

Aransas County



Employee Handbook

Revision Dated: 08/08/2022 cc approved

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EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Aransas County Employee Handbook that outlines my benefits and obligations as a County employee. I understand that I am responsible for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this manual, I will contact my immediate supervisor.

I further understand that the Aransas County Employee Handbook is not a contract of employment. I understand that I am an “at will” employee and that my employment may be terminated by either myself or the county, at any time, with or without cause, and with or without notice.

I understand that this employee handbook is intended to provide guidance in understanding Aransas County’s policies, practices, and benefits. I understand that Aransas County retains the right to change this handbook at any time, and to modify or cancel any of its employee benefits when the need for change is recognized.

I further understand that as an Aransas County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers’, to continually make suggestions for improvements, and to display a spirit of team work and cooperation.

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and I may be required to take earned compensatory time off at the County’s discretion.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing. If I am required to have a Commercial Driver’s License (CDL) for my county position, I will be subject to random, reasonable suspicion and post-accident drug and alcohol testing.

I have read these policies and understand these policies and I agree to abide by and adhere to these policies.

Signature of Employee

Printed Name of Employee

Date Signed

COUNTY OF ARANSAS
COMMISSIONERS COURT ORDER

Order #O-07-2018

WHEREAS the Aransas County Commissioners Court desires to provide the employees of Aransas County with a uniform format for dealing with various employment related issues; and

WHEREAS the Aransas County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Aransas County Commissioners Court do hereby approve, and adopt, the **ARANSAS COUNTY EMPLOYEE HANDBOOK**.

ADOPTED THIS 20th DAY OF AUGUST, 2018

C.H. "Burt" Mills, Jr.
Aransas County Judge

Jack Chaney
Commissioner Pct. 1

Leslie "Bubba" Casterline
Commissioner Pct. 2

Brian Olsen
Commissioner Pct. 3

Betty Stiles
Commissioner Pct. 4

Witnessed and Attested By:

Valerie Amason
County Clerk

RESOLUTION FOR ARANSAS COUNTY

I the undersigned have read the Aransas County Employee Handbook that the Aransas County Commissioner’s Court has adopted. As an ELECTED OFFICIAL of Aransas County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Aransas County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Aransas County Employee Handbook, as witnessed by my signatures below.

Signature of Elected Official

Printed Name of Elected Official

Date Signed

INTRODUCTION

WELCOME

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

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

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

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

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

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

Sincerely,

Aransas County Judge and
Commissioners' Court

ABOUT ARANSAS COUNTY GOVERNMENT

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

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

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

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

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

Independent Elected Offices

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

Appointed Offices

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

Coordination and Cooperation

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

SERVICE TO THE PUBLIC

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

CODE OF ETHICS

Aransas County is a public, tax-supported organization that is built upon the highest standards of ethical conduct and personal integrity. Employees must adhere to high standards of public service that emphasize professionalism, good judgment, courtesy, and careful observance of the spirit and letter of all applicable laws and regulations.

1. Act in the best interest of the citizens of Aransas County. Give a full day's work, carry out efficiently the work items assigned as their responsibility, and maintain honest conduct;
2. Act impartially and not give preferential treatment to any private or public organization or individual;
3. Protect and conserve public property and use it for only authorized activities. No personal or political use of any County property, materials, supplies, tools, or equipment is permitted;
4. Maintain confidentiality of County information and records;
5. Promptly disclose waste, fraud, abuse, and corruption to appropriate authorities;
6. Remain independent from conflicts of interest;
7. Will not accept or solicit any gift, favor, or service that might reasonably intend to influence the employee in his or her official actions or impair his or her independence of judgment in performance of duties for the County;
8. Adhere to all laws, regulations, and policies that provide equal opportunity for all persons regardless of race, color, religion, sex (including pregnancy), national origin, age, disability, or genetic information;
9. Avoid actions that would create the appearance of violating the law or the ethical standards of the Texas Ethics Commission;
10. Maintain a workplace free of harassment.

Most of these principles are further clarified in the Aransas County Employee Handbook.
(Adopted in Commissioners Court on May 29, 2018)

CODE OF PERSONAL CONDUCT

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

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

SECTION 1:

GENERAL POLICIES

A. GENERAL POLICY INFORMATION

1A-1 AUTHORITY

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

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

In addition to this Employee Handbook, Elected Officials and Department Heads may establish departmental rules and regulations that relate specifically to their departmental operations. Departmental rules are important and employees must comply with them. If there is a conflict between a departmental rule or policy and this Employee Handbook or any future amendments to these policies, the terms of these policies, as amended, will

1A-2 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.

1A-3 RESPONSIBILITY FOR IMPLEMENTATION OF THE EMPLOYEE HANDBOOK

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

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

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

1A-4 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.

1A-5 APPLICABILITY OF THE EMPLOYEE HANDBOOK

The Employee Handbook policies apply equally to all employees of the County unless a class of employees is specifically exempted by law or the terms of these policies. Any employee who knowingly and intentionally violates any of these policies will be subject to disciplinary measures up to and including dismissal.

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

1A-6 DISSEMINATION OF THE EMPLOYEE HANDBOOK POLICIES

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

The Human Resources office will provide a copy of the Employee Handbook 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 Employee Handbook 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.

1A-7 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS

The Employee Handbook may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the Commissioners' Court. In addition, the Human Resources office conducts a periodic review of the policies contained in this manual as part of the budget process and submits any necessary or recommended changes to the Commissioners' Court for approval prior to the beginning of the new fiscal year.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a 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 the Employee Handbook Policy changes and for requesting clarification or assistance when needed.

B. COUNTY EMPLOYMENT

1B-1 EMPLOYMENT AT-WILL

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 Employee Handbook Policies do not constitute an employment agreement between the County and any of its employees and in no way limit or restrict the at-will nature of employment. The County has the right to change these Policies at any time, without prior notice to employees.

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

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

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

1B-2 EQUAL EMPLOYMENT OPPORTUNITY

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

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

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.

1B-3 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. In accordance with the Americans with Disabilities Act as amended (ADAAA), 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. Accommodations may be provided when they are necessary to enable the individual to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. The Elected Official, Appointed Official, Department Head, or the Human Resources Department should be notified when an accommodation is needed. Reasonable accommodation shall be determined through an interactive process of consultation. A copy of the federal law will be posted in each County building for reference by employees.

1B-4 JOB DESCRIPTIONS

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

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

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

1B-5 CATEGORIES OF EMPLOYMENT

There are five categories of employment with the County:

- **Regular Full-Time.** A regular full-time employee is one who is employed to hold an authorized position that involves, on the average, at least 30 work hours per week, and who has been appointed to a position that is not specified as part-time or temporary. Regular full-time employees, depending on their position, may either be hourly or salaried employees.
- **Elected or Appointed Department Heads.** Some County Department Heads are elected by the people to serve a specific term. Others are appointed by the Commissioners' Court and may be dismissed at any time at the will of the Commissioners' Court. Department Heads may be designated as either full-time or part-time; each holds a salaried position earning a specific amount per pay period, as set by the Commissioners' Court, regardless of the number of hours actually worked during the pay period. All Department Heads are expected to work the number of hours and days per week needed to accomplish their work. Elected Officials do not accrue specific vacation or sick leave benefits, but are members of the County's retirement system. Appointed officials, however, accrue vacation and sick leave benefits, and are also members of the County's retirement system.
- **Regular Part-Time.** A regular part-time employee is employed in an authorized position that, on average, involves fewer than 30 work hours per week. Regular part-time employees may be either salaried or non-exempt hourly. A part-time employee must be added to TCDRS retirement plan if the part-time position is permanent.
- **Temporary.** A temporary or seasonal employee is an employee hired to work a specified, limited time period, or hired to complete a specific project or assignment, usually not more than 6 months. Temporary employees may be full-time or part-time. They are not entitled to the County's fringe benefits other than Worker's Compensation and, in some instances, unemployment insurance.
- **Hourly.** An hourly employee is employed to hold an authorized position that typically involves fewer than 40 work hours per week. Hourly employees work on an irregular schedule, as call upon, and are paid at an hourly rate for the actual number of hours worked. Hourly employees are not paid for holidays and are not entitled to the County's fringe benefits other than workers' compensation and, in some instances, unemployment insurance and group health insurance.

See **Section 2B Benefits** for details of benefits available to each category of employees.

1B-6 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.

1B-7 HIRING PRACTICES

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

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

Aransas County conducts background investigations and pre-employment drug testing on all individuals who are offered a job with the County. Some departments conduct extensive background investigations due to the nature of their jobs. For other county departments, Human Resources will conduct the background investigation (*Amended 04/22/2019*).

In the case of applicants for positions with the County which require driving a vehicle, the Department Head must check the prospective employee's driving record through the Human Resources or Auditor's office prior to offering the applicant employment with the County. See **Section 1B-17 Driving Record**.

METHODS OF RECRUITMENT: The County has five methods of recruiting and selecting persons to fill vacancies: (1) promotion from within, (2) transfer from within, (3) public announcement and competitive consideration of applications for employment, (4) referral from a job training program, and (5) selection from a valid current eligibility list of applicants. A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding 180 days. The Elected Official or appointed Department Head determines the method of selection to be used in filling each vacancy. However, the Commissioners' Court must approve funding and recruitment for a position before recruitment begins if the position is not in the current budget or if the hiring range is above step 3 of the pay group.

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

1B-8 POSITION ANNOUNCEMENTS

Public announcement of position openings at the County, for which there will be competitive consideration, are posted in public notice areas within the County simultaneously with notification to the general public by publication in the newspaper. Announcements of position openings will also be posted on the County website. Current County employees can view posted vacancies on the bulletin board in the main Courthouse or in the Human Resources department. Employees will be permitted to apply for positions for which they believe themselves to be qualified. A County employee can transfer to another County position without loss of pay if his or her current pay is within the limits set by the Commissioners' Court for the transfer position. The head of the department (not including Elected Officials) to which the employee is transferring shall be required to consult with the employee's current Department Head prior to the hiring/transfer process.

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.

1B-9 CLASSIFICATION AND PAY ADMINISTRATION

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

Hiring. New employees are hired into classified positions unless specifically designated as unclassified. New employees normally are hired on Step 1 of the pay grade to which their position is assigned. A new employee may be hired in up to Step 3 of the pay grade without Commissioners' Court approval conditioned on the following:

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

1B-10 SELECTION

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

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

1B-11 PRIOR SERVICE WITH THE COUNTY

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

1B-12 PLACEMENT ON COUNTY PAYROLL

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

1B-13 AGE REQUIREMENTS

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

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

1B-14 TESTING

Except for (1) drug and psychological tests for law enforcement officers, (2) other tests that may be required by state law, and (3) other employee drug tests included in the County's substance abuse policy, the only performance tests administered

for employment or promotion will be specifically job-related tests (i.e., typing, operating a computer, operating a piece of equipment, moving something heavy required in the job, tabulating columns of numbers, writing samples.)

1B-15 PHYSICAL STANDARDS

All potential employees are required to complete a pre-employment substance abuse test. A person may be 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 “measuring the ability to perform the essential job functions with or without a reasonable accommodation” (*Amended 4/22/2019*).

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.

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

1B-16 VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign a USCIS Form I-9 within the 1st day of employment to provide proof of his or her identity and employment eligibility.

1B-17 DRIVING RECORD

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

1B-18 DISQUALIFICATION

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

1B-19 TEMPORARY/EMERGENCY EMPLOYEES

Before a Department Head or Elected Official may hire a temporary or emergency employee, the department’s budget must contain a line item, authorized by the Commissioners’ Court, for payment of temporary or emergency employees’ salaries. There also must be sufficient funds available in that line item to cover the incoming employee’s salary for the specified temporary period of employment. The Department Head or Elected Official shall consult with the Auditor to identify and transfer funds available within that same department in another salary line to the temporary employee’s salary line.

1B-20 ORIENTATION AND TRAINING

The Human Resources office provides a general orientation for new employees about employment with the County. A brief overview is also given of the County’s Accident Prevention Plan, Information Technology Policy, and Substance Abuse

Policy. During this orientation, employees are given a copy of the Employee Handbook, are required to read it within two weeks, and are given information about County benefits programs.

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

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

1B-21 INTRODUCTORY PERIOD

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

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

An employee who has completed the required 150-day introductory period will be evaluated and may be eligible for a merit raise. Merit raises must be already budgeted and supported by a performance evaluation before the increase will be implemented.

1B-22 ASSIGNED STAFF

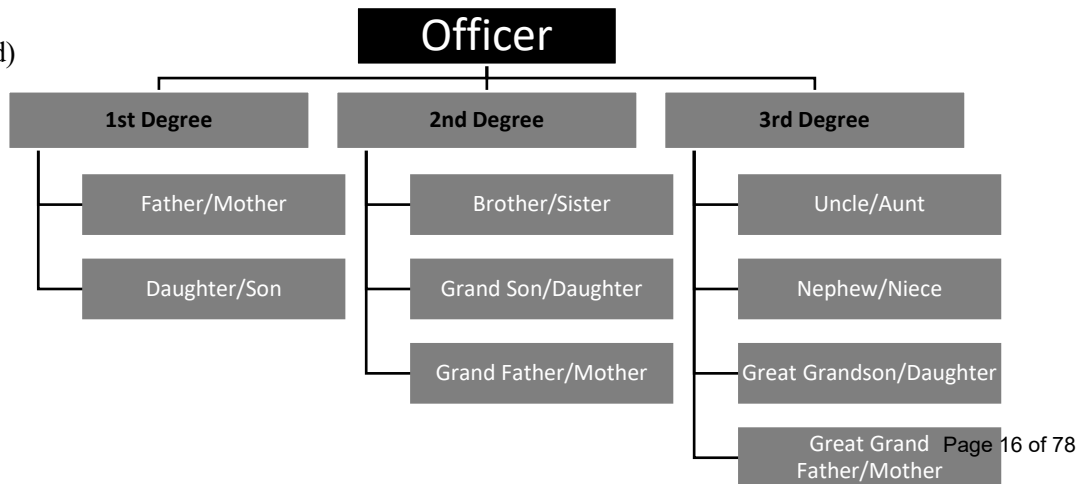
Staff who are assigned to the County but are paid directly by another government or private organization are not employees of the County. These employees’ benefits are specified in the contract for services. As a condition of their assignment, such staff is governed by all terms of the policies not in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

1B-23 EMPLOYMENT OF RELATIVES (NEPOTISM)

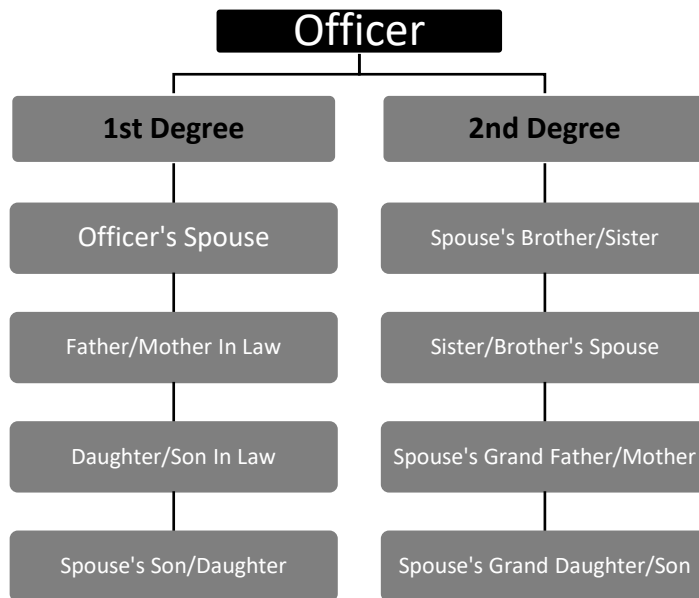
Texas Government Code Chapter 573, a Public Official of Aransas County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over. A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.) (Amended 11/25//2019)

CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



AFFINITY KINSHIP CHART (Relationship by Marriage)



1B-24 PERSONNEL FILES - GENERAL POLICY

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

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

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

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

1B-25 PERSONNEL ACTION FORM

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

- Employment category;

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

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

1B-26 CONTENTS OF PERSONNEL FILE

An employee's official personnel file may contain the following:

- An employment record form summarizing the employee's history with the County;
- W-4 withholding form;
- A copy of the employee's application for employment;
- A copy of any court order for appointees;
- Signed copies of the employee's acknowledgements of having received a copy of the Employee Handbook and any other policy-related materials;
- Job description for employee's current and previous positions at the County;
- Election to disclose or keep confidential social security number, emergency contact name, employee's home address and home telephone number;
- Personnel Action Forms;
- Retirement enrollment and beneficiary designation from if qualified to participate;
- Records of any citations for excellence, awards for good performance, or job-related training/education;
- Records of disciplinary actions;
- Performance evaluations;
- Copies of any grievances and related materials;
- Any other pertinent information relevant to the employee's status; and
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

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

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

- Information relating to drug testing

1B-27 EXIT INTERVIEWS AND RECORDS

Reason(s) for separation will be stated in writing, signed by the appropriate Elected Official or Department Head, and except in unusual or emergency circumstances, initialed by the employee on the County's Personnel Action Form. The Elected Official or Department Head of an employee who has separated will discuss with the employee the reason(s) for the separation in an exit interview and will procure the return of all County property issued to the employee whenever possible. The Elected Official or Department Head also must sign the Personnel Action Form. The Human Resources Director will schedule an exit interview with the terminating employee. This is important and may be instrumental in mitigating the County's liability, or lack of liability, for unemployment insurance costs.

C. WORK RULES AND EMPLOYEE RESPONSIBILITY

1C-1 GENERAL POLICY

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

1C-2 RELATIONSHIPS BETWEEN CO-WORKERS

Relationships between co-workers must never affect an employee's job performance or interfere with activities in the workplace.

1C-3 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.

1C-4 COMMUNICATIONS

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

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

1C-5 TIMELINESS AND ATTENDANCE.

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work. An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not less than two hours before the time the employee is scheduled to begin work, unless emergency conditions exist. It is preferable, and may be required in some departments, for an employee who will be late or absent to contact his or her supervisor or Department Head at least one day prior to the employee's scheduled time to begin work unless emergency conditions exist. See also Section 2B-11 Leave Time of these policies for matters involving planned absences.

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

1C-6 PROFESSIONAL APPEARANCE

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

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

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

1C-7 SMOKING

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

1C-8 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 for all purchases above \$250. Additionally all purchases must be turned into Accounts Payable in a timely manner and be made in accordance with state purchasing laws as they apply to counties.

1C-9 BREAKS (Nursing Mothers)

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. The Texas Right to Express Breast Milk in the Workplace Act also imposes duties on public employers and, under other state law, is applicable for the duration of a nursing mother's need to express breast milk. Aransas County supports the practice of expressing breast milk.

Aransas County will provide reasonable [paid or unpaid] breaks for a nursing mother to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

The County will provide the nursing mother with a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis.

Aransas County does not allow any retaliation against a nursing mother for asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk. A reasonable accommodation will be given for the needs of employees who express breast milk. An employees of the county who needs to express breast milk may not be discriminated against.

All other employee breaks are determined by each department head and are not required to be given. If your department provides you with a break, it may not be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for a nursing mother; however, if paid breaks are provided for employees, a nursing mother must be given the same amount of paid break time.

1C-10 GIFTS AND GRATUITIES

A County official or employee may not accept any gift or free service that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the County. See **Section 1C-12 Conflict of Interest** below.

1C-11 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.

1C-12 CONFLICT OF INTEREST

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

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

1C-13 POLITICAL ACTIVITY

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

An employee may not:

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

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

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

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

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

1C-14 OUTSIDE ACTIVITIES

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

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

1C-15 SOLICITATION AND OUTSIDE EMPLOYMENT

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

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

1C-16 HARASSMENT

Aransas County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance. Harassment is strictly prohibited by Aransas County whether committed by an elected official, appointed official, department head, co-worker, or non-employee with whom the county does business.

1C-17 SEXUAL HARASSMENT

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

environment, (2) the submission to which is made a term or condition of a person's employment, or (3) the submission to, or rejection of such conduct, is used as a basis for employment decisions affecting the harassed employee. It is illegal and against the County's policy for anyone, male or female, to harass another worker or to create a hostile working environment by either committing or encouraging:

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

The County's grievance procedure (see Section 1C-18 Grievances) provides procedures for reporting alleged sexual harassment. The County will investigate such reports immediately.

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

1C-18 GRIEVANCES

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

A grievance may be filed by any employee on one or more of the following grounds: improper application of rules, regulations, and procedures (but not against the rules, regulations, and procedures themselves); unfair treatment; illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin; improper application of fringe benefits; or improper working conditions. In the event that the grievance is related to illegal harassment and discrimination and it is against the Elected Official, Department Head, or Supervisor the Elected Official or employee should report to the County Judge.

The County follows a progressive grievance procedure which ensures any employee receives due process in the County's consideration of their work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

If the grievance alleges either discrimination on one of the prohibited grounds or general or sexual harassment, and the matter is not resolved to the employee's satisfaction at the Department Head level (whether the Department Head is elected or appointed), the employee is encouraged to notify the Human Resources Director. The Commissioners' Court will be notified by Human Resources when grievances are filed alleging discrimination on grounds of race, color, religion, sex, age, disability, or national origin. Grievances that address other concerns will be handled by Human Resources.

Grievance Procedure

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

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

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

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

1C-19 DISCIPLINE

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

- Insubordination;
- Absence without leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- Endangering the safety of any employee and/or other persons through negligent or willful acts;
- Use of alcohol or illegal drugs while on duty or in a County vehicle;
- Alcohol or drug abuse while on duty which may affect the performance or safety of the employee or other persons;
- Unauthorized use or theft of public funds or property;
- Conviction of a felony;
- Conviction of official misconduct, oppression, or perjury;
- Falsification of documents or records, including the omission of pertinent data;
- Unauthorized use of official information or unauthorized disclosure of confidential information;
- Unauthorized or abusive use of official authority;
- Violation of the General Harassment Policy and Sexual Harassment Policy;
- Incompetence; Refusing to work as directed, willful neglect of duty, malingering, or shirking of duties;

- Disruptive behavior which impairs the performance of others; or
- Other violation of any of the requirements of these Employee Handbook Policies or any departmental policies not in conflict with these policies.

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

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

Actions other than oral or written warnings require the advance approval of the appropriate Elected Official or Department Head unless an emergency situation exists. For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see **Section 1C-20 Separation/Termination of Employment.**

1C-20 SEPARATION/TERMINATION OF EMPLOYMENT

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

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

RESIGNATION

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

RETIREMENT

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

REDUCTION IN FORCE

An employee may be laid off when his or her position is abolished or when there is a lack of funds or a lack of work. When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the documented performance record of each employee, (3) qualifications of the employee for remaining positions with the County, and (4) the employee's length of service with the County. Employees who have been laid off may reapply to the County for other positions. When a regular employee is laid off as a result of a reduction in force, he or she will be given a minimum of two weeks written notice and paid in full at the time of discharge, including accrued benefits.

DISMISSAL

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

DISABILITY

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

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.

1C-21 LICENSES AND CERTIFICATIONS

Many positions at Aransas County require licenses and certifications. It is the employee's responsibility to maintain all required licenses and certifications needed for their position. Supervisor notification must be done immediately in the event that you can no longer maintain the license or certification. Employees will not be allowed to continue in the position where a license or certification is required, if failure to have such is illegal under either Federal or State Law. Aransas County will bear the expense of mandatory license and certification.

1C-22 EMERGENCY CLOSING OR EVACUATION

DECLARATION OF AN EMERGENCY

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

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

The County shall not provide additional paid leave for employees for any county office closings not declared as a holiday/emergency by the County Judge, or in the County Judge's absence, the County Judge Pro-tem (or another County Commissioner if necessary). In these circumstances the employee will be required to use already accumulated comp, sick or vacation time.

“Emergency Essential” employees fall into 3 classifications:

- **Phase 1** – are required to report to work as scheduled during an emergency evacuation order in accordance with Chapter 22 of the Texas Labor Code.
- **Phase 2** – “On Call” Status are required to contact their Department Head and/or report to work within 24 hours
- **Phase 3** – “On Call” Status are required to contact their Department Heads within 48 for instructions.
- All other employees are required to return to work when the County Judge lifts the emergency closure.

CLOSING DUE TO AN EVACUATION ORDER

When an evacuation has been ordered, all “non-essential”, non-emergency personnel will be released from work and encouraged to evacuate. Any Phase 1 “essential” employee who fails to report to work as scheduled during an emergency evacuation order may be subject to disciplinary action, up to and including job termination; if the employee is necessary to provide for the safety and well-being of the general public or is otherwise necessary for the restoration of vital services. All “essential” employees must be designated and made aware of their assignment prior to an emergency. A list of “essential” employees shall be provided to the Emergency Management Coordinator and the Human Resources Director and shall be updated annually. Shifts may be established according to departmental needs at the discretion of the Department Head. Employees who are assigned “on call”, Phase 2 and Phase 3, status must notify supervisors of locations where they can be contacted.

COMPENSATION OF EMPLOYEES

ESSENTIAL:

When there is an emergency closure of County offices or Emergency Deployment Contract, all “essential” employees, Phases 1, 2 and 3, who are required to work during the emergency will be compensated as indicated below for the duration for all documented time during which they actually worked. (Exempt employees’ salaries will be converted to an hourly equivalent.) The term “actually worked” means time actively engaged in physical or mental exertion related to the County’s business (at the direction and control of the Department Head or Commissioners’ Court) either on the County’s premises or actively engaged in the same manner in the County’s business off premises at the direction and control of the Department Head or Commissioners’ Court. The term “actually worked” shall include stand-by and stand-by/sleep time as recognized under the Fair Labor Standards Act (FLSA) only in those instances where the employee is required by the Department Head (or Commissioners’ Court if the employee is an appointed Department Head) to stay on County premises engaged to wait on instructions to work, and the employee does, in fact, stand by and/or sleep on the County premises. Following are examples for each FLSA classification:

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

NON-ESSENTIAL:

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

RETURN-TO-DUTY PHASE:

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

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

- (a) Refusing to perform assigned duties required by this Policy or to obey any order or directive made or given by a supervisor; or
- (b) Failing to report for duty as directed during any applicable phase of this Policy; or
- (c) Failure to abide by County Policy, departmental rules of regulations; or

- (d) Any conduct that interferes with, or might reasonably be expected to interfere with the proper and orderly conduct of the County's business or that brings, or might reasonably be expected to bring, discredit on the public service.

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

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

PUBLIC ANNOUNCEMENTS

The following radio stations and television stations will be contacted by the County Judge concerning the closing and reopening of County offices:

- KIII-TV Channel 3
- KRIS-TV Channel 6
- KZTV Channel 10
- KFTX FM 97.95
- KLUX FM 89.5
- County Web site www.aransascountytexas.gov
- TAC Web site www.countytexas.org

1C-23 CONFIDENTIALITY

Aransas County is a public entity, however, some county employees acquire confidential (confidential, non-public) information as a result of their position with the county. This information must be protected. Employees who reveal confidential (confidential, non-public) information they have received as a result of their position may be subject to discipline up to and including termination.

Regarding the personnel information on employees of Aransas County; much of the information in an employee's personnel file, including salary and job evaluations is subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. The county will adhere to the Public Information Act requirements.

1C-24 WHISTLEBLOWER

An employee may, in good faith, report an alleged violation of an Aransas County Policy or federal or state law to his or her supervisor, department head, or Elected Official, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to Human Resources. The county will investigate the reported activity.

An official, supervisor, department director, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.

An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.

An employee who, in good faith, believes he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources

An employee with a question regarding this policy should contact Human Resources.

1C-25 SOCIAL MEDIA

For purposes of this policy “social media” includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, and MySpace.

Aransas County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee’s work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Aransas County among the community at large. Aransas County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

Where no policy or guideline exists, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your manager or supervisor.

- If your posts on social media mention Aransas County make clear that you are an employee of Aransas County and that the views posted are yours alone and do not represent the views of Aransas County.
- Do not mention Aransas County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Aransas County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
- Employees may not use Aransas County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Aransas County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws, and cite or reference sources accurately.
- Do not link to Aransas County’s website or post Aransas County material on a social media site without written permission from your supervisor.
- All Aransas County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at Aransas County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

It is the policy of Aransas County that supervisors do not engage in social media activities with their employees.

D. COUNTY PROPERTY & EMPLOYEE RESPONSIBILITIES

1D-1 USE OF COUNTY PROPERTY

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.

1D-2 TOOLS, EQUIPMENT, PROPERTY AND VEHICLES

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

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

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

1D-3 COUNTY TELEPHONES, E-MAIL, COMPUTERS AND INTERNET

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

- Computers, computer files, software, the email system and the Internet furnished to employees are County property intended for business use only.
- Any personal use of the Internet is expected to be on the employee's own equipment during off duty breaks and lunch hours and is not to interfere with the employee's job responsibilities.
- Employees should not establish a password, access a file, or retrieve any stored communication on the County's network prior to authorization from the personnel designated by the Commissioners' Court. County employees are prohibited from installing any personal software on County computers. This includes software and software upgrades available on the Internet. It also includes software products that afford peer-to-peer connectivity and open up portals which pose a significant security risk to the County's network. The use of radio station software programs, all of which utilize large amounts of bandwidth, are also expressly prohibited on County equipment. Existing installations of such software should be reported to the personnel designated by the Commissioners' Court. County employees are prohibited from installing County software on their (non-County) personal computer, unless authorized by an Elected Official. In addition, employees are prohibited from altering the existing hardware or making additions to hardware on County computers without authorization.

- The County prohibits the use of its computers, the email system, or the Internet in ways that are disruptive to others. Inappropriate or offensive messages, images, documents with racial or religious slurs, sexually suggestive or explicit language, or offensive photographs are prohibited. Employees should note that email messages and other contents of a computer hard drive are public records and are open to public inspection in accordance with the Public Information Act of the State of Texas.
- Sensitive information is not to be sent via standard electronic mail; i.e. performance reviews, disciplinary actions, employee terminations, health related information, or any type of confidential reporting or other information protected by law from public disclosure. Secure email portals are available if needed.
- The County purchases and licenses the use of various computer software programs for business purposes. The County does not own the copyright to this software or its related documentation, and unless authorized by the software developer, does not have the right to reproduce it. Employees shall use the software only in accordance with the license agreement. According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment.
- The Internet is to be used for County business only and is not to be used for personal purposes. Employees should adhere to the highest professional/ethical standards when using the Internet as they are representatives of the County.
- Employees having knowledge of the misuse of any County computer equipment, electronic communications equipment, or software shall notify their respective Department Head or Elected Official. The Department Head or Elected Official is responsible for notifying Human Resources, the personnel designated by the Commissioners' Court, and/or the appropriate law enforcement agency when necessary and applicable.
- Employees in violation of any portion of this policy shall be subject to disciplinary action, up to and including dismissal. In addition, there are a number of state and federal laws regarding computer crimes. Certain violations may result in a person being charged with an offense or with a civil action being taken for which criminal or civil administrative penalties may be imposed. In the event that the County incurs a cost due to employee negligence or misuse, the employee may be responsible for reimbursement of that cost.
- Non-County employees are never permitted to use County computer equipment without approval from an Elected Official and specifically for County business only.

1D-4 TELEPHONE USE

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

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

1D-5 IDENTIFICATION BADGES

Purpose:

- To establish and secure access to County buildings
- To enhance Aransas County's mission of providing high quality public service
- To provide standards and requirements for the display of identification
- To provide a consistent method of identification

- To provide an additional means of establishing a safe work place for employees
- To provide a safe environment for the public to conduct business

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

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

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

Employees Signature _____ Date _____

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

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

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

Exceptions:

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

ID Badge Information:

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

1D-6 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.

E. SAFETY & HEALTH EMPLOYEE RESPONSIBILITY

1E-1 ON-THE-JOB INJURIES / WORKERS' COMPENSATION

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

Insurance Coverage. The County provides workers' compensation insurance for all of its employees and Elected Officials through the TAC Risk Pool. The Alliance Network is utilized for Medical care.

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

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.

Outside Work. Employees are not to engage in any activity that would hinder the ability of recovery of work related injury or illness. Also, employees may not perform any outside work or engage in any extra duty employment on the same calendar days that he fails to report to work due to worker's compensation illness or injury.

Coordination with FMLA Leave. The County counts an employee's leave due to a work-related injury or illness toward the employee's 12-week leave entitlement under FMLA. Because workers' compensation leave is designated as FMLA leave, benefits are governed by the applicable provisions of the FMLA policy contained herein See **Section 2B-24 – FMLA**. Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it.

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

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

Reporting Requirements. Upon initial on-the-job injury or illness, the employee is required to notify his/her supervisor as soon as possible. Failure to report job related injuries or illnesses in a timely manner may affect the employee's eligibility for benefits or delay benefit payments which are due. While on leave of a bona fide, on-the-job, work-related injury, each

time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the Human Resources office, who submits the report to the insurance carrier. Any change in the employee's condition which might affect his or her entitlement to worker's compensation payments must also be reported to the Human Resources office. In addition, the injured employee should contact his or her supervisor periodically to report on his or her condition.

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

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

Light Duty. Due to the broad spectrum of job descriptions and physical condition requirements from one County department to another, return to work from illness or injury, on or off the job, with light duty restrictions will be reviewed on a case by case basis. The County's position is to encourage and allow most requests; however one's regular duties, the availability of an alternative assignment, along with the type of injury and work restrictions will influence any reasonable accommodation. In order for light duty to be considered, the employee, the employee's doctor, the employee's supervisor and the Human Resources Director must be in agreement. A mandatory review of the employee's status will be required every thirty (30) days and a bona-fide offer will be forwarded to the elected official based on the medical provider's status report.

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

Inactive Status. At the end of the initial one-year period after the injury, an injured employee unable to return to regular duty will be placed on inactive status, at which time the Department Head is free to hire or promote a temporary replacement. Temporary replacements may be used for six months. If at the end of six months, the injured employee remains unable to return to work, the temporary replacement may become a regular employee. The injured employee will remain on the County's records in an inactive status (not terminated). When the injured employee can perform the essential functions with or without reoccurrence, the County will consider the employee for employment in a capacity for which the employee is qualified, if a position is available.

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

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

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician.
2. Failure to follow prescribed treatment including medical appointments; or

Final Release or Settlement. At the time of final release or settlement of a workers' compensation claim, the supervisor is required to notify the Human Resources Department when the injured employee returns to work. The employee must furnish the County with a certificate from the employee's physician stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s). The County will then evaluate the employee's physical condition and determine whether he or she can perform the duties of the job previously held. If (a) the employee cannot perform his or her previous duties, (b) no vacancy exists (c) no other suitable position is available, and (d) a reasonable effort has been made to place the employee in a suitable

position, then he or she will be separated and paid accrued benefits. If the employee is separated from County employment at this point, the County Judge or his or her designee will:

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

1E-2 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.

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

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

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

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

1E-3 SEAT BELT USE

This policy is mandatory for County employees operating County-owned vehicles, all employees operating personal vehicles while engaged in County business, and employees riding as a passenger in a vehicle while on County business.

This policy is intended to protect County employees who are operating or riding in motor vehicles, including construction equipment, from the hazards of motor vehicle accidents.

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

1E-4 VALID DRIVER'S LICENSE

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

1E-5 ACCIDENT REPORTING

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

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

1E-6 DRUG & ALCOHOL – ALL EMPLOYEES

The following policy has been adopted to implement the County's desire to establish itself as a Drug-Free Workplace:

1. Each employee of the County will be furnished a copy of this policy.
2. 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.
3. 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.
4. Any employee so convicted will be subject to disciplinary action up to and including immediate dismissal.
5. The County will make good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy.

A county employee may not be present at work during a period the employee's ability to perform his or her duties is impaired by drugs or alcohol. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

1. This policy applies to all employees of Aransas County regardless of rank or position and shall include full time, part time and temporary employees.
2. The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.
3. An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business not on County property.
4. An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.
5. An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County in a manner other than that intended by the manufacturer or prescribed by a physician.
6. An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do his or her job safely and effectively. An employee must keep prescription medications used at work in their original container.
7. An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of his or her job duties.
8. If the use of a medication could compromise an employee's ability to do his or her job or the safety of the employee, fellow employees or the public, the employee must report the condition to his or her supervisor at the start of the workday or use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty).
9. A supervisor must treat any information related to an employee's authorized use of prescription medications and any other medical information provided by the employee as confidential information.
10. An employee having problems with drugs or alcohol is encouraged to seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problems provided by the County's health plan program is available in the employee's health plan booklet or from the Human Resource Office.
11. Any employee who violates this policy shall be subject to disciplinary measures up to and including termination.
12. Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee will be terminated.

13. Aransas County will drug test employees who ARE NOT CDL license holders under the following conditions

Pre-employment drug testing –

Aransas County has a pre-employment drug testing requirement that must be passed post offer before an employee starts their first day of work. All offers of employment are conditional upon passing a drug and alcohol test. The employee will sign a consent waiver.

Suspicion-Based Testing – (Requires supervisor training)

Under the Influence shall be defined as having a blood alcohol concentration of .04 or more.

Reasonable Suspicion – If an employee is having work performance problems or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy where immediate action is necessary, the elected official or supervisor will require that employee to submit to breathe test or urinalysis. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

Elected Officials or supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated and that the substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

1. Confront the employee involved and keep him/her under direct observation until the situation is resolved. Inform the employee of the problem with his/her job performance and specific violations of the County Policy.

2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of either the elected officials or supervisors as well as the employee.
4. The elected official or supervisor will **remove** the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Human Resource Office for filing.

Post-Accident Testing –

Within two hours of the incident, employees who are involved in an accident involving County equipment or while on-the-job for the County must submit to a urinalysis with an approved service provider of the County, as available.

Each employee is expected to cooperate and consent to a drug test when requested under the terms of this policy. Refusal to consent to a drug and/or alcohol test when requested is cause for termination.

Any employee who violates this drug and alcohol policy shall be terminated.

1E-7 DRUG AND ALCOHOL - CDL EMPLOYEES

CDL Drivers are an extremely valuable resource for Aransas County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CLD employees from being under the influence of or using illegal drugs or alcohol during working hours.

The Federal Highway Administration ("FHWA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Aransas County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Aransas County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

A detailed policy and procedure is available at the Human Resource office

1E-8 WORKPLACE VIOLENCE

Aransas County is committed to providing a workplace free of violence. Aransas County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all

times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

SECTION 2:

EMPLOYEE COMPENSATION AND BENEFITS

A. EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

Aransas County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to Payroll's attention, Aransas County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time card must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time card if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must tell Human Resources.

It is a violation of Aransas County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to Human Resources.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security, retirement; or, voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons: 1) partial day absences for personal reasons, sickness or disability; or 2) your absence because the facility is closed on a scheduled work day; or 3) your absence because of the County's operating requirements; or 4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or 5) any other deductions prohibited by state or federal law.

Please note: it is not an improper deduction to reduce an employee's accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to Payroll. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact Human Resources or the County Judge. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

2A-2 Internal Revenue Service (IRS) FRINGE BENEFITS

Aransas County will comply with the IRS with regard to fringe benefits such as county uniforms, county vehicle usage and day-trip meals. You may be responsible for paying payroll taxes on such fringe benefits.

2A-3 APPROVING AUTHORITY

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

2A-4 PAY PLAN

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

2A-5 EMPLOYEE COMPENSATION

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

2A-6 FAIR LABOR STANDARDS ACT WORK WEEK AND WORK PERIOD

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

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

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

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

2A-7 WORK HOURS

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

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

2A-8 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.

2A-9 OVERTIME WORKED

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

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

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.

2A-10 OVERTIME COMPENSATION

When emergency circumstances necessitate overtime work, nonexempt employees are compensated for the overtime worked by being given one of the following (listed in order of the County's policy preference):

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

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

2A-11 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)

Elected Officials, Department Heads, and other executive, administrative, and professional employees are exempt from the overtime provisions of FLSA and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this condition in mind.

Extra hours worked by exempt employees may be used as a factor in granting or denying paid leave other than vacation or sick leave. Each County job description designates whether persons hired in that classification are exempt from or covered by (nonexempt) the overtime provisions of FLSA.

2A-12 COMPENSATORY TIME

Any compensatory time earned should be used within 120 days of the date the overtime was worked unless a declared emergency occurred in that physical year, or the department head or elected official deems otherwise. Use of compensatory time will reduce accrued balances in the order that the leave time was accrued (leave accrued first is used first). If not used during that time period, the compensatory time (which was entered and carried on the employee's records at one and one-half times the number of hours worked) will be payable at the employee's regular, rate of pay 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 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.

2A-13 TIME REPORTING

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

Time records must be signed by the employee and by the appropriate Elected Official or Department Head. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects. Each Elected Official or Department Head is responsible for ensuring that all hours worked and leave time taken are correctly reported on the time sheets sent to the payroll clerk for payroll purposes, as well as being recorded on the individual department's records. This signature attests to the accuracy of the hours reported.

2A-14 SALARY GRIEVANCES

Appointed employees of the County have access to the chapter of these policies entitled **Grievances** for matters related to compensation. **See Section 1C-18 Grievances.**

The remainder of this subsection 2A-14 applies only to Elected Officials. An elected County or precinct officer who is aggrieved by the setting of his or her salary, expenses, or other allowances by the Commissioners' Court may request a hearing before the Salary Grievance Committee. The Salary Grievance Committee is composed of:

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

- The Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, district Clerk, County Attorney or Criminal District Attorney, and the number of public members necessary to provide nine voting members; OR
- Nine public members, if the Commissioners' Court votes on the second Monday in January each year to have nine public members.

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

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

2A-15 PAYDAYS

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

2A-16 CHECK DELIVERY

Paychecks will not be issued other than on the days set out in 2A-15 above. The County Treasurer is responsible for the proper distribution of paychecks. Checks may be released only to the individual responsible for their proper distribution within a department. No salary advances or loans against future salary will be made to any employee for any reason.

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

2A-17 PAYROLL DEDUCTIONS

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

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

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

- The portion not paid by the County for group health/medical or dental premiums for the employee or dependents;
- Optional, supplemental deferred compensation plans; and

- Such other deductions as may be authorized by the Commissioners' Court.

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

2A-18 LONGEVITY PAY

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

"If approved by Commissioner's Court during budget process, longevity is based on the number of years of continuous service by County employees. Employees with a hire date prior to December 31st of the previous year are eligible to receive \$100 per year for each year of service up to a maximum of \$1,500 for 15 years of service. Employees with 16+ years of service will receive a maximum longevity payment of \$1,500.00 annually. Beginning January 1, 1995, Longevity pay will be paid in a separate paycheck as a single lump sum payment in November or December, as determined by the County Treasurer, of the year in which it was earned. Longevity pay is not affected by percentage salary increases or cost-of-living adjustments.

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

2A-19 ACROSS-THE-BOARD PAY INCREASES

During budget deliberations for the forthcoming year, the Commissions' Court may authorize an across-the-board pay increase and shall determine the employment types that will receive such pay increases. If an across-the-board or cost-of-living pay increase is approved, the increase may 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.

2A-20 EMPLOYEE SALARIES – STEP INCREASES

Any increase in employee salary must be consistent with the approved budget and any increase over Three Steps must be approved by the Commissioners' Court.

2A-21 EMPLOYEE PERFORMANCE EVALUATIONS

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

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

It is the Elected/Appointed Official or Department Head's responsibility to develop and maintain a work environment in which employees can receive feedback about their performance, develop plans for improvement, and be recognized for service performed well in a consistent manner. To encourage superior performance, regular full-time employees will receive a periodic performance evaluation with an opportunity to be awarded with an increase in pay. Performance evaluations

influence wages and promotions so it is critical that the Elected/Appointed Official or Department Head maintains objectivity in conducting performance evaluations and assigning overall performance ratings. Evaluation forms will be provided by the Human Resources department and a copy of the completed evaluation will be retained in the employee's personnel file within that office.

PERFORMANCE EVALUATION SCHEDULE. At a minimum, performance evaluations are conducted annually. The performance evaluation should be discussed and signed by both the elected/appointed official or Department Head and the employee to ensure that all strengths, areas for improvement, and future job goals have been clearly communicated. The elected/appointed official or Department Head will not discuss any proposed action or step increase with the employee until all written approvals are obtained.

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

2A-22 EMPLOYEE STEP INCREASE AWARDS

Step increases are neither automatic nor periodic. Overall budget allocations and individual step increases are planned for and allocated prior to the start of each calendar year. (Their estimate must be included during the budgeting process and approved by the Commissioners' Court for the following calendar year.) Step increases are reserved for employees who demonstrate achievements such as the following:

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

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

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

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

2A-23 PROMOTIONS

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

Any reclassification of positions must have prior approval of Commissioners' Court before affecting any change. All changes must begin at the beginning of a pay period. An employee promoted to an exempt position from a non-exempt position will retain the same effective employment date and all accrued vacation and sick leave. Compensatory time shall be paid by the department where the compensatory time was earned at the time of promotion.

Time equivalent to the total comp hours paid must elapse prior to filling the vacancy created by the promotion, unless otherwise authorized by Commissioners' Court.

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

2A-24 LATERAL TRANSFERS

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

2A-25 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.

2A-26 PAY REDUCTION FOR DISCIPLINARY REASONS

An employee's pay for continued performance in the same position may be reduced, as a disciplinary measure, to a lower rate. The period covered by this type of disciplinary action may not exceed 60 days. See **Section 1C-19 Discipline** for information about suspension with or without pay for disciplinary reasons.

2A-27 REHIRING RETIREES AND/OR FORMER EMPLOYEES WHO WITHDREW THEIR RETIREMENT FUNDS FROM TCDRS.

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

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

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

2A-28 CALCULATION OF SEPARATION PAY

Upon separation from County employment, regular employees' payment for accrued, unused vacation leave and compensatory leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

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

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

B. EMPLOYEE BENEFITS

2B-1 MEDICAL AND LIFE INSURANCE

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

Upon employment, each employee who is expected to become eligible for insurance coverage is given a Contribution Schedule for Premiums and Schedule of Coverage containing detailed information about the County's insurance program. A copy of the master contract containing the benefits for the program is kept in the Human Resources Office and may be reviewed during normal working hours. Newly hired employees are not eligible for health insurance coverage until a 60 day waiting period from the first of the month following hire date has been met. After completion of the waiting period, a new employee will be eligible for all group hospitalization, medical, and life insurance available to all eligible employees.

2B-2 CONTINUATION OF GROUP INSURANCE POST EMPLOYMENT

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

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

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

2B-3 HEALTH INSURANCE – RETIRED EMPLOYEES

For any employee hired on or before December 31, 2021, the following policy shall be in effect:

Retired County employees with a combined age and 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.

For any employee hired on or after January 1, 2022, or for employees who left employment prior to that date and later returned, the following policy shall be in effect:

Retired County employees meeting the three requirements listed below shall 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 the retired employee were still employed by the County, until the retired employee and/or their spouse each respectively turns Sixty-Five (65) or otherwise becomes eligible for Medicare. All three of the following requirements must be met for

retiring employees to be eligible for this benefit:

1. The Rule of 75. The retiring employee must reach a combined age and service tenure of Seventy-Five (75); and,
2. TCDRS or Other Retirement Plan. The retiring employee must be vested in retirement through the Texas County & District Retirement System (“TCDRS”) through Aransas County; and,
3. Time in Service. The retiring employee must have served a minimum time in service with Aransas County that is equal to the amount of time required to vest in TCDRS through Aransas County.

2B-4 RETIREMENT

1. *TCDRS.* The County is a member of the Texas County and District Retirement System (“TCDRS”). Membership in the retirement system is mandatory for all regular employees and authorized elected or appointed officials. Both the employee and the County contribute to the employee’s retirement account. The employee’s portion of the retirement contribution will be deducted from every paycheck.

2. *Eligibility.* An employee will be vested in TCDRS after being employed with the County for eight (8) years.

3. *Benefit Calculation.* Retirement benefits through TCDRS are determined by a formula that involves age, number of years of creditable service, and the amount of contributions deposited in employee’s account.

4. *Getting Started with TCDRS.* A new, eligible employee will complete the paperwork to enroll in TCDRS during new hire orientation. TCDRS will mail membership information to the new employee once the first deposit has been received.

5. *Separation before Vesting.* Employees who leave County employment prior to vesting in TCDRS need to contact TCDRS with any questions about contributions and potential refunds.

6. *Resources.* The Human Resources Office has resources to assist in guiding employees who want to make plans for their retirement.

2B-5 SOCIAL SECURITY

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

2B-6 WORKERS’ COMPENSATION

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

2B-7 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.

2B-8 REQUIRED EDUCATION AND TRAINING

When the County requires an employee to attend any education or training course, conference, or seminar, the County will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees and authorized travel, meals, and lodging. When appropriate, the County may prepay registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved. For additional information, see **Section 2B-30 Travel and Subsistence Reimbursements**.

2B-9 EDUCATION INCENTIVE

Education and training benefit employees while they work at the County and for the rest of their lives. New or improved skills, knowledge, and abilities increase productivity which benefits the employee and the County. The County's goal is to encourage employees to seek opportunities.

The Education Incentive offered by the County is offered under two (2) programs, which have different processes and requirements. Each program is described below. Section 3 contains provisions that apply to all Education Incentives.

1. Option 1 - Payment upon Enrollment:

- a. An employee must provide proof of enrollment (a schedule or other document showing enrollment status), submit an Application for Education Incentive Payment Agreement (the "Application") and submit a signed Employee Repayment of Education Incentive Payment Agreement ("Employee Repayment Agreement") to the County at least twenty one (21) days prior to the beginning date of any course or semester for which the employee seeks an Education Incentive. The following documents must also be submitted:
 - (i) A written explanation of how the course is, or courses are, related to the employee's field of employment or the County's business needs;
 - (ii) A bill, or bills, from the college, university, trade school, or other improved educational institution or provider, that lists the itemized costs for the course or semester, which the employee must pay out-of-pocket (not covered by grants or scholarships).
- b. The County will only consider Payment upon Enrollment if the employee completes and submits an Employee Repayment Agreement along with the Application. Such Employee Repayment Agreement will set forth the terms and conditions of the agreement between the employee (student) and the County. The employee shall agree to repay the County for all costs paid by the County if:
 - (i) the employee fails to complete the course/training during the semester for which payment is made by County;
 - (ii) the employee does not achieve a passing grade of at least seventy percent (70%); or,
 - (iii) The employee does not remain employed with the County for at least six (6) months following the end of the course/training that the County paid for up front.
- c. The Employee Repayment Agreement shall also state the employee agrees that any repayment due to the County may be deducted from payroll checks and/or the County may seek any other legal remedies it may have.
- d. A separate Employee Repayment Agreement shall be required for each class, quarter, or semester for which the employee applies for an Education Incentive.

2. Option 2 - Payment upon Completion:

- a. An employee may choose to wait until after he or she has successfully completed a course or courses to request reimbursement from the County. For an employee to participate in the Education Incentive Program, the employee must submit a signed **Application for Education Incentive** to the County at least twenty one (21) days prior to the beginning date of any course or semester for which the employee plans to seek an Education Incentive.
- b. In order for the County to process an **Application for Education Incentive Cost Reimbursement to Employee** upon the completion of the course or semester, the employee must also provide the following:
 - (i) Proof of enrollment and transcript indicating the date the course or courses began, the name of the course or courses, and reflects course completion, or course completion certification, that indicates the employee achieved a grade of at least seventy percent (70%) in each course for which the employee seeks reimbursement;
 - (ii) Copies of receipts for employee's out-of-pocket expenses for payment of tuition and/or books;
 - (iii) An explanation of how the completed course is related to the employee's field of employment or the County's business needs.

3. Additional Education Incentive Provisions.

- a. Not Work Time. Under no circumstances may any of the employee's time spent studying, completing assignments, or attending class for voluntary off-duty education be construed as training time as defined by the Fair Labor Standards Act. The employee will not be paid by the County for any of this time. If an employee needs to study, complete assignments, or attend class during work hours, the employee must ask for and receive advance approval from the employee's supervisor and the Human Resources Department to arrange for unpaid time off for this purpose.
- b. Maximum Education Incentive per Semester. During the course of employment, an employee may receive a maximum Education Incentive per semester of Five Hundred Dollars (\$500.00).
- c. Maximum Education Incentive per Employee. Any individual employee shall be eligible for a lifetime maximum Education Incentive benefit of Ten Thousand Dollars (\$10,000.00).

2B-10 REIMBURSEMENT POLICY – STEEL-TOED BOOTS

This policy applies to employees working in departments requiring steel-toed boots for safety purposes which includes, but is not necessarily limited to the following departments; Road and Bridge, Fleet Operations, Transfer Station, Environmental Health, Animal Control, and the Sheriff's Office. These employees will be reimbursed for the purchase of required steel-toed boots. Further, the County will reimburse employees for the replacement of boots when boots are damaged by work-related usage. Maximum reimbursement shall be \$175.00 per twelve (12) month period. An employee may receive reimbursement for one (1) pair or two (2) pairs of boots, if needed, but the total amount of steel-toed reimbursement cannot exceed \$175.00 total per twelve (12) month period.

2B-11 LEAVE TIME

County employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances.

LEAVE TIME DEFINITION

- **Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

- **Holidays.** Holidays are days designated by the Commissioners’ Court as days that County offices are closed on what otherwise would be regular business working days.
- **Unauthorized Absence.** An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or appropriate Elected Official or Department Head. Employees are not paid for unauthorized absences.

LEAVE RECORDS

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

2B-12 APPROVAL OF LEAVE

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

Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance (or in accordance with departmental protocol.) In all other instances of use of sick leave, the employee must notify the appropriate Elected Official or Department Head not less than 2 hours before the schedule work time on the first day of absence, unless emergency conditions exist, and request that approval of sick leave be granted. Some departments may require earlier advance notification.

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

2B-13 VACATION LEAVE

1. *Eligibility for Vacation Leave.* All regular full-time employees with at least six (6) months of service are eligible to use accrued vacation leave. Part-time and temporary employees (full-time or part-time) do not earn vacation leave.

County employees are encouraged to take regular vacations at least annually. No vacation leave benefits are posted as an accrual nor may be used by a new County employee during the first six (6) months of employment. Employee vacation will be accrued at a proportional rate each pay period according to the schedule below. Regular full-time employees earn vacation leave on a proportional basis as follows:

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

2. *Initial Availability of Vacation Leave.* Upon completion of six (6) continuous months of employment, a regular full-time employee will have access to forty (40) hours of accrued vacation leave.

3. *Accumulation of Vacation Leave.* Employees are encouraged to use accrued vacation leave each year. Pay in lieu of vacation is not permitted.

4. *Carryover of Vacation Leave.* If an employee is unable to use accrued vacation leave, up to eighty (80) hours of leave may be carried over into the next calendar year beginning on January 1st. At the end of each year, all unused vacation leave in excess of 80 hours is dropped from the employee's account without compensation, unless a presidentially declared emergency occurred in the current year that prevented the employee from taking vacation leave. If a Presidentially declared emergency occurred and the employee was "Emergency Essential" and required to work during the emergency, then up to one hundred and sixty (160) hours may be carried over into the next calendar year.

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

6. *Scheduling Vacation Leave.* Elected Officials and Department Heads should encourage their employees to schedule vacations and request leave well in advance. Vacation schedules must be feasible when taking into consideration the employees job duties, the County's work schedule and deadlines, and staffing needs. 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 (2) or more employees, employees are granted their preference on a "first come, first served" basis. If two (2) requests are received at approximately the same time and cover any portion of the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with the County's business needs, the County's needs are given first consideration.

7. *No Vacation Leave in Advance.* No employee will be allowed or entitled to take unearned vacation leave nor will any employee be allowed to take vacation leave in advance of when it is earned. Leave hours must be accrued prior to taking leave.

8. *Vacation Leave in Increments.* An employee may take earned vacation leave in increments of one-half (1/2) day or four (4) hours, whichever is less, unless a shorter time is approved by the Department Head in advance. Department Heads and employees must maintain vacation leave records and must ensure all leave is reported to the Payroll Clerk.

2B-14 SICK LEAVE

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

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

Accrual of Sick Leave. Sick leave accrues at the rate of eight hours per month, beginning on the 1st of following month of hire, while an employee is employed by the County on a full-time basis, for a total of 96 hours per year. Part-time employees and temporary employees (full-time or part-time) do not earn sick leave.

Use of Sick Leave. Accrued sick leave can be used by a regular full-time employee only after completion of the employee's first month of employment. If an employee is absent with permission because of illness during the first month of

employment, the missed number of hours' pay will be subtracted from the employee's regular pay before a paycheck is issued. Sick leave may be taken in increments of one or more hours. If an employee is absent and has exhausted all sick leave, accrued vacation leave and comp time will be used to cover the absence. Sick leave cannot be used until after it has accrued and posted to the employee's account. For details about Sick Leave Pool, see **Section 2B-15 Sick Leave Pool**.

Notification Requirements. Approval of sick leave for non-emergency medical, dental or optical appointments must be secured at least one day in advance. In all other instances of use of 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 to employee is scheduled to report to duty on the first day of absence, unless emergency conditions exist, and must request that approval of sick leave be granted. Some departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Employees need to complete a Leave of Absence request form within two days upon return to work. Departments must forward completed Leave of Absence forms to Human Resources and the Payroll Clerk with timesheet attached. Request forms are available in the Human Resources Department and the Treasurer's Office. Failure to provide the required notice may result in the employee's being placed on leave-without-pay status. Employees are expected to return to work as soon as their reasons for absence have been resolved.

Upon use of sick leave, the supervisor or department head has the right to require Medical documentation of injury or illness of self or family member.

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

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

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

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

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

2B-15 SICK LEAVE POOL

GENERAL POLICY. The purpose of the County sick leave pool is to provide additional paid sick leave hours to members of the pool in the event of a catastrophic illness, non-work related injury, or disability that prevents an employee from active employment. These catastrophic illnesses or injuries are defined as those which are terminal, life-threatening, or severe medical conditions. Examples of **qualifying** conditions include but are not limited to:

- Stroke with residual paralysis or weakness;
- Incapacitation;
- Heart attack or stroke;
- Major surgery such as mastectomy, heart bypass, or hysterectomy;

- Debilitating cancer;
- Car wreck requiring hospitalization;
- Broken hip.

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

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

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

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

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

Enrollment Period. Donations will only be accepted during the first payroll period of the calendar year. If an employee does not donate hours during this period, they will have to wait until the next calendar year's sick pool enrollment. *(Amended 08/17/2020)*

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

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

Maintain/Renew Membership. Employees need to follow the above requirements with an annual donation to the pool to maintain their membership and participation in the sick leave pool. Employees leaving employment with the County will not be allowed to donate hours to the sick pool at the time of their termination. All donations must be made during the sick pool enrollment period for the calendar year. *(Amended 08/17/2020)*

SICK LEAVE POOL HOURS GRANTED. Hours will be granted only for catastrophic health conditions which necessitate a prolonged absence from work. Qualifying health conditions and absences must be supported by a statement from the attending physician(s). Each request for sick pool hours to be granted will require a completed Statement of Illness/Injury signed by the employee's physician or other licensed practitioner in addition to a completed application for sick leave pool hours signed by the employee and the Department Head. These forms are available from the Human Resources office.

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

SICK LEAVE POOL APPLICATION.

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

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

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

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

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

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

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

2B-16 HOLIDAYS – GENERAL POLICY

1. **Definitions:**

- a. *Observed Holiday.* A day that the Commissioners Court designates as the day that a legal holiday will be observed if the legal holiday falls on a weekend.
- b. *Legal Holiday.* A day that is a legal holiday in the United States that is included on the list of holidays that Aransas County includes on a list of paid holidays.
- c. *Eligible Employee.* A regular, full-time employee who is not on unpaid leave, not receiving temporary income benefits from Workers' Compensation, and is an active employee.
- d. *Public Safety Employee.* A person who is employed by Aransas County to serve as a Peace Officer or Detention Officer.

2. **Paid Holidays.** Paid holidays are established each year by the Commissioners Court. The following are normally paid holidays for regular, full-time 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

3. **Annual Schedule of Holidays.** A list of holidays approved by the Commissioners Court for the current year, specifying days of the week and dates that the holidays will be observed, may be obtained from your Department Head, Human Resources, or the County Judge's office.

4. **Observed Holidays on Days other than Legal Holidays.** Whenever a legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined annually by the Commissioners Court.

5. **Courthouse and Office Closures.** The County shall not provide additional paid leave for employees for any County office closings not declared as an observed holiday by the County Judge, or in the County Judge's absence, the County Judge Pro-tem (or another County Commissioner, if necessary). In these circumstances the employee will be required to use already accumulated comp time, sick leave, or vacation time for any absence.

2B-17 HOLIDAY PAY

1. **Some Offices are Open on Observed Holidays.** Most Aransas County offices are closed in observance of holidays with the exception of certain departments and offices that are public safety and/or must be available to provide services during emergencies. However, it is not always feasible for employees to be off on observed holidays. 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 duty on an observed holiday.
2. **Alternate Day Off in Lieu of Observed Holiday.** The County's basic policy is that each regular full-time employee receives a specified number of paid holidays per year. In most instances, if a regular full-time employee is required to work on an observed holiday, he or she will be given an alternate day off, preferably within the same work week or work period.
3. **Holiday Pay.** Regular full-time employees who do not work on an observed holiday shall receive their regularly scheduled hours of pay for each observed holiday. Employees on unpaid leave or employees who are receiving temporary income benefits through Workers' Compensation are not eligible to receive holiday pay.
4. **Regular Pay for Part-Time and Temporary Employees.** Part-time and temporary employees are not eligible for paid holidays. However, part-time and temporary employees are paid for working on holidays if the employee works on the observed or legal holiday. If the part-time or temporary employee works on the observed or legal holiday, the employee will receive the normal pay rate for time worked.
5. **Must Work Scheduled Days Before and After Observed Holiday or Legal Holiday.** In order to receive holiday pay, a full-time non-exempt employee must work, or have time off with pay that is approved in advance, their last scheduled work day before the holiday and the first scheduled workday after the holiday. An employee who is absent without preapproved leave on the workday immediately preceding or the workday immediately following a holiday will not be paid for the holiday.
6. **Public Safety and Emergency Services.** Public Safety employees, or employees who provide services during emergencies working on an observed holiday or legal holiday that is included on the County calendar, shall be paid double time for the hours worked on that day. If an employee works both the observed and legal holiday for a given holiday (i.e. New Year's Day), the employee will only receive double time holiday pay for one of the days worked. If a public safety, or other employee providing services during an emergency, is required to work a portion of an observed or legal holiday, the employee will be paid double time for the hours worked and regular pay for the hours not worked.
7. **Holidays on Regularly Scheduled Days Off.** When an observed holiday falls on a day that an employee is normally off duty and the employee does not work that day, the employee will be given either an alternate day off or will be given comp time equal to the employee's normal shift to be used when practicable.
8. **Holidays on Scheduled Vacation Day.** When an observed holiday falls within an employee's scheduled vacation, the employee's vacation leave bank will not be deducted for that day.

2B-18 PAID LEAVE AND OVERTIME

1. **Computation of Overtime.** For purposes of computing overtime pay, holidays are not considered to be time worked and do not count toward the calculation of overtime or comp time.
2. **Reduction of Leave Hours Available Shall Reflect Hours Not Worked in a Normal Work Week or Pay Period.** If a regular full time employee works extra hours during a workweek (or, for law enforcement working more than eighty-six (86) hours during a fourteen (14) day pay period) in which the employee used accrued comp time, sick leave, vacation, or any other type of paid leave, the extra hours worked will be credited hour for hour so that the number of hours deducted for the employee's absence is reduced in a number equal to, but not exceeding, the extra time worked.

Example A. Mary takes eight (8) hours of sick leave on Tuesday and works her normal hours the rest of the week, she will be paid for thirty-two (32) hours of work time and eight (8) hours of sick leave. However, if Mary takes eight (8) hours of sick leave on Tuesday and works thirty-six (36) hours for the rest of the week, her sick leave balance will only be used for four (4) hours instead of eight (8) hours.

Example B. Mary in Example A takes eight (8) hours of sick leave on Tuesday. She worked her normal eight (8) hours on Monday, but on Wednesday, Thursday, and Friday, she had to work three (3) extra hours each day. Mary will be paid for forty (40) hours of work and one (1) hour of overtime or comp time. Because of her extra work hours, her sick leave will not be used because she made up the time.

2B-19 RESERVED.

2B-20 CITIZENSHIP/CIVIL LEAVE

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

2B-21-A EMERGENCY, BEREAVEMENT, AND FUNERAL LEAVE

1. *Definitions.* For the purposes of this section, the following words are defined as set forth below.
 - a. “Bereavement Leave” means paid time off for an employee in the event that an immediate family member dies.
 - b. “Child” means a person of any age who is a biological child, adopted child, foster child, step child, or legal ward of the employee, including an adult child who is a member of the employee’s household, or a child who is otherwise the employee’s legal dependent.
 - c. An “Emergency” is a life-threatening illness or injury suffered by an immediate family member that requires an employee’s personal care and attention.
 - d. “Immediate Family Member” includes the employee’s spouse, parent, step parent, foster parent, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, sibling, sibling’s spouse, aunt, uncle, niece, nephew, and first cousin. A first cousin is the child of the employee’s aunt or uncle.¹
 - e. “Discretionary Funeral Leave” means paid time off for an employee to attend the funeral of a relative or for a friend and is available at the discretion of the employee’s department head.
 - f. “Relative” is a member of the employee’s family who is not the employee’s immediate family member or member of employee’s household such as an great aunt, great uncle, or second cousin.
2. *Emergency/Bereavement Leave.* An employee may be granted up to twenty-four (24) hours of paid Emergency/Bereavement Leave each calendar year.

The length of time granted for Emergency/Bereavement leave must be approved by the appropriate Elected Official or Department Head in advance and will depend on the circumstances. If an employee needs more than twenty-four (24)

¹ The County has chosen to adopt a definition that is substantially similar to 40 C.F.R. §170.305.

hours of Emergency/Bereavement leave, he or she may request additional time off and ask to be allowed to use accrued paid sick leave or vacation time, or take leave without pay. The Elected Official or Department Head will evaluate each request for additional time off and take into consideration the employee's general attendance, whether other staff members are available to assist with the employee's work load, and the general needs of the County.

3. *Discretionary Funeral Leave.* At the discretion of the Department Head, regular full-time employees may be allowed a maximum of eight (8) hours each calendar year of paid funeral leave to attend the funeral of a relative who is not a member of the immediate family or for the funeral of a friend.
4. *Other Provisions:*
 - a. The terms of and reasons for the leave must be documented on a form requesting leave that is submitted to the employee's supervisor as soon as practicable.
 - b. The leave request form shall be submitted with the employee's timesheet in the appropriate pay period.
 - c. Emergency/Bereavement Leave and Funeral Leave will be documented on the employee's timesheet.
 - d. Upon request, an employee shall provide a funeral program, obituary, affidavit, or other documentation to substantiate the reason for the leave.

2B-21-B PUBLIC SAFETY PAID QUARANTINE LEAVE

A. PURPOSE

Aransas County recognizes that employee health and safety are important. The County supports establishing a workplace that is comfortable, healthy, safe, and supportive.

The purpose of this policy is to provide guidance in accordance with Chapter 180.008 of the Local Government Code regarding paid quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by the Aransas County who are ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

The County does not currently operate a Fire Department nor hire employees to serve as EMTs. However, should those positions be created, those positions will qualify an employee to be a "Covered Employee" for purposes of this policy.

B. DEFINITIONS

1. "Covered Employee" means a person employed by Aransas County to serve as a Peace Officer or Detention Officer, who is ordered to quarantine or isolate by the employee's supervisor or the County's Health Authority due to a possible or known exposure to a communicable disease while on duty.
2. "Detention Officer" means an individual employed by the County as a jailer or other individual responsible for the care and custody of individuals incarcerated in the Aransas County Detention Center.
3. "Health Authority" has the meaning assigned by Section 121.021, Health and Safety Code.
4. "Paid Quarantine Leave" means leave that is ordered by the employee's supervisor or a Health Authority due to a possible or known exposure to a communicable disease while on duty.
5. "Peace officer" means police officers described by Article 2.12, Code of Criminal Procedure, who are employed by the County.

C. PAID QUARANTINE LEAVE FOR PUBLIC SAFETY EMPLOYEES

1. Pay During Quarantine Leave. Covered Employees are entitled to receive paid Quarantine Leave for the duration of the Quarantine Leave.
2. Paid Quarantine Leave is Separate from other Types of Leave. Aransas County will not reduce a Covered Employee's sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance in connection with Paid Quarantine Leave taken in accordance with this policy.
3. Continuation of Benefits and Compensation. During Quarantine Leave, all employment benefits and compensation, including leave accrual, pension benefits, and health plan benefits provided by the County shall continue.
4. Reimbursement for Expenses. If applicable, a Covered Employee may be eligible for reimbursement for reasonable costs related to the quarantine, including lodging, medical, and transportation costs.

2B-21-C MENTAL HEALTH LEAVE FOR PEACE OFFICERS

A. PURPOSE.

The Texas Legislature has recognized the unique challenges peace officers face in the line of duty. Section 614.015 of the Texas Government Code requires law enforcement agencies in the State of Texas to develop and adopt a mental health leave policy for peace officers. To ensure that all employees are aware of the leave that is available, this policy is set forth in the Countywide Employee Handbook.

B. DEFINITIONS.

For the purposes of this section, the words listed below shall be defined as follows:

1. "Mental Health Professional" is a licensed social or mental health worker, counselor, psychotherapist, psychologist, or psychiatrist.
2. "Paid Mental Health Leave" is a form of administrative leave with pay that is available to a peace officer after experiencing a traumatic event for up to three (3) working days.
3. "Peace Officer" is a person elected, employed, or appointed as a peace officer working for Aransas County.
4. "Traumatic Event" is an incident which occurs while a peace officer is acting within the scope of his or her employment and responding to or investigating a situation which causes the officer to experience unusually strong emotions or feelings which have the potential to interfere in the officer's ability to function during or after the incident. Examples of traumatic events include, but are not limited to: a line of duty death or suicide of a department member; the death of a child resulting from violence or negligence; an officer-involved shooting; incidents involving multiple fatalities such as accidents or shootings; and major disasters such as severe weather disasters with multiple casualties; explosions with multiple casualties; or search and rescue missions involving multiple casualties.
5. "Unpaid Mental Health Leave" is a form of administrative leave without pay that may be available to an officer who has depleted Paid Mental Health Leave and provides documentation showing he or she needs additional time off due to a traumatic event. Unpaid Mental Health leave may be available for up to three (3) additional working days. The employee shall be given the option to use accrued sick leave, vacation, or compensatory time during these the Unpaid Mental Health Leave.

C. MENTAL HEALTH LEAVE

1. *Requesting Mental Health Leave.* An officer experiencing a traumatic event may request the use of Mental Health Leave through the chain of command, or if necessary, through the Human Resources Department. Such request must be in writing and shall be treated as a priority matter. The decision regarding whether the request will be granted shall be made within twenty-four (24) hours of receipt. The decision of whether to grant leave shall be made by the Aransas County Sheriff, or if the Sheriff is not available, by his representative (i.e. the officer performing his duties during his absence).
2. *Granting or Denying Request for Mental Health Leave.* A request for mental health leave will be approved so long as the traumatic event triggering the request falls within the definition or is substantially similar to those events listed in the definition. A request shall only be denied if the Sheriff or his representative can articulate specific compelling reasons to deny the request.
4. *Duration of Paid Mental Health Leave.* Generally, an officer may be eligible for up to three (3) working days of paid Mental Health Leave.
5. *Duration of Unpaid Mental Health Leave.* Longer periods of leave may be necessary under some circumstances. If an officer has used all three (3) working days of paid Mental Health Leave, he or she may request more time off that, if granted, will be unpaid leave. Any request for additional time off must be in writing. The request must also include documentation from a Mental Health Professional who is working with the officer after a traumatic event certifying that the officer needs additional time off. Unpaid Mental Health Leave will be considered on a case-by-case basis and, if approved, may be granted for up to a maximum of three (3) additional working days.
6. *Mental Health Services Available to Peace Officers.* The County offers the Employee Assistance Program to all County employees. Please contact the Human Resources Department for information.
7. *Observation of Behavioral Change after Traumatic Event Triggers Responsibility to Report.* Peace officers spend time working closely with one another. At times, an officer involved in a traumatic event may not recognize that he or she needs assistance from a Mental Health Professional. It is up to those working closest with the peace officer to pay attention to changes in behavior. If a peace officer believes another peace officer could be struggling after a traumatic event, he or she should speak to the officer's supervisor about the observation(s). The observing officer may also speak directly to the officer with observed changes in behavior if he or she feels comfortable doing so and approaches the situation with tact and compassion.
8. *Mental Health is Critically Important.* The mental health of a peace officer is critically important as it greatly affects an officer's ability to competently and diligently perform his or her duties. Officers should be encouraged by their colleagues to utilize Mental Health Leave after experiencing a traumatic event.
9. *Confidentiality of Request for Mental Health Leave.* All requests for Mental Health Leave are strictly confidential and shall only be discussed by the officer's chain of command, the Human Resources department, and Payroll as necessary to administer the leave. The officer seeking leave may waive confidentiality and may authorize another person or people to speak to County staff about the request. Further, confidentiality may be deemed waived if circumstances cause concern that the officer may be a danger to himself or others and County employees need to confer with a mental health professional. Any breach of confidentiality will subject the breaching employee to discipline up to and including termination of employment.

2B-22 ADMINISTRATIVE LEAVE

Individual Elected Officials or Department Heads may authorize up to five days or 40 hours of administrative leave per year, without pay, for employees in their department, when warranted by unforeseen circumstances not otherwise provided

for in these policies. Administrative leave can be used when compensatory, sick, and/or vacation leave have been exhausted and employees receive no pay for any unused administrative leave balance at the time of termination of employment.

2B-23 MILITARY LEAVE

A. Purpose. There are various types of Military Leave available for eligible service members, which are intended to ensure eligible service members will be able to take time off when called to service, to protect employment upon release from service, and to protect income. Some information contained in this section is set forth in Texas law and other information is related to requirements under federal law. This information is a guide only and readers should review the applicable State and federal laws for confirmation that the law has not changed.

B. No Discrimination or Retaliation will be Tolerated. USERRA prohibits the discrimination or retaliation against an employee because of his or her military service. This prohibition extends to adverse employment actions and decisions such as promotions, demotions, job assignments, and work hours. Aransas County will not tolerate any discrimination or retaliation related to military service.

C. Definitions. For the purposes of this section, “Military Leave,” the following words are defined as provided below:

1. “Disaster” has the meaning defined in Section 418.004 of the Texas Government Code, as amended from time to time.¹
2. “Eligible Armed Forces and Uniformed Services” means the following armed forces and uniform services:
 - i. United States Army
 - ii. United States Navy
 - iii. United States Marine Corps
 - iv. United States Air Force
 - v. United States Coast Guard
 - vi. United States Public Health Service²
 - vii. United States Disaster Medical System³
 - viii. State Military Forces
 - ix. Texas Army National Guard
 - x. Texas Air National Guard
3. “Eligible service member” or “eligible employee” means a County employee serving in one of the organizations that are listed above as Eligible Armed Forces and Uniformed Services and who meet all requirements set forth

¹ As of April of 2022, “disaster” is defined in § 418.004 as “the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, extreme heat, cybersecurity event, other public calamity requiring emergency action, or energy emergency.

² 20 C.F.R. § 1002.58

³ 20 C.F.R. §1002.56

herein. While the Uniform Services Employment and Reemployment Rights Act, 20 C.F.R. §1002.1 et seq, (“USERRA”) does not apply to National Guard Service when ordered to duty by the states, the same basic protections that USERRA provides are extended to those service members under Texas law.⁴

4. “Service in the Uniformed Services” or “military service” or “duty” means the voluntary or involuntary service in one of the Eligible Armed Forces and Uniformed Services for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty; and absences from work due to examinations to determine the employee’s fitness for any of these types of duty.
5. “USERRA” is the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 et seq. that sets forth rights and responsibilities for service members and employers of service members.
6. “Workdays” means business days, not calendar days, and the days do not have to be consecutive.

D. Military Leave. There are several types of leave for military training and/or duty. Each type has specific provisions that should be carefully reviewed. An eligible service member may have more than one type of leave available.

1. *Military Leave: Paid Leave for Military Training or Duty for up to Fifteen (15) Days.*⁵ Eligible employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to a leave of absence from their duties, without loss of pay, time or efficiency rate, vacation time, or salary on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed fifteen (15) workdays in any federal fiscal year (October 1 – September 30). The fifteen (15) days are business days, not calendar days, and do not have to be consecutive.

- i. *Carryover of Unused Leave is Allowed.* If an eligible employee does not use the fifteen (15) days of military leave in a federal fiscal year, the employee is entitled to carry the balance forward from one (1) fiscal year to the next, up to a maximum of forty-five (45) workdays of paid leave in a federal fiscal year.⁶

2. *Paid Military Leave for Disaster Response:*

- i. Federal Disaster Response. An eligible employee called to federal active duty for the purpose of providing assistance to civil authorities in a declared emergency, or for training for that purpose, is entitled to receive paid leave for up to an additional seven (7) workdays in addition to the fifteen (15) days of leave allotted for the Military Leave described in Paragraph 1, for a total of twenty-two (22) workdays of paid leave. This leave does not count against the employee’s leave for active duty or leave for training and the employee does not have to use any accrued leave (i.e. sick leave, personal time, or vacation).

- ii. State Disaster Response. Eligible employees who are members of the State Military Forces, members of any Reserve Component of the Armed Forces of the United States, or members of a federally authorized urban search and rescue team, who are called to Texas active duty by the Governor or another appropriate authority to respond to a disaster are entitled to up to an additional seven (7) workdays of paid leave in addition to the fifteen (15) days of leave allotted for the Military Leave described in Paragraph 1, for a total of twenty-two (22) workdays of paid leave. This leave does not count against the employee’s leave for active duty or leave for training and the employee does not have to use any accrued leave (i.e. sick leave, personal time, or vacation).

⁴ Tex. Gov’t Code §437.204 (West2022).

⁵ Tex. Gov’t Code §437.202 (West2022).

⁶ Tex. Gov’t Code §437.202 (b) (West 2022).

- iii. No Carryover of Paid Military Leave for Disaster Response. While the fifteen (15) days available under Texas law may be carried over, the additional days for disaster response are not carried over from one fiscal year to the next.

3. *Military Leave of Absence for Active Duty.* An eligible employee who is a member of the Armed Forces of the

United States or a member of the Texas military forces is entitled to an unpaid leave of absence if called to active duty. During the absence, the employee may choose to use all or some portion of accrued paid vacation time before he or she chooses to go on leave without pay while on leave for active duty.

4. *Family Medical Leave Act (“FMLA”) - Additional Leave Entitlement for Military Service Members.* Section 2B-25, “FMLA, Military Leave Entitlement” in this Handbook which contains additional information that may apply.

E. Additional Provisions:

1. *Advance Notice; Leave Request; Official Military Orders*⁷.
 - i. Advance Notice. Eligible employees must provide as much advance notice, either orally or in writing, as possible to the Human Resources Department. Employees should provide notice at least thirty (30) days in advance of military leave, like leave for military training, when possible. Ordinarily, the employee should provide a copy of orders within twenty-four (24) hours of receiving orders, but in any event, the employee shall provide a copy of orders within thirty-six (36) hours of receipt.
 - ii. Leave Request Form. The eligible employee will be provided with an “Employee Military Leave Request Form” to be completed and returned. The employee must attach a copy of **official military orders** to the “Employee Military Leave Request Form.”
 - iii. Official Military Orders. Official military orders means any notification, certification, or verification from the servicemember’s commanding officer, with respect to the servicemember’s current or future military duty status. This includes orders for separation, retirement, and training.⁸
2. *Time Reporting*. Employees shall promptly and accurately record time off for Military Leave.
3. *Maximum Military Leave Days*. Generally, the cumulative amount of an employee’s Military Leave cannot exceed Five (5) years. The exceptions should be reviewed when determining the maximum amount allowed based on specific circumstances.
4. *Leave Accrual while on Military Leave*. Eligible employees will continue to accrue paid leave the same as they normally do while on Military Leave. Leave accrued while the employee is on Military Leave will not be available for use until the employee is released from duty and returns to employment.
5. *Pay for Normal Work Schedule*. If the employee is eligible for a type of Military Leave that is paid leave, pay for Military Leave is only authorized for periods which fall within the employee’s normal work schedule.
6. *Using Accrued Leave is Optional*. If an employee uses all available paid Military Leave, the employee may choose to use accrued vacation or compensatory time for additional days, or may choose to take unpaid leave. Accrued sick leave may not be used during Military Leave.

⁷ Employees will not be disciplined or denied Military Leave for not providing orders under most circumstances. No County staff or official shall take any such action without first consulting the Aransas County Attorney or outside legal counsel and obtaining a legal opinion.

⁸ 50 U.S.C §3955 (i)(1)

7. *Written Notice of Used and Available Military Leave*. Upon an employee’s request, the County shall provide a statement which includes of the number of workdays of paid leave for which the officer or employee claimed Military Leave in a fiscal year, the net balance of any unused leave from the fiscal year that will be carried over into the following year, and the net balance of all unused and accumulated leave that is available from the current

and past fiscal years, if any.⁹

8. *Continuing Health Benefits.* Employees on Military Leave may continue insurance coverage while on Military Leave. Employees on Military Leave may be responsible for paying the total cost for such coverage.¹⁰
 - i. Cost of Coverage for Military Leave of 30 Days or Less. If the period of Military Leave does not exceed thirty (30) days, the employee will only be responsible for contributing the amount of money he or she pays each month toward the premium.¹¹
 - ii. Cost of Coverage if Employee is on Military Leave for more than Thirty (30) Days. If the period of Military Leave exceeds thirty (30) days, the employee may be required to pay up to One Hundred and Two Percent (102%) of the full premium to cover the County's costs to administer the health insurance plan¹².
 - iii. Time Limits for Coverage. The maximum period of time for continued health insurance coverage is the lesser of twenty-four (24) months or the period of Military Leave after the first thirty-one (31) days of the beginning Military Leave.
9. *Pensions.* A reemployed service member shall be treated as continuously employed and the employer must fund any resulting obligations to the pension benefit plan. All vesting and accrual of pension benefits shall be considered as if the employee was never on military leave.¹³ However, employers are not required to make pension contributions until the service member returns to work.¹⁴ If a reemployed service member chooses to do so, he or she may make up their contributions.¹⁵ If the reemployed service member chooses to make up the contributions, he or she may begin making the makeup payments and will have a period of time that is three times the amount of time the employee was on military leave, but not to exceed a maximum of Five (5) Years.¹⁶

F. Returning to Work.

1. *Eligibility for Reemployment upon Release from Military Duty for Disaster Response.* Employees returning from Military Leave – Disaster Response are entitled to all of the reemployment rights and benefits provided by law upon their honorable release from active duty.¹⁷ For additional information, review the Texas Government Code Sec. 437.204, the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 et seq. (often referred to as "USERRA") and the FMLA Military Leave Entitlement Section in this Handbook.¹⁸

⁹ Tex. Loc. Gov't Code §437.202 (West 2022).

¹⁰ 38 U.S.C. §4317; 20 C.F.R. §1002.164.

¹¹ 38 U.S.C. §4317; 20 C.F.R. §1002.164.

¹² 38 U.S.C. §4317 (a)(2)

¹³ 38 U.S.C. §4312, 4316 (a); 4318; 20 C.F.R. §1002.191.

¹⁴ 20 C.F.R. §1002.262.

¹⁵ 38 U.S.C. §4318; 20 C.F.R. §§ 1002.259-1002.267; 5 C.F.R. §353.106 (c).

¹⁶ 38 U.S.C. §4318 (b)(2)

¹⁷ Tex. Loc. Gov't Code §437.204 (West 2022).

¹⁸ Tex. Gov't Code §§613.002 -613.006 (West 2022) provides protections to employees returning from military service that are substantially similar to those required under USERRA.

2. *Notice of Intent to Return is Required.* Employees must inform the County whether he or she intends to return to work after completion of military service.¹⁹ The amount of time the employee has to return is dependent on the length of his or her service under USERRA.²⁰

- i. Temporary Military Leave of Thirty (30) Days or Less.²¹ In general, if the Military Leave is less than thirty-one (31) days, the employee must report for reemployment at the beginning of the first regularly scheduled workday that would fall eight (8) hours after he or she has been provided with a reasonable time to return home. If, due to no fault of the employee, he or she cannot report within this time period because it is unreasonable or impossible, the employee must report back as soon as possible.²²
 - ii. Military Leave of at Least Thirty-One (31) Days and Not More than One Hundred and Eighty (180) Days.²³ The employee must submit an application to the Human Resources Department no later than fourteen (14) days following the completion of military service.²⁴ The employee must also provide documentation that establishes the timeliness of the submission of the application, that the employee has not exceeded the five (5) year limit on duration of military service, and that the employee's separation or dismissal from military service was not for a reason that is considered other than honorable.²⁵ ²⁶ If the employee cannot do so because it is unreasonable or impossible through no fault of the employee, he or she must submit the application as soon as possible.²⁷
 - iii. Military Leave of More than One Hundred and Eighty (180) Days. The employee must submit an application to the Human Resources Department no later than Ninety (90) days of completion of military service.²⁸
 - iv. Extension of Deadlines to Submit Notice of Intent or Application.²⁹ The deadlines in this section may be extended under some circumstances for up to Twenty-Four (24) months. This is generally only available when an employee is hospitalized or recovering from a service-related illness or injury. See paragraph 9, below.
3. *Application for Reemployment.* Upon the conclusion of military service that necessitates Military Leave, Texas law requires that employees submit an application for reemployment no later than Ninety (90) days after the date the service member is discharged or released from active military service. The application must be in writing and evidence of the discharge, separation, or release from duty under honorable conditions must be attached.³⁰

¹⁹ 38 U. S. C. 4312 (a)(3) and (e); 20 C.F.R. §1002.115; 5 C.F.R. §353.205

²⁰ 20 C.F.R. § 1002.115

²¹ 20 C.F.R. § 1002.115

²² 20 C.F.R. § 1002.115, Tex. Gov't Code §437.204 (West 2022).

²³ 20 C.F.R. § 1002.121; 20 C.F.R. § 1002.123

²⁴ 20 C.F.R. § 1002.115 (b).

²⁵ 20 C.F.R. §1002.121

²⁶ Whether a reason is "other than honorable" will depend on the regulations of the branch of service at issue.

²⁷ 20 C.F.R. § 1002.117, Tex. Gov't Code §437.204 (West 2022).

²⁸ 20 C.F.R. § 1002.115 (e), Tex. Gov't Code §437.204 (West 2022).

²⁹ 20 C.F.R. §1002.116

³⁰ Tex. Gov't Code §613.004 (West 2022).

4. *Position Upon Return.* The position the employee is entitled to upon return from Military Leave depends on the circumstances.³¹ For example, if an employee is on Military Leave for Ninety (90) days or less, the employee will usually be employed in the position he or she would have if he or she had not be on Military Leave. If an employee is on Military Leave for morethan Ninety (90) days, he or she will usually be entitled to a position

he or she would have held or a position with similar seniority status, pay, and duties of which the employee is qualified to perform.³²

5. *FMLA Eligibility.* FMLA eligibility has an “hours worked” component. For the purposes of determining whether a returning service member is eligible, the number of hours that the service member would have worked if not for Military Leave may be counted.
6. *Job Protection Upon Reinstatement/Reemployment.* Employees returning after Military Leave after serving on active duty for a period of more than thirty (30) days and less than One Hundred and Eighty-One (181) days may only be terminated within One Hundred and Eighty (180) days of reemployment if there is a “for cause” reason for termination. If an employee is on Military Leave for more than One Hundred and Eighty (180) days, this prohibition on termination except for cause is for one (1) year.
7. *Reinstatement of Benefits.* One an eligible employee is reemployed/reinstated, the employer’s health plan coverage shall be reinstated, including coverage for any dependents.
8. *Retirement Benefits.* If an eligible employee returns to employment after Military Leave and has an account with TCDRS, the time the employee was on active duty will be credited toward any vesting or eligibility requirement. If the employee wants the benefit of the County’s match contribution for retirement while on Military Leave, he or she will have to make deposits to the TCDRS account that were not made while on Military Leave. Eligible employees should contact TCDRS immediately to discuss options.
9. *Employees Who Need Time to Recover from Injuries or Have Permanent Restrictions.* If an employee returns to work and has service-incurred or service-aggravated disabilities, the employer must make reasonable efforts to accommodate the employee’s disabilities and qualify them for reemployment in a proper position. Employees who need time to recover from injuries received during service and/or training may, depending on the circumstances, have an additional two (2) years from the date of completion of service to report to their job.³³

³¹ Tex. Gov’t Code §613.002, §613.002 (West 2022).

³² Tex. Gov’t Code §613.002 (West 2022); 38 U.S.C. §4313; 20 C.F.R. §§1002.191-1002.198; 5 C.F.R. §353.207.

³³ 38 U.S.C. §§4312 (e)(2); 4313 (a)(3); 20 C.F.R. §§1002.116, 1002.225-1002.226; 5 C.F.R. §§353.205 (d), 353.207 (c).

2B-24 FAMILY AND MEDICAL LEAVE ACT (FMLA)

Eligible Employees. To be eligible for family and medical leave in the last 7 years, 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 the preceding 12 months in a regular position. This policy applies equally to male and female employees. However, if both spouses are employed by the County, and the reason for the leave is to care for a newly arrived child or a sick parent, 12 weeks is the aggregate family leave limit for both. Temporary employees are not eligible for family leave.

Eligible Circumstances. An eligible employee is entitled to 12 paid or unpaid workweeks of leave during a 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.

Serious Health Condition. Serious health condition of the employee is defined as a health condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility or continuing treatment by a health care provider.

Serious health condition of a spouse, child, or parent is defined as a condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility, or a condition that requires continuing care by a licensed health care provider.

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- 1) a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - a) Treatment two or more times within 30 days of incapacity; or
 - b) Treatment by a health care provider on at least one occasion within first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
- 2) Any period of incapacity due to pregnancy or pre-natal care.
- 3) Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
- 4) Any period of incapacity that is permanent or long term due to a condition for which treatment is not effective.
- 5) Any period of incapacity or absence to receive multiple treatments by a health care provider.

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

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

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

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

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

Notice. In the case of leave for birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable based on planned medical

treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the County's operations. The same advance notice requirements apply.

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

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

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

Insurance Premiums. As long as an employee is on paid leave, his or her portion of the insurance premiums will be deducted in the normal manner. If an employee is on unpaid leave, the employee must submit his or her portion of the employee's premium to the County not later than the first of each month for the upcoming month's premium. In the event that an employee fails to make a payment or payments, the County will pay the premium in full. However, upon the employee's return to work, any indebtedness created by nonpayment of the employee portion of insurance premiums will be deducted from the employee's paycheck(s) until the County has been fully reimbursed. If the employee does not pay his or her portion of the insurance premium, and the employee's portion includes dependent coverage, the County will cancel the dependent coverage if the payment is more than 30 days late. If dependent coverage has been cancelled, the employee may reinstate it upon return to work provided that payment for the coverage is deducted from the employee's paycheck from that point forward.

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

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

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 confidential, according to Federal Regulations for confidentiality.

2B-25 FMLA – MILITARY LEAVE ENTITLEMENT

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

(1) **New Qualifying Reason for Leave.** Eligible employees are entitled to up to 12 weeks of leave because of “any exigency” arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. Examples of Qualifying Exigencies:

- a. Address any issue that arises because the covered military member was given seven or fewer days’ notice for active duty deployment in support of a contingency operation. Eligible employee may take up to seven days beginning on the date the covered military member receives the call or order to active duty.
- b. Attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member.
- c. Attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member.
- d. Arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member.
- e. Make or update financial or legal arrangements to address the covered member’s absence while on active duty or call to active duty status in a foreign country.
- f. Act as the covered military member’s representative before a governmental agency to obtain, arrange or appeal military service benefits while the covered military member is on active duty or call to active duty status in a foreign country, for a period of 90 days following the termination of the covered member’s active duty status.
- g. Attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child if the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member.
- h. For a maximum of 15 days each occurrence, to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment.
- i. Attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member’s active duty status.
- j. Address issues that arise from the death of a covered military member while on active duty status in a foreign country;
- k. Conduct certain activities related to the care of the military member’s parent who is incapable of self-care where those activities arise from the military member’s covered active duty.
- l. Address any other additional events that may arise out of the covered military member’s active duty or call to active duty status in a foreign country if the County agrees the leave qualifies as an exigency and to both the timing and the duration of the leave.

(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.

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

2B-27 INJURY LEAVE

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, see **Section E – Safety and Health Employee Responsibilities**.

2B-28 USING LEAVE IN COMBINATION

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

2B-29 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.

2B-30 TRAVEL AND SUBSISTENCE REIMBURSEMENTS

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

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

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

Employees should be conscientious in their use of County funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses and only one employee will be reimbursed for mileage. Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged against those grants, contracts, or agreements.

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

2B-31 OUT-OF-COUNTY TRAVEL

Travel by County employees outside the County in which the employee is stationed is permissible provided that it is authorized in advance by the appropriate Elected Official or Department Head and does not exceed budgetary limitations. Travel outside of the State of Texas (excluding ASO Transports) requires pre-approval by the County Judge and cannot exceed budgetary limitations (*Amended 04/22/2019*). Advances or reimbursements for travel are based upon the most economical conveyance that is reasonably available. When private automobiles are used for travel, reimbursement is allowed on the basis of the current IRS mileage rate. If the employee elects to fly to a destination rather than drive, the lower rate will be paid for travel; i.e. current IRS mileage rate times number of miles driven versus cost of economy class airfare. If the employee flies first-class, reimbursement will be made for cost of standard, economy priced ticket. In cases where a rental car is used, employees must choose the optional insurance coverage. The County will pay for the additional insurance cost.

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

SUBSISTENCE EXPENSES

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

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.

PERSONAL VEHICLE

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

EXPENSE REPORT

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

EXCEPTIONS

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

PROHIBITED EXPENDITURES

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

OFFICIAL TRAVEL REIMBURSEMENT FORMS

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

CONFERENCE AND TRAVEL TIME REPORTING

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