

**PERSONNEL POLICIES**  
**ARANSAS COUNTY, TEXAS**



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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 County Treasurer's office.

NOTE: The parenthetic 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 a 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 contacts 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 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 personnel 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 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, Aransas 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 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**

### **1.00 GENERAL POLICIES**

#### **1.01 AUTHORITY**

**1.01.01** 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.

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

**1.01.03** 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.**

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

- County Judge oversees general Personnel Policies;
- The Personnel Officer (County Treasurer) maintains these policies and the official personnel records pertaining to time and attendance, payroll, resignations, and unemployment; and
- 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.

**1.03.02** 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.**

**1.05.01** 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.

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

### **1.06 DISSEMINATION OF PERSONNEL POLICIES.**

**1.06.01** The personnel office maintains the official set of the Personnel Policies with all revisions for reference by employees. In addition, the personnel 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.

**1.06.02** The personnel 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**

**1.07.01** 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.

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

**1.07.03** *(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.)*

**1.07.04** 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.**

**1.08.01** 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.

**1.08.02** 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 an employment decision affecting the harassed employee.

**1.08.03** It is illegal and against the employer'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.

**1.08.04** The County's grievance procedure (see **Grievances 14.03.08**) provides procedures for reporting alleged sexual harassment. The County will investigate such reports immediately.

**1.08.05** 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 will 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.

**1.08.06** (*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; and U.S. Americans with Disabilities Act of 1990.*)

**1.10 SMOKING.** The use of tobacco products is prohibited within County facilities. 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.**

**1.11.01** 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 personnel 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.

**1.11.02** 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 or 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 image to the public. While the County does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner which is appropriate to the particular job being performed. Expensive clothes are not necessary, but a neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the County's work force.

### **2.04 TIMELINESS AND ATTENDANCE.**

**2.04.01** Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work.

**2.04.02** 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, as a general rule, 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 the **Leave Time Chapter 8.00** of these policies for matters involving planned absences.

**2.04.03** 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 discharge.

## **2.05 OUTSIDE ACTIVITIES.**

**2.05.01** 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 adversely.

**2.05.02** 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 officer 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 "Conflict of Interest" section below.

## **2.07 CONFLICT OF INTEREST.**

**2.07.01 County Elected Officials.** A member of the 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 reasonably 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.

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

## **2.08 POLITICAL ACTIVITY.**

**2.08.01** 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.



**2.08.02** An employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election 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.

**2.08.03** 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.

**2.08.04** 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.

**2.08.05** 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 request, or in applying any other employment practices to the employee.

**2.08.06** *(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.**

**2.10.01** 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.

**2.10.02** 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.**

**2.11.01** 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.

**2.11.02** 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 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 wear photo ID badges at all times while at the workplace or on County business. The badge must be worn so that it is clearly visible while in any County facility.

Identification badges will be utilized by all Aransas County employees while on the payroll. These will be issued at the time of placement on the payroll, and returned to the County when leaving employment prior to receiving final paycheck. All current employees will be issued an ID badge by

the Human Resources Department, on a departmental basis. Employee will sign a Badge Acceptance Form as follows:

“I hereby acknowledge that I am being issued an Aransas County Identification Badge. I agree to wear the badge at all times during working hours or when performing any duties for Aransas County. I understand that if I lose the badge I will be required to pay a replacement fee of \$5.00 in order to receive another badge, as per Commissioners’ Court.”

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Department heads will determine and advise employees on badge requirements at their work stations.

Identification Badges remain the property of Aransas County. They are to be used appropriately by the 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 at a rate of \$5.00. If a claim for a replacement badge is based on the badge being stolen, the badge will be replaced at no cost. A stolen badge claim must be supported by a copy of a police report indicating the badge stolen.

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 department 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 (County Treasurer’s office). , or Employees who may carry their ID badges in a pocket or purse and not required to display visibly at all times.

ID Badge Information:

- \* Photo
- \* First, Last Name
- \* Title
- \* Department
- \* Classification (Elected Official, Department Head, Supervisor, Employee, Temporary)

(Adopted by Commissioners’ Court 07/10/06)

### **3.00 HIRING PRACTICES.**

#### **3.01 APPLICATIONS.**

**3.01.01** Each person desiring employment with the County must, before employment, fill out an application for employment available from the County Treasurer's 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 personnel office for filing.

**3.01.02** 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.*)

**3.01.03** 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 personnel department prior to offering the applicant employment with the County. (See also 3.122 Driving Record.)

#### **3.02 METHODS OF RECRUITMENT.**

**3.02.01** 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; or (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(s) 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.

**3.02.02** 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.

#### **3.03 POSITION ANNOUNCEMENTS.**

**3.03.01** Public announcements of position openings at the County, for which there will be competitive consideration, are posted in public notice areas within the County work force simultaneously with notification to the general public by publication in the newspaper. Announcements of position openings will be posted on the County website. Current County employees will be notified of the vacancies by the posting of a notice in a central place in the department in which a vacancy exists. 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 and mutual consent by both department heads. The head of the department (not including elected officials) in which the employee is transferring to shall be required to consult with the employee's current department head prior to the hiring/transfer process. In a transfer situation, the employee will receive a departing evaluation from the department they are transferring from on the personnel action form. Compensatory time shall be paid by the department from which the compensatory time was earned at the time of transfer to a new department.

**3.03.02** 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.

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

#### **3.03.04 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.

#### **3.03.05 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 qualification or significant experience clearly warrant higher pay;
- Hiring above Step 1 will not disrupt current internal salary relationships;
- Funds are available in the County'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;

- Written justification is required on the employee's personnel action form, which will be approved by a Committee of County Auditor, County Treasurer and County Judge. Hiring above entry level (Step 1) is extremely rare and extraordinary justification is required.

Approved in Commissioners' Court  
August 14, 2006

An employee who has completed the required probationary period will be evaluated and will be eligible for a merit raise.

Approved in Commissioners' Court  
July 12, 1999

### **3.04 SELECTION.**

**3.04.01** 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 personnel 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 results from the employee's physical examination will be attached to the personnel action form. The personnel action form will be placed in the employee's personnel file, and the results of the physical examination will be filed in the personnel office's confidential medical records file.

**3.04.02** The responsible appointing authority (i.e., elected 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 elected official will send written notification to all unsuccessful applicants who were interviewed for the position.

**3.05 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 customary entry 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.

### **3.06 PLACEMENT ON COUNTY PAYROLL.**

**3.06.01** Before an employee will be placed on the County payroll, the hiring official or department head must file a personnel action form with the personnel office. New employees must report to the personnel office before or during their first day of employment to fill out employment forms and be scheduled for new employee orientation.

**3.06.02** The Road and Bridge Administrator must get Commissioners' Court approval to hire and/or discharge employees prior to the effective date of the action. (*Legal Reference: V.T.C.S. Article 6702-1, Sec. 3.208(a).*)

### **3.07 AGE REQUIREMENTS.**

**3.07.01** 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 personnel officer's office prior to the first day of employment. (*Legal reference: U.S. Fair Labor Standards Act of 1938, as amended.*)

**3.07.02** 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.*)

### **3.08 EMPLOYMENT OF RELATIVES (NEPOTISM).**

**3.08.01** Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the County.

**3.08.02** 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 Aransas County Commissioners' Court or any Aransas County elected official or any Aransas County department head. (Amended by Commissioners' Court 10/27/99.) (Prohibited degrees of relation are defined in the charts on the following page.)

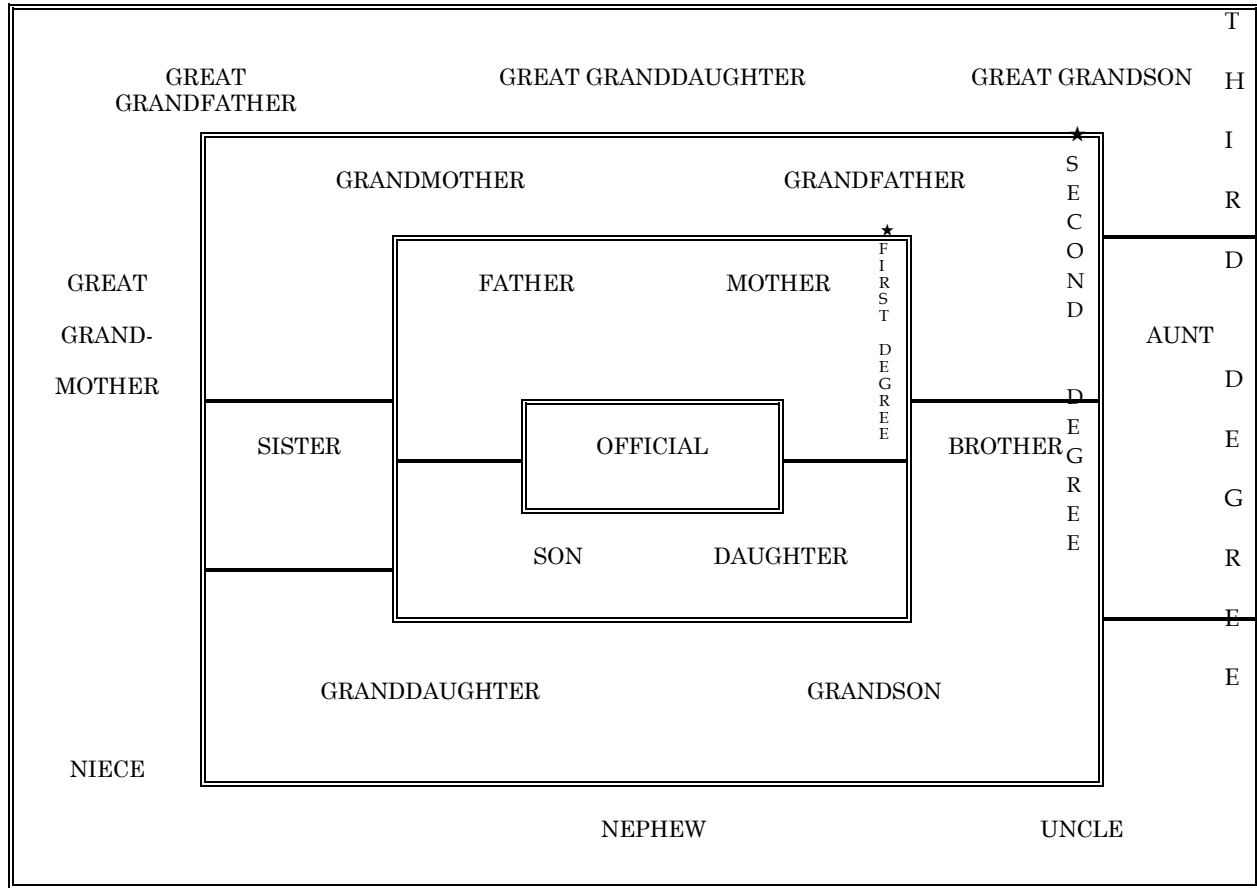
★ Spouses of relatives within the first or second degree of consanguinity (i.e., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition. (*Legal Reference: V.T.C.S. Article 5996h.*) No person may continue in County employment who is related in one of the 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.

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

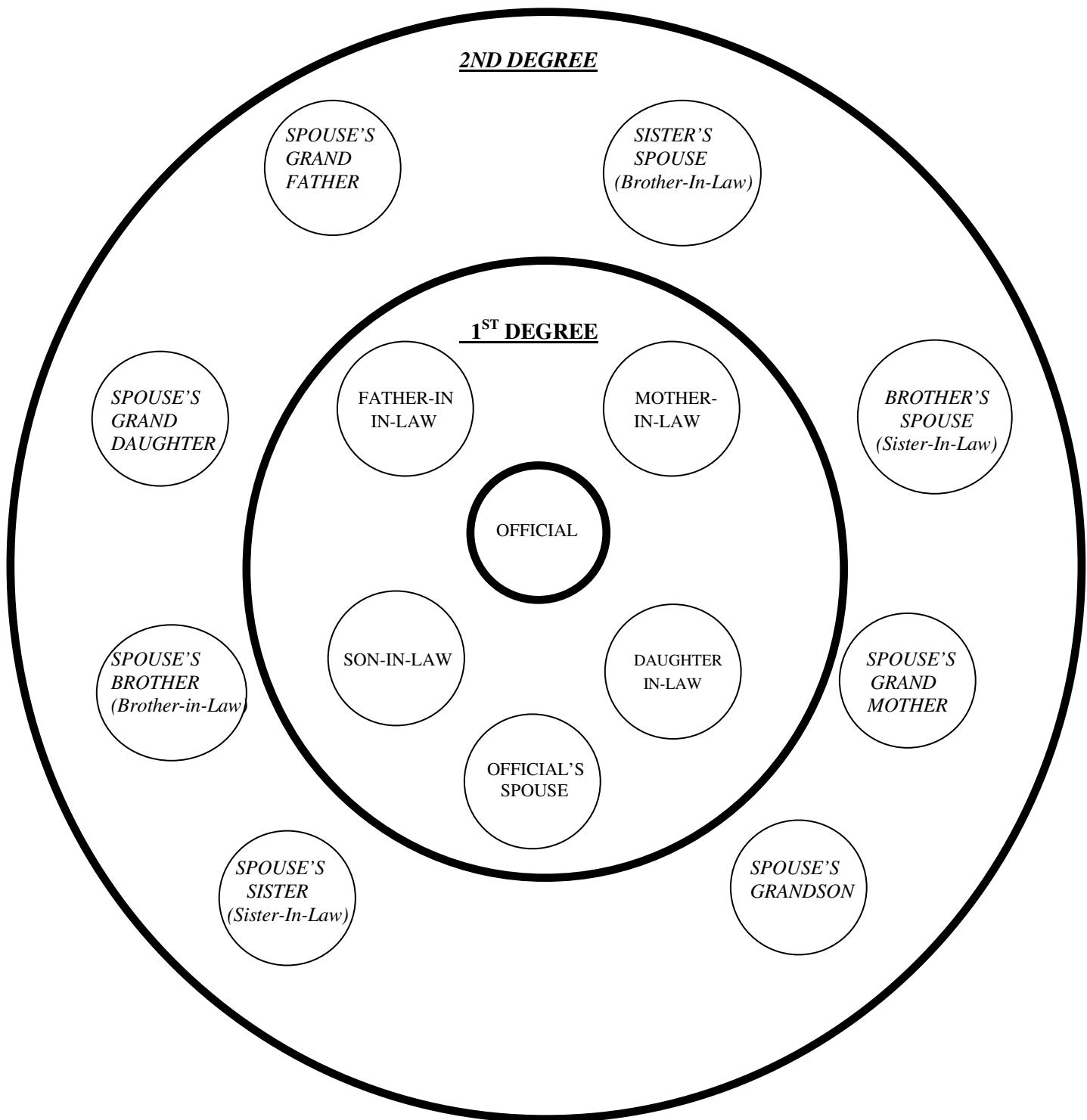
**3.08.04** In addition, no personnel action will be taken that would result in any employee's supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

# NEPOTISM CHARTS



**FIGURE 1 – CONSANGUINITY KINSHIP CHART**





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

**3.09 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 ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers, writing samples).

### **3.10 PHYSICAL STANDARDS.**

**3.10.01** 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. Back x-rays are required for persons who will perform physical labor.

**3.10.02** 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.*)

**3.10.03** 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.

**3.11 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 an INS 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.*)

**3.12 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. Except as restricted by state law, the department head is responsible for initiation by the County of a check of a prospective employee's driving record prior to offering the applicant County employment in a capacity which requires operating a vehicle or piece of equipment.

**3.13 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) knowingly has 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.*)

### **3.14 TEMPORARY/EMERGENCY EMPLOYEES.**

**3.14.01** 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.

**3.14.02** If the department's budget does not contain a line item for temporary or emergency employee salaries, the department head must first obtain authorization from the Commissioners' Court each time prior to hiring any temporary or emergency employee(s).

**3.14.03** Under no circumstances will the County issue a pay check to a temporary or emergency employee if all of these conditions are not met.

### **3.15 ORIENTATION AND TRAINING.**

**3.15.01** The personnel office provides a general orientation for new employees about employment with the County.

**3.15.02** 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.

**3.15.03** 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 he or she 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.

**3.15.04** Training an employee is the responsibility of the elected official or department head for whom he or she works. Whenever possible, employees receive on-the-job training under close supervision.

**3.15.05** 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.

### **3.16 REHIRING RETIREES/AND OR EMPLOYEES WHO LEAVE EMPLOYMENT WITH THE COUNTY AND WITHDRAW THEIR RETIREMENT FUNDS FROM TCDRS.**

Aransas 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 termination or resignation. A "qualified plan" means 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 Aransas 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 he/she retires or resigns their position. There can be no expectation that the County will hire the employee after he/she retires or leaves their employment and there can be no "understanding" between Aransas County and the employees that he/she will be hired after retirement or resignation.

TCDRS REQUIRES a break in service before you rehire a retiree or other type of separation of employment whereby the employee withdraws their retirement funds from TCDRS. TCDRS requires at least one full calendar month to pass before a retiree or other person leaving employment is hired. 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 01-09-06)

## **4.00 TYPES OF EMPLOYMENT.**

### **4.01 CATEGORIES OF EMPLOYMENT.**

**4.01.01** There are five categories of employment with the County:

**4.01.02 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.

**4.01.03 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 members of the County's retirement system.

**4.01.04 Part Time.** A part-time employee is appointed to an authorized position that involves, on the average, fewer than 40 hours per week. Part-time employees may be either hourly or salaried employees. They are not entitled to the County's fringe benefits other than workers' compensation and, in some instances, unemployment insurance. A part-time employee must be added to TCDRS retirement if the part-time position is permanent.

**4.01.05 Temporary.** A temporary or seasonal employee is an employee hired to complete a specific project within a specified period of time not to exceed one year. Temporary employees may be full time or part time. They are not entitled to the County's fringe benefits other than workers' compensation and, in some instances, unemployment insurance.

**4.01.06 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 called 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.

**4.01.07** See **Benefits** chapter of these policies for details of benefits available to each category of employees.

#### **4.02 INTRODUCTORY PERIOD.**

**4.02.01** 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.

**4.02.02** Completion of the introductory period does not guarantee employment for any specific period of time. 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 these 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 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.**

**5.02.01** Appointed employees of the County have access to the chapter of these policies entitled **Grievances** for matters related to compensation.

**5.02.02** The remainder of this section **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:

**5.02.03** The County Judge, who will be chairman of the committee but who will not be entitled to vote; AND

1. 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
2. Nine public members, if the Commissioners' Court votes on the second Monday in January each year to have nine public members.

**5.02.04** 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 chairman, the County Judge, who will announce the time and place of the hearing, which will be within 10 days after the date the request is received.

**5.02.05** 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, which will consider the recommendation at its next meeting.

**5.02.06** If nine members vote to recommend the increase and sign the recommendation, the committee will deliver its recommendation 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.

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

### **5.03 PAYDAYS.**

**5.03.01. Hourly non-exempt employees** are paid **Bi-Weekly** every other Friday. (other than a pay date falling 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)

**5.03.02 Exempt (elected and appointed) employees** are paid are paid **Bi-Weekly**, every other Friday, (other than a pay date falling 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.**

**5.04.01** Paychecks will not be issued other than on the days set out above.

**5.04.02** 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.

**5.04.03** No salary advances or loans against future salary will be made to any employee for any reason. (*Legal reference: Texas Constitution, Article III, Sections 51, 52, and 53.*)

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

#### **5.05 PAYROLL DEDUCTIONS.**

**5.05.01** 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;
- Federal income taxes;
- Court-ordered child support;
- Texas County and District Retirement System contributions (for regular full-time employees and eligible elected and appointed department heads); and
- Any other deductions required by law.

**5.05.02** 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 of group health/medical or dental premiums for the employee or dependents;
- Supplemental deferred compensation; and
- Such other deductions as may be authorized by the Commissioners' Court, including employee savings plan deductions.

**5.05.03** 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 personnel 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. 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

**5.07 LONGEVITY PAY.**

**5.07.01** 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 (equivalent to \$8.33 per month) for each year of service up to a maximum of 15 years of service. Beginning January 1, 1995, longevity will be paid in a separate check as a single lump sum payment in December of the year in which it was earned. Longevity pay is not affected by percentage salary increases or cost-of-living adjustments.

**5.07.02** If an employee terminates employment with the County prior to the December lump sum payment date, he or she will not receive a longevity payment. Part-time hourly employees and elected officials do not receive longevity pay. If an employee is suspended and placed on Leave Without Pay during the year, he or she will not receive longevity credit for the unpaid leave for that year and any future years. The longevity payment will be calculated on a prorated basis for only the number of months actually worked and/or paid. In the event that an employee is suspended and placed on Leave Without Pay in December when the longevity pay is disbursed, he or she will receive their prorated longevity check with the first paycheck upon returning to work.

The above personnel policy changes are requested by be effective Calendar Year 2008. Any prior penalty for unpaid FMLA in prorating longevity pay will not be charged from this date forward. Each year will be made whole (\$100.00 per year). The only deduction from longevity pay will be for days suspended and placed on Leave Without Pay.

Approved Commissioners’ Court 06/30/08

**5.07.03** 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

**PROMOTIONS.**

**5.08.01** A promotion is a change in the duty assignment of an employee which results in advancement to a higher position requiring higher qualifications and involving greater responsibility.

**5.08.02** Promotions are approved by the elected or appointed department head within the staffing pattern and budget limits authorized and approved for that department by the Commissioners’ Court.

**5.08.03** Upon promotion, an employee serves an introductory period of 150 days in the new position and may be returned to a 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. Lateral



transfers may be requested by the employee or the elected official or department head to whose department the employee will be transferred, and must be approved by the Commissioners' Court. 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 the chapter of these policies on **Discipline** for information about suspension with or without pay for disciplinary reasons.

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

### **5.13 EMPLOYEE SAVINGS PLAN.**

**5.13.01** The County offers an employee payroll deduction savings plan. The terms and conditions of participation are described below, including instructions on how to begin payroll deductions and guidelines for carrying out the plan. To participate, employees must: 1) notify the payroll clerk of the employee's intent to participate by completing and returning the appropriate form (available from the County Treasurer's office); 2) indicate the amount (in even dollars) the employee wants deducted from each paycheck (this amount will be deducted from every pay period and cannot vary from paycheck to paycheck); and 3) provide information for the Pass Book Savings Account to the County Treasurer. The treasurer will provide this information to the appropriate financial institution which will complete a signature card to be signed by the employee. The terms and conditions of the savings account vary depending on the institution.

**5.13.02** The County will not match any funds for the payroll savings plan. Participation is strictly voluntary and may be discontinued at any time. To discontinue deductions, the employee must notify the auditor in writing. However, if payroll deductions are stopped, the employee will not be allowed to start deductions again until one year has passed. The money in the account will be available to the employee two working days after each payday once the initial terms of the account are met. Social security and withholding will be withheld on payroll deduction amounts.

**5.13.03** Ownership and management of the account is the responsibility of the employee. If the employee wishes to deposit additional funds or make withdrawals, he or she must do so at the financial institution. An employee may increase or decrease his or her deduction amount not more than four times in a calendar year and not more than once in a three month period. Only one account in an employee's name will be opened. Deposits and deductions will not be made for dependents or spouses in separate accounts. If employees wish to include a spouse or another person on the

account, they must complete the necessary forms at the bank and the other person will need to sign the signature card.

## **6.00 WORK SCHEDULE AND TIME REPORTING.**

### **6.01 WORK HOURS.**

**6.01.01** 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 workweek. 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.

**6.01.02** Sheriff's Department officers, jailers, administration assistants, clerical and nurses work varying eight (8) hour or twelve (12) hour shifts in order to provide services 24 hours each day.

**6.01.04** 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.

**6.01.05** (*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 WORKWEEK AND WORK PERIOD.**

**6.03.01** 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 workweek for all non-law enforcement employees begins on Monday morning at 12:01 am and ends at 12:00 midnight the following Sunday night.

**6.03.02** 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** three (3) and four (4) twelve (12) hour shifts in a 14-day work period and 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** five eight (8) hours out of every seven days in a 14-day work period and 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.

**6.03.03** Sheriff's employees (Administration Assistants, Clerical and Nurses who work 40 hours per week have the same work week as other County employees who are paid by-weekly.

#### **6.04 OVERTIME WORKED.**

**6.04.01** 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 in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-law enforcement employees; 86 hours per 14-day work period for certified law enforcement officers and certified jailers).

**6.04.02** For non-law enforcement employees, overtime begins to accrue with the 41st hour worked during the seven-day workweek. For law enforcement employees, overtime begins to accrue with the 87th hour worked during the 14-day work period.(Amended by Commissioners' Court 07/30/97.)

**6.04.03** 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.

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

#### **6.05 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION).**

**6.05.01** Elected officials, department heads, and other executive, administrative, and professional employees are exempt from the overtime provisions of the Fair Labor Standards Act (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.)*

**6.05.02** 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 exempted 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.**

**6.06.01** 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 (listed in order of the County's policy preference):

1. Equal time off within the same work period (usually 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 (90 hours for law enforcement employees, representing 60 hours of overtime worked, and 60 hours for others, representing 40 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.

**6.06.02** 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 for overtime compensation is to schedule **equal time off** for the affected employee **during the same work period in which the overtime was worked.**

**6.06.03** All designated personnel who work preceding, during, and in recovery days after a catastrophic event may be entitled to overtime compensation.\*

**6.06.04** Designated personnel shall include but not be limited to exempt and nonexempt employees. Overtime rate will be paid at one and one-half times pay that employee receives at his/her regular pay rate. If salaried or exempt, overtime rate will be annual salary divided by 2080 hours or 2236 hours for law enforcement times one and one-half of the hourly calculated rate. For example:

\* Annual salary 30,000/2080 = 14.42 x 1.5 = 21.63 per hour\*

\* Annual salary 30,000/2236 = 13.42 x 1.5 = 20.13 per hour\*

**6.06.05** Designated personnel will be named by Elected Official, County Judge, or Department head and ID badges will be issued to those persons who are needed in the County for health and safety reasons when it is safe to return.\*

### **Approved Commissioners' Court 06/26/06**

**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 times the number of hours worked) will be paid 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 HOLIDAYS WORKED.**

**6.08.01** 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 workweek or work period. (See "Work During Holidays" section for a more detailed discussion of this policy.)

**6.08.02** 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.

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

## **6.09 LEAVE OR HOLIDAYS TAKEN AND OVERTIME.**

**6.09.01** 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 either hour-for-hour time off for the extra number of hours worked as comp time *the employee 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 40 hours (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.

**6.09.02** However, 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 taken. (See **Holidays** chapter of these policies for benefits allowable in "around-the-clock" departments when a holiday falls on a non-workday.)

## **6.10 TIME REPORTING.**

**6.10.01** 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 Payroll Dept. Forms for this purpose are provided by the County.

**6.10.02** 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.

**6.10.03** Each elected official or department head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the payroll office for payroll purposes as well as being recorded on the individual department's records.

## **7.00 BENEFITS.**

### **7.01 MEDICAL AND LIFE INSURANCE**

**7.01.01** Regular full-time County employees and elected and appointed department heads are eligible for the County's group hospitalization, medical, and life insurance coverage.(Amended by Commissioners' Court 12/13/99.) Employees are required to pay a portion of the monthly premium for coverage, and the County pays the remaining balance of the premium. Eligible employees may add dependent coverage at the employee's expense. Dependent premiums are deducted from the employee's paycheck.

**7.01.02** Upon employment, each employee who is expected to become eligible for insurance coverage is given an insurance booklet containing detailed information about the County's insurance programs. A copy of the master contract containing the benefits for the program is kept in the personnel office and may be reviewed during normal working hours.

**7.01.03** Newly hired employees are not eligible for insurance coverage until a 60 day waiting period has been met, the 60 days beginning on the effective hire date. After 60 days from the effective hire date, the new employee will be eligible for all group hospitalization, medical, and life insurance coverages available to all employees. (Approved by Commissioners' Court 8/15/2011)

### **7.01.03 HEALTH INSURANCE – RETIRED EMPLOYEES**

Retired Aransas County employees with combined age-service tenure of seventy-five (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 sixty-five (65) or otherwise become eligible for Medicare.

### **7.02 RETIREMENT.**

**7.02.01** 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 his or her 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.

**7.02.02** Retirement benefits are determined by a formula that involves age, the number of years of creditable service, and the amount deposited in the employee's account. A new employee receives a brochure about the County's specific retirement coverage and options under TCDRS at the time of employment. The personnel office has additional information about the retirement plan which is available upon request during normal working hours. In addition, the personnel office will be glad to provide pre-retirement counseling to advise senior employees about retirement benefits and assist in planning for the retirement years.

**7.03 SOCIAL SECURITY.** All employees 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.

**7.04 WORKERS' COMPENSATION.** All employees of the County are covered by the workers' compensation insurance program, and the County pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in the sections of this manual under the main heading **Health and Safety**. (*Legal reference: Article 8306-8309, esp. 8308 et seq, V.T.C.S.*)

**7.05 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.*)

**7.06 LEAVE TIME.** County employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in the sections of this manual under the main headings **Leave Time** and **Holidays**.

**7.07 REQUIRED EDUCATION AND TRAINING.** When the County requires an employee to attend any educational 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. See additional information in the sections of this manual under the main heading "Reimbursement of Expenses."

**7.08 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, the employee 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 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 intended to improve the overall ability skill and performance of an employment.

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 scheduled work hours must be approved by the employee's supervisor. Amended by Commissioners' Court 12/12/2005 and 03/29/2006.

## **7.09 REIMBURSEMENT POLICY – STEEL-TOED BOOTS**

Road and Bridge employees, including mechanics, 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 year. This authorization may include two pairs of boots (not to exceed \$160 per year) or one pair of boots (not to exceed \$160 per year).

(Amended by Commissioners' Court on July 13, 2009)

## **8.00 LEAVE TIME**

### **8.01 DEFINITIONS.**

**8.01.01 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.

**8.01.02 Holidays.** Holidays are days designated by the Commissioners' Court when County offices are closed on what otherwise would be regular business days.

**8.01.03 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.**

**8.02.01** 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 personnel office for recording on the central leave records. County payroll records are verified against these leave records.



**8.02.02 Sick Leave Approval.** 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 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.

**8.02.03 Responsibility for Verification.** Elected officials and department heads are responsible for determining that leave is accrued and 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 County auditor for payroll purposes, as well as being recorded in the individual's department.

**8.03 VACATION LEAVE.**

**8.03.01** All regular full-time employees with at least six months of service are eligible to accrue paid vacation leave. County employees are encouraged to take regular vacations at least annually.

**8.03.02** No vacation leave benefits may be used by a new County employee during the first six months of employment.

**8.03.03** Regular full-time employees earn vacation leave as follows:

Length of Service	Vacation Leave Earned
10 years or less	80 hours/year (10days/year) (3.077 hrs/pay period)
More than 10 years	120 hours/year (15 days/year) (4.615 hrs./pay period)

*Employee vacation will be accrued at a proportioned rate each pay period according to the schedule above.*

**8.03.04** Part-time employees, and temporary employees (full-time or part-time) do not earn vacation leave.(Amended by Commissioners' Court 01/23/00.)

**8.03.05 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 (ten working days). 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. *Employees who retire, are terminated, or who resign, shall be paid all unused accrued vacation.*

**8.03.06 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 up to the maximum amount he or she would normally accrue in one year plus carryover of up to 80 hours, if applicable. The rate of pay will be determined by the salary rate in effect at the time of termination.

Approved Commissioners' Court 10/13/08

**8.03.07 Scheduling Vacation Leave.** Elected officials and department heads should encourage their employees to schedule vacations and request 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.

**8.03.08** 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.

**8.03.09** Department heads must maintain vacation leave records for their employees and must report such leave to the personnel office.

**8.04 COMPENSATORY LEAVE.** See the section of this manual under the main heading **Work Schedule and Time Reporting**, specifically the section on "Overtime Compensation," for information about earning compensatory time and using compensatory leave credits.

#### **8.05 SICK LEAVE.**

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

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness 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 any other relative who resides in the employee's household and is dependent on the employee for care.

**8.05.02 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 12 days per year (96 hours). Part-time employees, temporary employees (full-time or part-time), and hourly employees do not earn sick leave.

**8.05.03 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.

**8.05.04 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 sick 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 the 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.

**8.05.05** 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 promptly forward completed sick leave applications to the personnel office.

**8.05.06** 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.

**8.05.07** Employees are expected to return to work as soon as their reasons for leaving have been accomplished.

**8.05.08 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 medical disability precluding availability for duty.

**8.05.09 Accumulation of Sick Leave.** Sick leave not used by regular full-time employees during the year in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 960 hours (120 days). At the beginning of each fiscal year, any sick leave balance in excess of the maximum is reduced to the maximum without compensation to the employee.

**8.05.10 Exhaustion of Sick Leave.** An employee who has exhausted earned 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.

**8.05.11 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.

**8.05.12 Cancellation Upon Termination.** Unused sick leave is canceled upon termination of employment, without compensation to the employee.

## **SICK LEAVE POOL – SEE SECTION 19 (JULY, 2008)**

### **8.06 MILITARY LEAVE.**

**8.06.01** 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 leave of absence from their duties, without loss of time or efficiency rating, 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.

**8.06.02** 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.

**8.06.03** (*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.*)

**8.07 CITIZENSHIP LEAVE.** Employees are granted civil leave with pay for jury duty, 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 the workday.

## **8.08 FAMILY AND MEDICAL LEAVE.**

**8.08.01 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.

**8.08.02 Eligible Circumstances.** An eligible employee is entitled to 12 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.

**8.08.03 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 Family and Medical Leave Act (FMLA) leave begins.

**8.08.04 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.

**8.08.05 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 the other conditions of these policies are met.

**8.08.06 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.

**8.08.07 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 the family and medical leave commences, the employee must exhaust those leave balances before being eligible for unpaid family and medical 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 enough unpaid family and medical leave to total 12 weeks. During the unpaid portion of an employee's family and medical leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.

**8.08.08 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.

**8.08.09 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.

**8.08.10 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 family and medical 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.

**8.08.11 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 family and medical 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.

**8.08.12 Return to Work/Assurances.** After completion of an approved family and medical 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 family and medical 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 family and medical 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.

**8.08.13** 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.

**8.08.14** 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.

**8.08.15 Retention of Benefits.** An employee on family and medical 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.

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

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

**8.08.18 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.)*

## **808.19 MILITARY LEAVE ENTITLEMENT.**

**Military Family Leave.** (Legal reference Public Law 110-182, Section 585(a) National Defense Authorization Act of FY2008) amended the FMLA 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.

Approved in Commissioners' Court May 12, 2008

**8.09 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 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 in the employee's personnel file. Should more than three days be needed for this purpose, the additional time will be charged to compensatory time, sick leave, vacation leave, or administrative leave.

**8.10 ADMINISTRATIVE LEAVE.** Individual elected officials or department heads may authorize up to five days 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 only be used when vacation leave has been exhausted and employees receive no pay for any unused administrative leave balance at the time of termination of employment.

**8.10.01 LEAVE OF ABSENCE.** Leaves of absences 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, please see the sections in this manual under the main heading **Health and Safety**.

**8.12 USING LEAVE IN COMBINATION.**

**8.12.01** 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 credits.

**8.12.02** Sick leave cannot be used for vacation purposes.

**8.12.03** 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.**

**9.01.01** Paid holidays are established each year by the Commissioners' Court. 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

\*\* As amended by Commissioners' Court on 04/14/08.

**9.01.02** 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.

**9.01.03** Part-time, temporary, and hourly employees are not paid for holidays not worked.

**9.01.04** An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

**9.01.05** 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 by the Commissioners' Court.

## **9.02 WORK DURING HOLIDAYS.**

**9.02.01** 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.

**9.02.02** 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 of compensatory leave accrued.

**9.02.03** 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.

**9.03 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. (Amended by Commissioners' Court 09/28/94)

**9.04 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

**9.05 EMERGENCY EVACUATION DAYS.** Days, or portions thereof, designated by the County Judge as "Mandatory Evacuation Days" will be considered as additional holidays for the purpose of calculation of compensation.

**9.06 EMERGENCIES.** An eligible employee who is called in to work on a holiday because of an emergency, or other special need of the County, will be paid for the actual hours worked on the holidays in addition to his or her normal pay. See Overtime Compensation. Holiday pay is straight time overtime hour for hour worked.

**9.07 EMERGENCY/NON-EMERGENCY PERSONNEL.** Because of the nature of public service employment, there will be occasions when it is necessary to define "emergency" and "non-emergency" personnel. This determination will be made by the department head and/or elected official in conjunction with the County Judge. It is expected that all emergency personnel will continue to work notwithstanding foul weather conditions or other situations dictating the designation of emergency and non-emergency personnel.

**9.08 SEVERE WEATHER OR NATURAL DISASTERS.** The following guidelines shall apply to absences resulting from severe weather or natural disasters.

- (1) **ADVERSE WORKING CONDITIONS DUE TO WEATHER OR HAZARDOUS TRAVEL CONDITIONS.** County departments will remain open if at all possible. If the adverse weather or travel conditions significantly impair the productivity of a Department, the Department head may offer non-emergency personnel the option of going home. The employees who exercise this option must select to be charged compensative time, vacation or excused leave without pay for the remainder of the workday.
- (2) **EMPLOYEE DETERMINATION OF HAZARDOUS TRAVEL CONDITIONS.** If an individual employee believes it is too hazardous to make it to work due to weather or hazardous travel conditions, the Department head has the option of charging the day(s) as compensative time, vacation or an excused absence without pay.
- (3) **CLOSING DUE TO AN EVACUATION ORDER.** When an evacuation has been ordered, all non-emergency personnel will be released and encouraged to evacuate. Only those employees who are assigned functions necessary for the benefit of the general public during an emergency situation will be required to work. Employees designated by their Department head as Emergency Services Personnel will not be authorized to evacuate should an evacuation order be issued in accordance with Chapter 22 of the Texas Labor Code. 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.

- (4) **RETURN-TO-DUTY PHASE.** 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. Nonessential 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 or announced prior to evacuation for all employees to call for Return-to-Duty information.
- (5) **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 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 brings, or might reasonably be expected to bring, discredit on the public service.
- (6) **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 termination may be taken by the applicable Department head, with the concurrence of the Elected Official.
- (7) The following radio stations and television stations will be contacted by the County Judge concerning the closing of County offices:
  - \* KIII-TV Channel 3
  - \* KRIS-TV Channel 6
  - \* KZTV Channel 10
  - \* KFTX FM 97.95
  - \* County Web Site [www.aransascounty.org](http://www.aransascounty.org)
  - \* TAC Web Site [www.tac.org](http://www.tac.org)

Approved Commissioners’ Court 06/26/06.

## **10.00 HEALTH AND SAFETY**

**10.01 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.

### **10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS.**

**10.02.01** 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.

**10.02.02** An employee must report every on-the-job accident, no matter how minor, to his or her supervisor as soon as possible and always within 24 hours. The elected official or department head in charge is responsible for filing a written accident report immediately with the personnel officer (County Treasurer), who must notify and file the report with the County's insurance carrier.

**10.02.03** 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 operating County equipment;
- Employees should maintain awareness of potential dangerous situations that may cause injury to themselves, fellow employees, or the public;
- 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 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.

**10.02.04** Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

**10.03 EMPLOYEE SUGGESTIONS.** Employees are encouraged to make suggestions to their supervisors for improvements that would make the County workplace safer or more healthful.

#### **10.04 ON-THE-JOB INJURIES.**

**10.04.01 Medical Attention.** An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice and must submit to a drug and alcohol test. The County encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work. 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.*)

**10.04.02 Insurance.** The County provides workers' compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than seven calendar days. All workers' compensation insurance claim forms must be submitted to the personnel office immediately

for appropriate action to be taken. Premiums covering employees are paid by the County and are based on gross wages paid. (*Legal reference: Workers' Compensation Act, V.T.C.S. Article 8308.*)

**10.04.03 Statutory Benefits.** Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments; medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s); and/or death benefits.

**10.04.04** State law provides that an employee will be eligible for weekly indemnity payments beginning on the eighth calendar day of lost time following an occupational injury. Weekly indemnity payments for compensable injuries are temporary benefits, which will continue until the doctor certifies that the employee has received maximum medical improvement. Weekly indemnity payments for compensable injuries are made at 70 percent of the difference between the employee's average pre-injury weekly wage and the employee's earnings after the injury. For employees who earn less than \$8.50 per hour, the rate of payment for the first 26 weeks of temporary benefits is 75 percent of the difference between the employee's average weekly wage before the injury and the employee's earnings after the injury. Under the "low wage earner" provision, temporary benefits cannot exceed 100 percent of the employee's actual wages for the previous year. While the sheriff, deputy sheriff, constable, deputy constable, or other County or precinct law enforcement official is hospitalized or incapacitated, the County will continue his or her maximum salary. This payment, however, ceases on the expiration of the term of office to which such official was elected or appointed.

**10.04.05** Compensation benefits are subject to a seven calendar day waiting period. After 28 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation.

**10.04.06 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.*)

**10.04.07 Initiation of Injury Leave.** An employee who is put on leave for a bona fide, on-the-job, work-related injury will be provided with a copy of the County's policy on "On-the-Job Injuries" prior to or as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by the Commissioners' Court.

#### **10.04.07a COORDINATION WITH FMLA LEAVES**

Aransas County counts an employee's leave due to a work-related injury or illness toward the employee's 12-week leave entitlement under the Family Medical Leave Act. Because workers' compensation leave is designated as FMLA leave, benefits are governed by the applicable provisions of the FMLA policy contained herein (see pages 36-39 SECTION 8.08/01 THRU 8.08.18.

#### **10.04.07b OTHER ISSUES.**

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

**10.04.08 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 will receive full pay minus deductions from the County for up to seven calendar days, with the hours deducted from any accrued sick leave, if available.

**10.04.09** 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.

**10.04.10** An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

**10.04.11 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 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.

**10.04.12 Reporting Requirements.** While on leave because 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 personnel office (County Treasurer), who submits the report to the Commissioners' Court. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the personnel 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.

**10.04.13 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.

**10.04.14 Termination of Injury Leave.** Injury leave with pay may be terminated at any time without prior notice. Evidence that an employee is able to return to work and has not done so will be submitted to legal and medical advisors prior to terminating the leave.

**10.04.15 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 discharge.

**10.04.15A 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. Aransas County's position is to encourage and allow most request however one's regular duties, the availability of an alternative assignment, along with the type of injury and work restrictions will weigh heavily on any reasonable accommodation. In order for light duty to be considered, the employee, the employee's doctor, the employee's supervisor and the County's personnel officer must be in agreement. A mandatory review of the employees' 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.)

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

**10.04.17 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.

**10.04.18** Temporary replacements may be used for six months. If at the end of the 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).

**10.04.19** 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.

**10.04.20 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 personnel office, in consultation with the Commissioners' Court, will make the necessary arrangements for the employee's retirement under the "on-the-job disability" clause of the coverage provided by the County's retirement plan.

**10.04.21 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.

**10.04.22 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, or (b) no vacancy exists, or (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 this correspondence will be placed in the employee's personnel file.

## **10.05 DRUG-FREE WORKPLACE.**

**10.05.01** 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 discharge.
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 discharge.
7. The County will make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy.

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

## **11.00 USE OF COUNTY PROPERTY.**

**11.01 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.

### **11.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES.**

**11.02.01** 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.

**11.02.02** No personal or political use of any County property, materials, supplies, tools, equipment, or vehicles is permitted. 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 discharge and possible prosecution.

**11.02.03** 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. Commuting to and from work outside of the County is not considered County business. Violations of this policy may result in termination and possible prosecution. (Amended by Commissioners' Court 05/31/00)

**11.02.04** Elected officials and department heads may establish additional policies regarding the use of tools, equipment, and property under their control, not including vehicles.(Amended by Commissioners' Court 05/31/00)

### **11.03 VALID DRIVER'S LICENSE.**

**11.03.01** 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 will 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 discharge. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation.

**11.03.02** 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 discharge.

### **11.04 ACCIDENT REPORTING.**

**11.04.01** 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.

**11.04.02** 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 office of the accident 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 after an accident occurs is grounds for discharge.

**11.04.03** A copy of any accident report involving County equipment or vehicles must be forwarded to the Commissioners' Court and appropriate elected official or department head as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

## **12.00 DISCIPLINE.**

**12.01 GENERAL.** Employees of the County serve "at will" and, within the provisions of 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 the 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.

## **12.02 PROGRESSIVE DISCIPLINE.**

**12.02.01** 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 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.

**12.02.02** Actions other than oral or written warnings require the advance approval of the appropriate elected official or department head unless an emergency situation exists.

**12.02.03** For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see the following sections of this manual relating to **Separations**.

## **13.00 SEPARATIONS.**

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

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

**13.02 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.

### **13.03 RETIREMENT.**

**13.03.01** The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

**13.03.02** See the Texas County and District Retirement System's brochure for additional information on retirement.

### **13.04 REDUCTION IN FORCE.**

**13.04.01** An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

**13.04.02** 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 re-apply to the County for other positions.

**13.04.03** When a regular employee is dismissed 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.

**13.05 DISMISSAL.** Aransas 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.

### **13.06 DISABILITY.**

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

**13.06.02** (See sections of this manual under the main heading of **Health and Safety** for details on occupational disability resulting from bona fide, on-the-job, work-related injuries.)

**13.07 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.

### **13.08 CALCULATION OF SEPARATION PAY.**

**13.08.01** Upon separation from County employment, a regular employee who has completed at least 12 months of continuous employment will be paid for accrued and unused vacation leave up to the maximum allowable accumulation limit.

**13.08.02** Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- The total work time and **allowable** vacation (not to exceed 10 working days) and compensatory leave time 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 Aransas County pay schedule pay group and step assigned rate) by **2080** working hours per year for the employees; 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 Aransas County 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.

**13.08.03** The employee will receive his or her final paycheck on the County's next regular payday.

**13.09 EXIT INTERVIEWS AND RECORDS.** Reason(s) for a separation are 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 exit interview form. The elected official or department head of an employee who is separated will discuss with the employee the reason(s) for the separation in an exit interview whenever possible (see "Dismissal" section in this manual for additional requirements in the event of an involuntary dismissal). The elected official or department head also must sign the exit interview form. The exit interview record is important and may be instrumental in determining the County's liability, or lack of liability, for unemployment insurance costs.

### **13.10 CONTINUATION OF GROUP INSURANCE.**

**13.10.01** The federal Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health and dental 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 each employee at the time of employment and explains these options under the County's carrier at the time the employee is hired. Later revisions in group insurance coverage are explained in subsequent insurance information distributed to each employee at the time the coverage revision is effective.

**13.10.02** Each covered employee is responsible for notifying the personnel 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.

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

**13.10.04** If the affected person'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 arrangements for this coverage.

Approved Commissioners' Court 09/22/10

## **14.00 GRIEVANCES.**

### **14.01 POLICY.**

**14.01.01** 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.

**14.01.02** 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 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.

**14.01.03** 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.

### **14.02 FINAL AUTHORITY.**

**14.02.01** Grievances can be appealed through the employee's supervisor to the appropriate elected official when an elected official is the department head. If the department head is appointed by the Commissioners' Court, the matter may be appealed to the Commissioners' Court, whose decision is final.

**14.02.02** 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 required to notify the Commissioners' Court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or department head.

## **14.03 PROCEDURE.**

**14.03.01** The following procedures are applicable to regular employees. For procedures to be followed in the event of a grievance by an elected County official, see Chapter 149, Sec. 152.014, Local Government Code.

**14.03.02 Informal Grievances.** The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

**14.03.03 Formal Grievances.** Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within five working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance. An employee may be represented throughout the grievance process by another County employee of his or her choosing.

**14.03.04** After being presented with a written and signed grievance, the supervisor will (1) meet with the employee and such other persons as may be necessary to gather the facts within five working days after the grievance is filed; (2) notify the elected official or department head; (3) attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and (4) communicate the decision to the employee in writing within three working days after the meeting with the employee, sending a copy of the proposed resolution to the elected official or department head. The written decision must also inform the employee of his or her right to appeal the decision within three working days of receipt of the notice. The supervisor may have a representative present at the meeting.

**14.03.05** If an employee whose supervisor is someone other than the elected official or department head either receives no written resolution from the supervisor within three working days from the date the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the elected official(s) or department head within three working days. The elected official(s) or department head will review the facts and the file, and will investigate the charges personally or through a committee or a designated person; and the person(s) conducting the investigation will meet with the parties involved within three days of receiving the grievance. The elected official(s) or department head will respond in writing to the employee within three working days of the date of the meeting with the employee.

**14.03.06** If the department head is appointed by the Commissioners' Court, and the employee either receives no written resolution from the department head within three working days from the date of the meeting with the appointed department head, or if the employee is not satisfied with the appointed department head's proposed resolution of the matter, the employee must file a written appeal with the Commissioners' Court at the next Commissioners' Court meeting. The Commissioners' Court will then review the facts and the file and conduct an investigation if deemed appropriate before rendering a decision in the matter. The Commissioners' Court's decision is final.



**14.03.07 Documentation.** Copies of all documentation relating to the grievance will be forwarded to the County auditor's office immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

**14.03.08 Grievances Relating to Sexual Harassment or Discrimination.** Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, gender, national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the elected official, department head, or the Commissioners' Court, as appropriate. In such an instance, to allow adequate time for investigation by the appropriate authority, the department head, or the person(s) he or she designates to conduct the investigation, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.

**14.03.09** If a grievance alleging either discrimination on one of the prohibited grounds or sexual harassment is not resolved to the employee's satisfaction at the department head level (whether the department head is elected or appointed), the employee is required to notify the Commissioners' Court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or department head.

**14.03.10 Requirement for Appeal if Dissatisfied.** If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal presumes that the employee is satisfied with the latest resolution.

## **15.00 JOB (CLASS) DESCRIPTIONS.**

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

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

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

## **16.00 PERSONNEL FILES.**

### **16.01 GENERAL.**

**16.01.01** Records pertaining to time and attendance, payroll, resignations, and unemployment are maintained by the personnel office. Medical records are filed in a separate confidential medical file maintained by the personnel office. All other personnel records are kept in a personnel file

maintained by the employee's elected official or department head. All personnel information related to an employee must be filed in the appropriate personnel or medical file.

**16.01.02** Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted 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.

**16.01.03** Each employee may choose whether the County discloses the employee's home address and telephone number to the public on 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. However, 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 personnel office. (*Legal reference: Texas Open Records Act, V.T.C.S. Article 6252-17a.*)

**16.01.04** 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 offices.

**16.01.05** 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.

**16.01.06** Employees must inform their supervisors and the personnel office 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.

## **16.02 PERSONNEL ACTION FORM.**

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

- Employment Category;
- Position Title and Classification;
- Pay Group and Rate; and
- Other Actions Affecting the Employee's Status.

**16.02.02** The Personnel Action Form is completed on the employee's first day of work, and subsequent forms are issued and filed when there is any change in his or her status which relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

## **16.03 CONTENTS OF PERSONNEL FILES.**

**16.03.01** Elected officials and department heads must provide, in writing, appropriate payroll and employee information to the personnel office as a condition of hiring or promoting a person into a budgeted position. An employee's official personnel file may contain at least the following:

- An employment record form summarizing the employee's history with the County;
- I-9 form;
- W-4 form;
- A copy of the employee's application for employment;
- A copy of the court order for appointees;
- A copy of the employment offer letter and acceptance;
- Signed copies of the employee's acknowledgments of having received a copy of the Personnel Policies Manual and any other policy-related materials;
- Employee's job description(s) (if any);
- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- Personnel Action Forms;
- Retirement application, including supplemental death policy;
- Leave application forms;
- Records of any citations for excellence, awards for good performance, or job-related training/education;
- Records of disciplinary action(s);
- Performance evaluations;
- Copies of any grievances and related materials;
- Any other pertinent information having a bearing on the employee's status; and
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

**16.03.02** An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing. (*Legal reference: U.S. Americans with Disabilities Act of 1990.*)

**16.04 LEAVE RECORDS.** Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the personnel office. Leave records are updated at the end of each month. 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 provide this information to the personnel office.

## **17.00 TRAVEL AND SUBSISTENCE.**

### **17.01 GENERAL POLICY.**

**17.01.01** 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 involves reimbursable expenses. The request should include an estimate of costs to be incurred. At the discretion of the appropriate elected official or 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 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 prepay such expenses as registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. 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 deleted from the bill when applicable.

**17.01.02** 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 allowable expenses claimed 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 allowable trip expenses, the employee must reimburse the difference to the County immediately when the trip expense is filed.

**17.01.03** 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.

**17.01.04** Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.

**17.01.05** A Sheriff's Deputy or Correction Officer may be reimbursed up to \$150.00 for normal traditional necessary personal attire damaged or ruined as a result of their actions within their official capacity.

**Example: 1.** Regular prescription eye glasses damaged in subduing a prisoner.

**Example: 2.** Normal daily footwear ruined as a result of wading through water mixed with gasoline at a vehicle accident.

The sheriff or his designee must approve request. Each request shall be considered on a case by case basis subject to yearly budgeted uniform line item. Reimbursement must be supported by invoice for item in question.

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.

## **17.02 OUT-OF-COUNTY TRAVEL.**

**17.02.01** 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 reimbursement 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 Texas Mileage Guide. After destination is reached incidental mileage will be reimbursed on actual mileage traveled, if tourist class air fare is less employee will be reimbursed at the lesser rate. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not available.(Amended by Commissioners' Court 02/08/99.)

**17.02.02** In cases where a rental car is used, employees must choose the optional insurance coverage; the County will pay for the insurance cost.

**17.02.03** 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, he or she is entitled to reimbursement for actual expenses for such trip(s) provided the travel was authorized.

**17.03 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 of \$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 09/22/10) with no receipts required. (Revised 09/14/98.) 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

**17.04 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 maximum rate allowed by the Internal Revenue Service (IRS) for personal vehicle use 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 allowable for reimbursement.

**17.05 EXPENSE REPORT.** As soon as an employee returns from a trip, or at least within one week of the travel, he or she must complete an expense report form documenting any 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 allowable out-of-pocket expenses. The expense report must show the amount of any cash advance given the employee, which must be deducted from the final reimbursement amount requested. All reimbursements must be approved by the appropriate elected official or department head and must be within the department's budget.

#### **17.06 EXCEPTIONS.**

**17.06.01** Employees or officials who receive monthly automobile allowances are not eligible for per-mile reimbursement for travel within the county.

**17.06.02** 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.

**17.06.03** Conference registration checks will be made out only to the organization sponsoring the conference.

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

**17.08 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.

**17.09 OUT OF TOWN TRAVEL.** Excluding normal commuting time to and from work the general rule is that employees should be compensated for all travel outside of regular working hours. Driver and passengers alike are to be compensated for travel time if it is for the benefit of the employer. (Approved by Commissioners' Court on 08-29-07)

### **18.00 SOLICITORS AND VENDORS.**

**18.01 GENERAL POLICY.** Solicitors and vendors are not allowed on County premises and are not allowed to approach County employees during working hours. The only exceptions, subject to approval of the County Judge, are for charitable and humanitarian purposes and if:

1. The primary purpose of the solicitation is not to generate a profit for an individual or proprietary business entity;
2. No pressure is placed on any employee to contribute or participate; and
3. The activities do not interfere with the effective operation of County business.

**18.02 DEFINITION.** 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.

## **SICK LEAVE POLICY/MEMBERSHIP**

**19.00 SICK LEAVE POOL.** The purpose of the County sick leave pool is to provide additional sick leave “paid” hours to members of the pool in the event of a catastrophic illness, surgery or non-work related injury, or disability that prevents an employee from active employment. Hours may be requested 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 illness or disability. The sick leave pool may be used only for the catastrophic, life-threatening illness, injury, or disability of an employee.

**19.01.01. Sick Pool Membership.** All regular full-time employees with twelve (12) or more months of continuous employment are eligible to join the sick leave pool by contributing a minimum of eight (8) hours but no more than forty (40) hours accrued sick leave per annum.

**19.01.02 Minimum available Sick Leave Requirement.** Employees electing to join the pool must have at least twenty-four (24) hours of sick leave available prior to joining the pool.

**19.01.03 Enrollment Period.** Enrollment may be done only during annual enrollment service period. Start up enrollment will begin period November, 2008 to be effective January 1, 2009. Donations will only be accepted from Open enrollment done annually in November. If an employee does not donate hours during this period, they will have to wait until the next fiscal year. The only exception will be for individuals who have just completed 12 months of continuous employment and have not yet donated sick leave to the pool.

**19.01.04 Membership Enrollment Forms.** Membership enrollment forms must be submitted to the County Treasurer/Human Resource Office. Hours donated will be subtracted from each members accrued sick leave.

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

**19.01.06 Employees on Approved Leave.** Employees on approved leave of absence will retain membership in the pool and will not be required to donate additional hours.

**19.01.07 Maintain Membership.** To maintain membership in the sick leave pool, all members must donate a minimum of one (1) day (8 hrs) or a maximum of five (5) days (40) hours sick leave per fiscal year.

**19.01.08** Employees leaving employment with the County will not be allowed to donate hours to the sick pool at the time of they are terminating. All donations must be made during open enrollment prior to termination.

**19.01.09 SICK POOL HOURS GRANTED.** Hours will be granted only for catastrophic illness or surgery or other disability or communicable illness which necessitates an absence from work. Absences must be supported by a statement from the attending physician(s). Each application for sick pool hours to be granted will require a Statement of Illness/Injury signed by the employee/patient, department head and to be completed by the physician or other licensed practitioner. This form will be available at the County Treasurer/Human Resource office.

**19.01.10** Catastrophic illness or accident is, but not limited to, heart attack, stroke, cancer or a disabling accident or illness.

**19.01.11** Pregnancy will not be covered by the sick leave pool but complications due to pregnancy or delivery will be considered.

**19.01.12 Stress.** Hours requested for stress-related illness will be granted for hospitalized hours only.

**19.01.13 Maximum Number of Hours Granted.** The maximum number of time granted to an applicant each year will not exceed the lesser of one-third (1/3) of the total amount of time in the pool or 12 calendar weeks (480 hours). Days will not be granted when an employee is receiving Worker's Compensation. Holidays during this 12 calendar week period will not add additional hours.

**19.01.14** 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.

**19.01.15 SICK POOL APPLICATION.** An eligible employee must notify their department head/supervisor of their intent to submit application to use time from the sick pool.

**19.01.16** All applications will be presented to the County Treasurer/Human Resource Office for submission to the Sick Leave Pool Committee.

**19.01.17** If the employee is determined to be eligible and approved by the Sick Leave Committee, the County Treasurer/Human Resource Office 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 catastrophic, life-threatening illness, injury, or disability of the employee.

**19.01.18** 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.



**19.01.19 Critically Ill.** If a member is critically ill and unable to file an application for sick leave from the pool, their department head may submit a written application from employee's family

**19.01.20** The Sick Leave Pool Committee will have the final approval/disapproval of employee applications.

**19.01.21 The Sick Leave Pool Committee** will be comprised of at least seven (7) members which shall consist of the County Auditor or his/her designee, the County Treasurer/Human Resources or his/her designee, the County Attorney or his/her designee, two (2) employees whose names shall be drawn at random from a list of eligible pool members, and two (2) department heads/elected officials drawn at random.

**19.01.22 Forms.** Applications for donation of accrued sick time to the pool will be available in the County Treasurer/Human Resource office. Applications for use of hours from the pool will be available in the County Treasurer/Human Resource Office.

**19.01.23 Cessation of Sick Leave Pool.** The sick leave pool shall cease to grant sick leave days when all days in the sick leave pool have been depleted. Any days contributed that remain in the pool at the end of the fiscal year shall roll forward for use during ensuing years.