injury or illness toward the employee's 12-week leave entitlement under FMLA. Because workers' compensation leave is designated as FMLA leave, benefits are governed by the applicable provisions of the FMLA policy contained herein See **Section 8.07 – FMLA**. Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it.

*(Approved in Commissioners' Court, May 12, 2008.)*

**Compensation.** If a full-time employee sustains a bona fide on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, that employee may receive full pay minus regular deductions from the County for up to seven calendar days of lost time, with the hours of lost time deducted from any accrued sick leave, if available. After the seven-day waiting period, an employee receiving workers' compensation payments may not use his or her accrued sick or vacation leave to supplement the worker's compensation payments. An employee receiving worker's compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.



**Continuation of Supplemental and/or Dependent's Insurance.** To continue supplemental or dependent's insurance when the employee is on injury leave and no longer receiving a regular County paycheck, the County will pay the county's portion and the employee will pay the employee's and dependents' portion of the insurance premiums to the County for a period of up to and including three months. After this three month period, the employee must pay both the County's and the employee's portions of the insurance premiums to the County.

**Reporting Requirements.** While on leave of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the Human Resources office, who submits the report to the insurance carrier. Any change in the employee's condition which might affect his or her entitlement to worker's compensation payments must also be reported to the Human Resources office. In addition, the injured employee must contact his or her supervisor periodically to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the Elected Official or Department Head is grounds for revoking the employee's leave and for taking disciplinary action.

**Duration of Injury Leave.** The maximum duration of occupational disability or injury leave is one year unless an extension is expressly authorized by the Commissioners' Court. Requests for extension may be authorized after careful review by the Commissioners' Court, in no more than 90-day increments.

**Return to Service.** A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing, as well as any limitation(s) must be received by the County before an employee may return to work. All employees on injury leave must report to work after approval of either the employee's attending physician or an independent physician paid by the County. Failure to return to work when directed will result in appropriate disciplinary action including dismissal.

**Light Duty.** Due to the broad spectrum of job descriptions and physical condition requirements from one County department to another, return to work from illness or injury, on or off the job, with light duty restrictions will be reviewed on a case by case basis. The County's position is to encourage and allow most requests; however one's regular duties, the availability of an alternative assignment, along with the type of injury and work restrictions will influence any reasonable accommodation. In order for light duty to be considered, the employee, the employee's doctor, the employee's supervisor and the Human Resources Director must be in agreement. A mandatory review of the employee's status will be required every thirty (30) days. In no case will an employee remain on light duty longer than 90 days without direct Commissioners' Court approval.

*(Adopted March 25, 1998 by Commissioners' Court.)*

The employee's supervisor must notify the Treasurer's office upon the employee's return to duty so that the Payroll Clerk may resume recordkeeping for purposes of payroll, benefits, and leave and length-of-service accruals.

**Inactive Status.** At the end of the initial one-year period after the injury, an injured employee unable to return to regular duty will be placed on inactive status, at which time the Department Head is free to hire or promote a temporary replacement. Temporary replacements may be used for six months. If at the end of six months, the injured employee remains unable to return to work, the temporary replacement may become a regular employee. The injured employee will remain on the County's records in an inactive status (not terminated). When the injured employee has reached maximum recovery, the County will consider the employee for employment in a capacity for which the employee is qualified, if a position is available.

**Total Disability/Retirement.** A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the Human Resources office, in consultation with the Commissioners' Court, will make the necessary arrangement for the employee's retirement under the "on-the-job disability" clause of the coverage provided by the County's retirement plan.

**Reasons for Termination of Employment During Injury Leave.** An employee may be terminated while on leave for an on-the-job injury for the following:

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician.
2. Failure to follow prescribed treatment including medical appointments; or
3. Participating in activities which, according to the County's medical and legal advisors, justify termination because they are injurious to recovery or they do not aid in healing.

**Final Release or Settlement.** At the time of final release or settlement of a workers' compensation claim, the employee must furnish the County with a certificate from the employee's physician stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s). The County will then evaluate the employee's physical condition and determine whether he or she can perform the duties of the job previously held. If (a) the employee cannot perform his or her previous duties, (b) no vacancy exists (c) no other suitable position is available, and (d) a reasonable effort has been made to place the employee in a suitable position, then he or she will be separated and paid accrued benefits. If the employee is separated from County employment at this point, the County Judge or his or her designee will:

1. Send him or her a certified, return receipt requested, letter;
2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from County employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits, and
4. Inform the employee that a copy of his correspondence will be placed in the employee's personnel file.

**11.05 DRUG-FREE WORKPLACE.** The following policy has been adopted to implement the County's desire to establish itself as a Drug-Free Workplace:

1. All employees of the County are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace of the County. Employees who violate this policy will be subject to immediate disciplinary action up to and including dismissal.
2. The County has established a drug-free awareness program and a Substance Abuse Policy providing information about the dangers of drug and alcohol abuse in the workplace, the County's policy of maintaining a drug-free and alcohol-free workplace, information about available drug and alcohol counseling and rehabilitation, and information about the penalties that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.
3. Each employee of the County will be furnished a copy of this policy.
4. All employees of the County will abide by the terms of this policy and will notify the County of any drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

5. The County will notify any funding agency which requires notification within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of such conviction.
6. Any employee so convicted will be subject to disciplinary action up to and including immediate dismissal.
7. The County will make good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy.

*(Legal reference: U.S. Drug-Free Workplace Act of 1988, as amended, and Texas Workers' Compensation Commission Act, V.T.C.S., Article 8308.)*

## **12.00 USE OF COUNTY PROPERTY.**

**12.01 GENERAL POLICY.** The County attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

**12.02. USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES.** Employees who are assigned tools, equipment, vehicles, or any other County property by their departments are responsible for them and for their proper use and maintenance. Repairs to vehicles must be done under the direction of the Elected Official or Department Head to whose department the vehicle has been assigned.

No personal or political use of any County property, materials, supplies, tools, or equipment is permitted. No political use of any County vehicle is permitted. Personal use may be allowed under certain conditions: 1) The department has vehicles assigned for its use, 2) the elected/appointed official or Department Head approves the use; 3) The Auditor's office is notified and calculates the fringe benefit value of the vehicle's use and the employee is taxed accordingly through payroll deductions. If an employee is in doubt about a circumstance, he or she must check with the appropriate Elected Official or Department Head before proceeding. Violations of this policy may result in dismissal and possible prosecution.

County vehicles will be operated only by County employees authorized to drive such vehicles. Passengers other than County employees will be transported in County vehicles only when it falls within the scope of County business or activities, or where such transportation would be viewed as a reasonable service offered to citizens and visitors to the County. County vehicles will not be driven outside of the County except on County business. Violations of this policy may result in dismissal and possible prosecution. Elected Officials and Department Heads may establish additional policies regarding the use of tools, equipment, and property under their control.

*(Amended by Commissioners' Court 05/31/00.)*

**12.03. USE OF COUNTY TELEPHONES, E-MAIL, COMPUTERS AND INTERNET.** County employees and officials may not place personal long-distance telephone calls on County telephone equipment. A call to notify family of County requirements to work unscheduled overtime is a County business call. It is the policy of the County to ensure that the use of computers and electronic communications equipment is consistent with the County's legitimate business interests. Therefore, the County reserves and intends to exercise the right to access and monitor the use of such equipment as deemed necessary. Employees shall adhere to the following guidelines when using County-owned computers and/or electronic communications equipment:

- Computers, computer files, software, the email system and the Internet furnished to employees are County property intended for business use only.
- Any personal use of the Internet is expected to be on the employee's own equipment during off duty breaks and lunch hours and is not to interfere with the employee's job responsibilities.
- Employees should not establish a password, access a file, or retrieve any stored communication on the County's network prior to authorization from the personnel designated by the Commissioners' Court. County employees are prohibited from installing any personal software on County computers. This includes software and software upgrades available on the Internet. It also includes software products that afford peer-to-peer connectivity and open up portals which pose a significant security risk to the County's network. The use of radio station software programs, all of which utilize large amounts of bandwidth, are also expressly prohibited on County equipment. Existing installations of such software should be reported to the personnel designated by the Commissioners' Court. County employees are prohibited from installing County software on their (non-County) personal computer, unless authorized by an Elected Official. In addition, employees are prohibited from altering the existing hardware or making additions to hardware on County computers without authorization.
- The County prohibits the use of its computers, the email system, or the Internet in ways that are disruptive to others. Inappropriate or offensive messages, images, documents with racial or religious slurs, sexually suggestive or explicit language, or offensive photographs are prohibited. Employees should note that email messages and other contents of a computer hard drive are public records and are open to public inspection in accordance with the Public Information Act of the State of Texas.
- Sensitive information is not to be sent via standard electronic mail; i.e. performance reviews, disciplinary actions, employee terminations, health related information, or any type of confidential reporting or other information protected by law from public disclosure. Secure email portals are available if needed.
- The County purchases and licenses the use of various computer software programs for business purposes. The County does not own the copyright to this software or its related documentation, and unless authorized by the software developer, does not have the right to reproduce it. Employees shall use the software only in accordance with the license agreement. According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment.
- The Internet is to be used for County business only and is not to be used for personal purposes. Employees should adhere to the highest professional/ethical standards when using the Internet as they are representatives of the County.
- Employees having knowledge of the misuse of any County computer equipment, electronic communications equipment, or software shall notify their respective Department Head or Elected Official. The Department Head or Elected Official is responsible for notifying Human Resources, the personnel designated by the Commissioners' Court, and/or the appropriate law enforcement agency when necessary and applicable.
- Employees in violation of any portion of this policy shall be subject to disciplinary action, up to and including dismissal. In addition, there are a number of state and federal laws regarding computer crimes. Certain violations may result in a person being charged with an offense or with a civil action being taken for which criminal or civil administrative penalties may be imposed. In the event that the County incurs a cost due to employee negligence or misuse, the employee may be responsible for reimbursement of that cost.
- Non-County employees are never permitted to use County computer equipment without approval from an Elected Official and specifically for County business only.

**12.04 VALID DRIVER'S LICENSE.** All operators of County vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle and to keep the Department Head or Elected Official informed of any changes in status of their licenses. Elected Officials or Department Heads may periodically check the driving records of all employees who operate County vehicles or are required to use their personal vehicle to conduct County business. Failure to maintain a safe driving record may result in disciplinary action up to and including dismissal. An employee may be required to participate in a defensive driving course at the employee's expense if the employee is cited with a moving violation. Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or dismissal.

**12.05 ACCIDENT REPORTING.** Any employee operating County equipment or vehicles must report all vehicular accidents and property damage or liability claims to his or her supervising Elected Official or Department Head and to the appropriate law enforcement authorities immediately, or, in the case of injury to the employee, as soon as the employee is able. Within two hours of the incident, employees who are involved in an accident involving County equipment or while on-the-job for the County must submit to a urinalysis with an approved service provider of the County, as available.

Each vehicular accident, no matter how minor, must be reported to appropriate law enforcement authorities so that an official accident report can be filed. The Department Head or Elected Official in charge of the department must notify the County Auditor's and the Human Resources offices on the day of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday. Failure to notify the appropriate law enforcement agency immediately following an accident is grounds for dismissal.

### **13.00 DISCIPLINE**

**13.01 GENERAL POLICY.** Employees of the County serve "at will" and, within the provisions of the state and federal law regarding public employment, can be dismissed at any time, with or without notice, for any reason or no reason. Some of the actions that may result in discipline include, but are not limited to, the following:

- Insubordination;
- Absence without leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- Endangering the safety of any employee and/or other persons through negligent or willful acts;
- Use of alcohol or illegal drugs while on duty or in a County vehicle;
- Alcohol or drug abuse while on duty which may affect the performance or safety of the employee or other persons;
- Unauthorized use or theft of public funds or property;
- Conviction of a felony;
- Conviction of official misconduct, oppression, or perjury;
- Falsification of documents or records;
- Unauthorized use of official information or unauthorized disclosure of confidential information;
- Unauthorized or abusive use of official authority;
- Violation of the Sexual Harassment Policy;
- Incompetence or neglect of duty;
- Disruptive behavior which impairs the performance of others; or
- Other violation of any of the requirements of these Personnel Policies or any departmental policies not in conflict with these policies.

**13.02 PROGRESSIVE DISCIPLINE.** An elected or appointed Department Head may take disciplinary action, including dismissal, against an employee at any time. The severity of the discipline depends upon the nature of the infraction. The County may, but not necessarily will, use a progressive discipline system as follows;

- Oral warnings with records of each warning maintained by the appropriate Elected Official or Department Head;
- Conference with Elected Official or Appointed Department Head, employee, and supervisor, with a written summary of the conference to be prepared by the supervisor, with one copy to the employee and one copy to the employee's personnel file;
- Written reprimands with signatures of employee and Elected Official or Department Head which the employee's supervisor must in all cases cause to be transmitted through the Elected Official or Department Head to the employee's personnel file;
- Reduction in pay without demotion;
- Suspension from duty, with or without pay, for up to 30 days and renewable after informal review of the circumstances;
- Demotion; and/or
- Separation by involuntary dismissal/termination of employment.

Actions other than oral or written warnings require the advance approval of the appropriate Elected Official or Department Head unless an emergency situation exists. For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see **Section 14 SEPARATION/TERMINATION OF EMPLOYMENT.**

## **14.00 SEPARATION/TERMINATION OF EMPLOYMENT**

**14.01 TYPES OF SEPARATION.** All separations of employees are designated as one of the following types:

- Resignation;
- Retirement;
- Reduction in force;
- Dismissal;
- Disability; or
- Death.

**RESIGNATION.** An employee who intends to resign is requested to notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the appropriate Elected Official or Department Head immediately.

**RETIREMENT.** The same 10-day notice requirements for resignation apply to retirement. However, a longer period of advance notice may be required by the Texas County and District Retirement System (TCDRS) to start retirement payments promptly. See the TCDRS website for additional information on retirement at [www.tcdrs.org](http://www.tcdrs.org).

**REDUCTION IN FORCE.** An employee may be laid off when his or her position is abolished or when there is a lack of funds or a lack of work. When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance record of each employee, (3) qualifications of the employee for remaining positions with the County, and (4) the employee's length of service with the County. Employees who have been laid

off may reapply to the County for other positions. When a regular employee is laid off as a result of a reduction in force, he or she will be given a minimum of two weeks written notice and paid in full at the time of discharge, including accrued benefits.

**DISMISSAL.** The County operates under the legal doctrine of “employment-at-will” and, within requirements of state and local law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. Every effort will be made to ensure that employee dismissals are not made in an arbitrary and capricious manner. However, these Personnel Policies do not constitute an employment agreement between the County and any of its employees and in no way limit or restrict the at-will nature of employment. The County has the right to change these policies at any time, without prior notice to employees.

**DISABILITY.** In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the County to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the County, the employee will be separated from employment with the County if FMLA leave is expired and no other leave options are available. See **Section 11.00 HEALTH AND SAFETY** for details on occupational disability resulting from bona fide, on-the-job, work-related injuries.

*(Legal reference: U.S. Americans with Disabilities Act of 1990.)*

**DEATH.** If a County employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

**14.02 CALCULATION OF SEPARATION PAY.** Upon separation from County employment, regular employees’ payment for accrued, unused vacation leave and compensatory leave balances will be included in the employee’s final paycheck and will be calculated in the following manner:

- The total hours worked and all accrued vacation time and compensatory leave will be calculated as a total number of hours for which compensation is due. For most employees, the regular hourly rate will be determined by dividing the employee’s regular annual salary (based on the County’s pay schedule, pay group and step assigned rate) by **2080** working hours per year for the employee. For certified law enforcement officers and certified jailers in the Sheriff’s department, the regular hourly rate will be determined by dividing the employee’s regular annual salary (based on the County’s pay schedule pay group and step assigned rate) by **2236**, the number of working hours per year for these employees under FLSA.
- Compensatory time which has been entered and carried on the employee’s records at one and one-half times the number of hours worked will be paid at the employee’s regular straight-time rate for the total number of hours on the employee’s compensatory time record. Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for the hours actually worked.

The employee’s final paycheck will be available for distribution on the County’s next regular payday.

**14.03 EXIT INTERVIEWS AND RECORDS.** Reason(s) for separation will be stated in writing, signed by the appropriate Elected Official or Department Head, and except in unusual or emergency circumstances, initialed by the employee on the County’s Personnel Action Form. The Elected Official or Department Head of an employee who has separated will discuss with the employee the reason(s) for the separation in an exit interview and will procure the return of all County property issued to the employee whenever possible. The Elected Official or Department Head also must sign the Personnel Action Form. The Human

Resources Director will schedule an exit interview with the terminating employee. This is important and may be instrumental in mitigating the County's liability, or lack of liability, for unemployment insurance costs.

**14.04 CONTINUATION OF GROUP INSURANCE POST EMPLOYMENT.** The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) allows certain former employees and dependents the option of continuing their group health insurance, at the individuals' full expense, under specified conditions, beyond the date on which it would otherwise terminate. Insurance information from the County's group insurance carrier is given to each employee at the time of employment and again at termination that explains these options under the County's carrier. Later revisions in group insurance coverage are explained in subsequent insurance information distributed to each employee at the time the coverage revision is effective.

Each covered, former employee is responsible for notifying the Human Resources office of any change in family status – separation, divorce, or a child becoming eligible or ineligible for dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for County-supplemented group insurance, the County will provide an "Insurance Coverage Continuation Form" to be completed by the appropriate person(s). In order to qualify for continued coverage, specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

*(Legal reference: U.S. C.O.B.R.A. of 1985.)*

If the former employee's payment for continuation of group health insurance is not received by the 1<sup>st</sup> of the month, the County will notify the insurance carrier that the payment was not received. If this occurs, the County will neither pay the person's premium nor enter into payment arrangement for this coverage.

*(Approved Commissioners' Court 09/22/10.)*

## **15.00 GRIEVANCES**

**15.01 GENERAL POLICY.** It is the policy of the County, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A grievance may be filed by a regular employee on one or more of the following grounds: improper application of rules, regulations, and procedures (but not against the rules, regulations, and procedures themselves); unfair treatment; illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin; improper application of fringe benefits; or improper working conditions.

The County follows a progressive grievance procedure which ensures regular employees who have satisfied the introductory period receive due process in the County's consideration of their work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

If the grievance alleges either discrimination on one of the prohibited grounds or sexual harassment, and the matter is not resolved to the employee's satisfaction at the Department Head level (whether the Department Head is elected or appointed), the employee is encouraged to notify the Human Resources Director. The Commissioners' Court will be notified by Human Resources when grievances are filed



alleging discrimination on grounds of race, color, religion, sex, age, disability, or national origin. Grievances that address other concerns will be handled by Human Resources.

**15.02 PROCEDURE.** The following procedures are applicable to regular employees. Any employee having a grievance related to their job should discuss the grievance with their immediate supervisor and follow any departmental policy. If the discussion with the immediate supervisor does not resolve the grievance, and if the immediate supervisor is not the Elected or Appointed Official with final responsibility for the employee's department, the employee has the right to discuss the grievance with the Elected or Appointed Official.

In instances where personnel policy matters are at issue, the Elected or Appointed Official shall consult with the Human Resources Director for clarification and consistency in the application of the policy. If the Elected or Appointed Official fails to consult with the Human Resources Director, the employee may present the grievance to the Human Resources Director.

The Human Resources Director will discuss the grievance and possible resolutions with the Department Head or Elected or Appointed Official. In the event there are differences in interpretation or application of any personnel policy between the Elected or Appointed Official and the Human Resources Director, the matter shall be referred to the County Judge by the Human Resources Director. The County Judge shall determine and direct (or recommend to an Elected Official) the resolution of the grievance.

**15.03 RETALIATION PROHIBITED.** The County's policy prohibits retaliation against the employee who acted in good faith in filing the grievance.

## **16.00 JOB DESCRIPTIONS**

**JOB DESCRIPTIONS.** The Commissioners' Court may establish and periodically review an official job description for each position in the County.

**DISTRIBUTION.** The job description for each employee's position will be (1) given to the employee during new hire orientation for review. (2) reviewed by the current employee if the job description is revised, and (3) placed in the employee's personnel file along with signed certification that the employee has reviewed it. In addition, each employee is given a copy of the job description to keep.

**REQUESTS FOR CLARIFICATION.** In the absence of any request for clarification, each employee is considered to understand and agree to the responsibilities assigned to the position which he or she occupies.

## **17.00 PERSONNEL FILES**

**17.01 GENERAL POLICY.** Records pertaining to time and attendance, performance evaluations, insurance, retirement plans, payroll, resignations, and unemployment are maintained by the Human Resources office. Medical records are filed in a separate confidential medical file maintain by the Human Resources office. All personnel information related to an employee must be filed in the appropriate personnel or medical file.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are exempt from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the appropriate Elected Official or Department Head or an employee authorized to do so by that person.

Each employee may choose whether the County discloses the employee's home address and telephone number to the public upon request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information. Employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Office. An employee, or his or her representative designated in writing, may examine the employee's personnel file upon request during normal working hours at the County.

*(Legal reference: Texas Open Records Act, V.T.C.S. Article 6252-17a.)*

When a supervisor requires access to the personnel file of an employee under his or her supervision for the handling of personnel matters, the supervisor must obtain authorization from the appropriate Elected Official or Department Head. Employees must inform their supervisors and the Human Resources office in a timely fashion of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

**17.02 PERSONNEL ACTION FORM.** The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to document approval and promote uniformity in matters affecting:

- Employment category;
- Position title and classification;
- Pay group, step, and rate; and
- Other actions affecting the employee's status; e.g. promotion, transfer, termination.

Elected Officials and Department Heads must provide in writing all appropriate payroll and employee information to the Human Resources office as a condition of hiring, promoting, or terminating a person in a budgeted position. The Personnel Action Form is completed by the Elected Official or Department Head on or before the employee's first day of work. Subsequent Personnel Action Forms are issued and filed when there is any change in the employee's status which relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file.

**17.03 CONTENTS OF PERSONNEL FILE.** An employee's official personnel file may contain the following:

- An employment record form summarizing the employee's history with the County;
- W-4 withholding form;
- A copy of the employee's application for employment;
- A copy of any court order for appointees;
- Signed copies of the employee's acknowledgements of having received a copy of the Personnel Policies manual and any other policy-related materials;
- Job description for employee's current and previous positions at the County;
- Election to disclose or keep confidential social security number, emergency contact name, employee's home address and home telephone number;
- Personnel Action Forms;
- Retirement enrollment and beneficiary designation from if qualified to participate;
- Records of any citations for excellence, awards for good performance, or job-related training/education;
- Records of disciplinary actions;

- Performance evaluations;
- Copies of any grievances and related materials;
- Any other pertinent information relevant to the employee's status; and
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

An employee's personnel file **does not** contain the following:

- I-9 form which is filed separately;
- Information regarding an employee's medical history;
- Information relating to drug testing

*(Legal reference: U.S. Americans with Disabilities Act of 1990.)*

**17.04 LEAVE RECORDS.** Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the Treasurer's office. Leave records are updated at the end of each payroll. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. It is the responsibility of each Department Head or appropriate Elected Official to solicit this information from the Treasurer's office.

## **18.00 TRAVEL AND SUBSISTENCE REIMBURSEMENTS**

**18.01 GENERAL POLICY.** The policy of the County is that employees are to be fully reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of County business, including business-related travel. Except in cases involving in-county use of a personal vehicle, employees must receive prior approval from the appropriate Elected Official or Department Head before travel which will involve reimbursable expenses. The request should include an estimate of costs to be incurred. At the discretion of the appropriate Elected Official and Department Head and contingent upon available budgeted funds for this purpose, a cash advance may be made for a specific trip in an amount not to exceed the trip's estimated expenses.

Regardless of whether a cash advance has been made or a request submitted for reimbursement of expenses, all reimbursable travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget. In some cases, the County may directly prepay the entity for expenses such as registration fees, hotel costs, and/or airline or other public transportation costs. Employees and officials should obtain a sales tax exemption certificate from the County Auditor's office prior to leaving on a trip and attempt to have tax exempted from the bill when applicable.

If a cash advance is made prior to a trip, the employee must file an expense report immediately upon his or her return to work after the trip, and itemized reimbursable expenses will be used to offset the cash advance. If the employee's trip expenses exceed the cash advance amount, the employee will be reimbursed for the difference. If the employee's cash advance exceeds the reimbursable trip expenses, the employee must reimburse the difference to the County immediately when the trip expense report is filed. Any delay in submitting expense receipts and completed report following the trip may result in 1) no further advances to employee and/or 2) deduction from wages for amount of original cash advance.

Employees should be conscientious in their use of County funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to

avoid unnecessary travel expenses and only one employee will be reimbursed for mileage. Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged against those grants, contracts, or agreements.

Nothing in this policy should infer an absolute obligation on the part of the County to reimburse an employee and great scrutiny would be given towards the normal necessity of the item in question before submittal.

**18.02 OUT-OF-COUNTY TRAVEL.** Travel by County employees outside the County in which the employee is stationed is permissible provided that it is authorized in advance by the appropriate Elected Official or Department Head and does not exceed budgetary limitations. Advances or reimbursements for travel are based upon the most economical conveyance that is reasonably available. When private automobiles are used for travel, reimbursement is allowed on the basis of the current IRS mileage rate. If the employee elects to fly to a destination rather than drive, the lower rate will be paid for travel; i.e. current IRS mileage rate times number of miles driven versus cost of economy class airfare. If the employee flies first-class, reimbursement will be made for cost of standard, economy priced ticket. In cases where a rental car is used, employees must choose the optional insurance coverage. The County will pay for the additional insurance cost.

County officials and employees who receive automobile allowances are provided these allowances for travel within the County. In the event one of these officials or employees is required to travel outside the County for legitimate County business, he or she is entitled to reimbursement for actual expenses for such trip(s) provided the travel was authorized.

**18.03 SUBSISTENCE EXPENSES.** Employees engaged in necessary and authorized travel in the conduct of County business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct the business for the County. Reimbursable subsistence expenses will generally be for registration, lodging, telephone calls, parking, tolls, taxi, gasoline and oil (if using County-owned vehicle), and reasonable gratuities. Meal expenses will be paid at a per diem rate and will not require receipts; per diem rates: \$10.00 for breakfast if employee leaves before 6 a.m., \$15.00 for lunch if employee leaves before 11 a.m. and is still out of the County after 2 p.m., and \$25.00 for dinner if employee is out of the County past 7 p.m..

*(Revised 09/14/98 and 9/22/10.)*

The Commissioners' Court reserves the right to approve or reject business lunches as to nature and results of business transacted, prior authorization, length of business commitment, and representative of other firm or entity. Miscellaneous expenses not to exceed \$25 per trip will be reimbursed and receipts are required when available. In the event a receipt is not available, a signed request stating the type and amount of expense is required.

*Approved Commissioners' Court 10/13/08.*

**18.04 PERSONAL VEHICLE.** Where the use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official County business, reimbursement will be at the approved IRS mileage rate for the current year for business purposes. Employees are expected to report the shortest distance between destinations for all travel. Travel between an employee's residence and a County office is not reimbursable.

**18.05 EXPENSE REPORT.** Not later than one week after an employee returns from a trip, he or she must complete an expense report form documenting actual expenses incurred on the trip which were not prepaid directly by the County to the entity involved. The County will issue a reimbursement check to the employee for reimbursable out-of-pocket expenses. The expense report must show the amount of any cash advance given the employee, which will be deducted from the final reimbursement amount as documented by attached receipts. All reimbursements must be approved by the appropriate Elected Official or Department Head and must be within the department's budget.

**18.06 EXCEPTIONS.** Employees or officials who receive monthly automobile allowances are not eligible for per-mile reimbursement for travel within the County. Employees who travel in a County-owned vehicle will be reimbursed for the documented actual cost of fuel, oil, or other expenses related to the safe operation of the vehicle. When two or more officials or employees travel in a single automobile, only one employee will receive per-mile or other automobile reimbursements. Conference registration checks will be made out only to the organization sponsoring the conference.

**18.07 PROHIBITED EXPENDITURES.** Costs for personal entertainment, spouse's expenses, amusements, social activities, alcoholic beverages, traffic citations, or illegal activities are not reimbursable.

**18.08 OFFICIAL TRAVEL REIMBURSEMENT FORMS.** All expenses must be itemized on an official form which must be submitted along with receipts and other documentation of expenses. Current year copies are available from the Auditor's Office.

**18.09 CONFERENCE AND TRAVEL TIME REPORTING.** Non-exempt employees should be compensated for all official travel outside of regular working hours. If a non-exempt employee attends job-related training, FLSA will govern their compensation. Employees are also compensated for the time spent in the training class. Exempt employees are not subject to the travel provisions under the FLSA, and they will not earn additional compensable time for hours spent traveling. They will receive their normal salary.

## **19.00 SOLICITATION AND OUTSIDE EMPLOYMENT**

Solicitation is not allowed on County premises and solicitors are not allowed to approach County employees during working hours. No outside work or personal business may be done by employees, Elected or Appointed Officials, or Department Heads during the County's hours of operation. No County facilities, equipment, labor, or supplies may be used by employees, Elected or Appointed Officials, Department Heads, or their guests to conduct any outside sales or business activity. Employees may solicit donations for non-profit, charitable organizations ONLY under the following conditions: 1) the employee is not on duty or on County time 2) the employee does not interfere with the effective business operations of the County, 3) the employee does not pressure co-workers to contribute.

Solicitation includes, but is not limited to, the sale of merchandise of any type, requests for contributions, distribution of literature or other printed matter, sale of services, or requests for signatures or other forms of support.

## **20.00 SICK LEAVE POOL**

**20.01 GENERAL POLICY.** The purpose of the County sick leave pool is to provide additional paid sick leave hours to members of the pool in the event of a catastrophic illness, non-work related injury, or disability that prevents an employee from active employment. These catastrophic illnesses or injuries are

defined as those which are terminal, life-threatening, or severe medical conditions. Examples of **qualifying** conditions include but are not limited to:

- Stroke with residual paralysis or weakness;
- Incapacitation;
- Heart attack or stroke;
- Major surgery such as mastectomy, heart bypass, or hysterectomy;
- Debilitating cancer;
- Car wreck requiring hospitalization;
- Broken hip.

Examples of **non-qualifying** conditions include but are not limited to:

- Colds and allergies;
- Minor surgery with no complications such as tonsillectomy, appendectomy, day surgery;
- Pregnancy with minor or no complications;
- Carpal tunnel syndrome.

Hours may be dispensed from the pool only after the employee has exhausted all accrued sick, vacation, compensatory time, straight time, and personal time. This sick leave pool will be established from voluntary donations of sick leave hours by eligible employees who wish to assist other employees suffering from personal catastrophic illness or disability. The sick leave pool may be used only by the employees for their own catastrophic, life-threatening illness, injury, or disability.

**20.02 SICK POOL MEMBERSHIP.** All regular full-time employees with 12 or more months of continuous employment are eligible to join the sick leave pool by contributing a minimum of eight hours but not more than 40 hours accrued sick leave per annum.

**Minimum Available Sick Leave Requirement.** Employees electing to donate to the pool must have at least 80 hours of sick leave available after their contribution to the pool is deducted from their sick leave balance.

**Enrollment Period.** Donations will only be accepted during the annual open enrollment. If an employee does not donate hours during this period, they will have to wait until the next fiscal year's open enrollment.

**Membership Contribution/Enrollment Forms.** Membership contribution forms must be submitted to the Human Resources office. Hours donated will be subtracted from each member's accrued sick leave balance.

**Ownership of Donated Hours.** Hours donated to the pool become the property of the Aransas County Sick Leave Pool and cannot be returned in the event of membership cancellation.

**Maintain/Renew Membership.** Employees need to follow the above requirements with an annual donation to the pool to maintain their membership and participation in the sick leave pool. Employees leaving employment with the County will not be allowed to donate hours to the sick pool at the time of their termination. All donations must be made during open enrollment for the next fiscal year.

**20.03 SICK LEAVE POOL HOURS GRANTED.** Hours will be granted only for catastrophic health conditions which necessitate a prolonged absence from work. Qualifying health conditions and absences must be supported by a statement from the attending physician(s). Each request for sick pool hours to be

granted will require a completed Statement of Illness/Injury signed by the employee's physician or other licensed practitioner in addition to a completed application for sick leave pool hours signed by the employee and the Department Head. These forms are available from the Human Resources office.

The maximum number of hours granted to an applicant each year will not exceed the lesser of 480 hours or one-third of the total amount of time in the pool. Sick leave pool hours will not be approved for any days when an employee is receiving Worker's Compensation benefits. Holidays that occur during an employee's use of sick leave pool hours will be paid as holidays and not deducted from the total hours awarded. The estate of a deceased employee is not entitled to payment of any unused sick leave acquired by that employee from the County sick leave pool.

#### **20.04 SICK LEAVE POOL APPLICATION.**

**Employee Responsibilities.** Any employee (or designated representative) who requests hours from the sick leave pool is required to do the following:

- a) Complete the sick leave pool application request form and submit it to his or her Department Head or Elected Official for completion of that portion of the form.
- b) Prior to exhausting all paid leave, submit the Physician's Certification of Illness/Injury form completed by both the employee and the licensed medical practitioner who is providing the treatment for the illness/injury to the Human Resources department.
- c) Provide additional information or documentation if requested by the Human Resources Office in order to make a determination for the request.
- d) Upon return to work after using sick leave pool, provide a written release from a licensed medical practitioner documenting the employee's ability to return to duty and the date of that return.
- e) Required forms are available from the Human Resources office. If a current medical certification has been submitted for purposes of FMLA leave and it covers the same period of requested pool leave, the Human Resources office may choose to permit a copy of that medical certification to be used.

**Supervisor Responsibilities.** The supervisor who receives a sick pool application request from an employee shall do the following:

- a) Review the employment history and records of the employee.
- b) Complete the supervisor portion of the form including any comments related to the eligibility of the employee.
- c) Upon completion, submit the form to the Human Resources department within three business days of receipt.
- d) If an employee member is critically ill and unable to file an application for sick leave from the pool, the Department Head may submit a written application from the employee's family.

**Pool Administrator Responsibilities.** The Pool Administrator is the County Human Resources office who will ensure that all employees have equal access to the pool. Decisions to approve or deny requests from the pool will be equitable, consistent, and without regard for employee classification or other legally impermissible reason. If the employee is found to be eligible and the request is approved by the sick leave pool committee, the Pool Administrator shall approve the transfer of time from the pool to the employee. The time will be credited to the employee and shall be used for the qualifying catastrophic or life-threatening illness, injury, or non-work-related disability of the employee. An employee absent on sick leave assigned from the Pool is treated for all purposes as if the employee were absent on accrued sick leave.

**20.05 SICK LEAVE POOL COMMITTEE.** The sick leave pool committee will be comprised of at least seven members which shall consist of the County Auditor or designee, County Treasurer or designee, Human Resources Director or designee, County Attorney or designee, two employees whose names shall be drawn at random from a list of eligible pool members, and two Department Heads or Elected Officials drawn at random or their designees. The sick leave pool committee will have the final approval/disapproval of employee applications.

**CESSATION of SICK LEAVE POOL.** The Sick Leave Pool shall cease to award sick leave when all hours in the sick leave pool have been depleted. Any hours contributed that remain in the pool at the end of the fiscal year shall roll forward for use during ensuing years.