

SCURRY COUNTY, TEXAS  
PERSONNEL POLICIES AND PROCEDURES

Adopted:- January ~~21~~21, 2014  
Edited February 19, 2020

WELCOME

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

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

As a County employee, you have a responsibility to the citizens of Scurry County. How well you do your work and how you conduct yourself on the job are both subject to public approval. Oftentimes, 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 as best you can. 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 use of the tax dollar.

This manual, and the personnel policies and procedures contained within it, are guidelines on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you facts about the County, how it works, and the policies that govern us as employees. If you need more detail on the county-wide policies and procedures, please consult the County Treasurer.

Sincerely,

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Scurry County Judge and Commissioners Court

**EMPLOYMENT NOTICE TO EMPLOYEES**

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

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1.0 GENERAL POLICIES

1.01 AUTHORITY. These policies are established by the Commissioners' Court, and any deletions, amendments, revisions, or additions to the policies must be approved by the Commissioners' Court. These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the Commissioners' Court.

In addition to these personnel policies, elected officials and department heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail. If there is a conflict between a departmental policy or these policies and the law, the law will prevail.

1.02 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 by the Commissioners' Court in order to promote consistent, equitable, and effective practices by both employees and supervisors that will result in high quality public service to citizens of the County.

1.03 APPOINTED OFFICES. In addition to elected officials, 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 Maintenance Supervisor is an example of a position created and filled by the Commissioners' Court.

1.04 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, Scurry County activities usually require many offices and people to work as a team.

1. The County Commissioners' Court oversees general personnel official personnel records of employees pertaining to time and resignations, and unemployment; and
3. Elected Officials and Department Heads maintain other records on departmental employees and are responsible for administration of these personnel policies within their own departments or units.

1.06- APPLICABILITY OF PERSONNEL POLICIES. These personnel policies apply equally to all employees of the County unless a class of employees is specifically exempted by law or the terms of these policies. In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance with such state or federal law.

1.07 DISSEMINATION OF PERSONNEL POLICIES. The County Treasurer maintains the official set of the personnel policies with all revisions for reference by employees. The County Treasurer 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.

Within two weeks of employment, every employee is required to sign an acknowledgment of having read the Personnel Policies Manual and understood the policies contained in it.

Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

1.08 EXPENDITURES OF COUNTY FUNDS. Funds approved in County budgets may not be expended in violation of these policies.

1.09 EQUAL EMPLOYMENT OPPORTUNITY. It is the policy of the County to prohibit discrimination against any person in hiring, promotion, demotion, transfer, rate of pay or other form of compensation, selection for training, termination, or any other aspect of personnel administration based on race, age, sex, religion, color, disability, genetic information, national origin, or other protected class or category. 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. Discrimination or retaliation against an employee for alleging discrimination on any of the bases covered in this chapter is prohibited.

1.10.- ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND GRIEVANCE PROCEDURES.

1. General Policy. Scurry County is an Equal Employment Opportunity (EEO) employer and ensures compliance with federal and state employment laws and regulations.

Scurry County does not tolerate discrimination or harassment of employees and applicants based on or related to sex, race, national origin, religion, age, disability, genetic information, or other protected categories, classes, or characteristics. Employment actions such as hiring, promotion, demotion, transfer, rate of pay or other forms of compensation, selection for training, and termination shall not be made based on an employee's protected status. Discriminatory behavior is prohibited regardless of the manner in which it is exhibited, whether verbally, in writing, or electronically displayed or conveyed.

Scurry County expects all employees to comply with these policies and the law in connection with their employment and employment decisions. While, depending on the circumstances involved, a violation of these policies may or may not constitute a violation of the law, these policies nonetheless set the standards by which Scurry County expects its employees to abide. Employees who violate these policies and/or the law are subject to disciplinary action, up to and including termination.

2. Definitions

a. Discriminatory Harassment

Discriminatory harassment is verbal or physical conduct that shows hostility toward an employee based on or related to sex, race, national origin, religion, age, disability, genetic information, or other protected categories, classes, or characteristics and that:

- (1) Creates an intimidating, hostile, or offensive working environment;
- (2) Has the purpose or effect of unreasonably interfering with an employee's work performance;
- (3) Adversely affects an employee's employment opportunities; and
- (4) Is severe or pervasive.

Examples of inappropriate behavior that may constitute harassment under this policy include, but are not limited to:

- Slurs and jokes about a protected class of persons or about a particular person based on protected status, such as sex or race;
- Display of explicit or offensive calendars, posters, pictures, drawings, screen savers, e-mails, or cartoons in any format that reflects disparagingly upon a class of persons or a particular person;
- Derogatory remarks about a person's national origin, race or other ethnic characteristic;
- Disparaging or disrespectful comments if such comments are made because of a person's protected status;
- Loud or angry outbursts or obscenities in the workplace directed toward another employee, student, customer, contractor, or visitor; or
- Disparate treatment without a legitimate business reason.

b. Sexual Harassment

Sexual harassment, which is another form of discriminatory harassment, is unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
- (2) Submission to or rejection of such conduct by an employee is used as a basis for employment decisions affecting the employee; or
- (3) Such conduct has the purpose or effect of interfering with the employee's work performance or of creating an intimidating, hostile, or offensive working environment.

To constitute unlawful sexual harassment, the behavior must be severe or pervasive.

Examples of inappropriate behavior that may constitute sexual harassment under this policy include, but are not limited to:

- Sexual teasing, jokes, remarks, or questions;
- Sexual looks and gestures;
- Sexual innuendoes or stories;
- Sexual favoritism;
- Pressure for dates or sexual favors;
- Gifts, letters, calls, e-mails, or materials of a sexual nature;

- Unwelcome physical contact (touching, patting, stroking, rubbing);
- Sexually explicit visual material (calendars, posters, cards, software, internet materials);
- Communicating in a demeaning manner with sexual overtones;
- Inappropriate comments about dress or physical appearance; or
- Inappropriate discussion of private sexual behavior.

It is important to note that while not appropriate, not all rude or offensive comments or conduct constitute sexual harassment or discrimination under either these policies or the law.

### 3. Reporting Violations of Anti-Discrimination and Harassment Policy

Employees are encouraged to promptly report the alleged harassment so that it may be stopped. The County takes all complaints of harassment and discrimination seriously and handles complaints as promptly, thoroughly, and confidentially as possible.

a.- Informal Resolution. If an employee is offended by the behavior of a co-employee and if the employee feels comfortable doing so, the employee may attempt to resolve the issue through an informal discussion with the co-employee. Any such discussion should be conducted in a professional manner. If the issue cannot be resolved informally with the co-employee, the employee should inform his or her supervisor of the offensive behavior.

b.- Formal Grievance of Harassment or Discrimination. If the offensive or discriminatory behavior does not stop immediately after a discussion with the offending employee or his or her supervisor, the employee should file a grievance with:

- (1) The County Judge, if the offending employee is one who reports to the \_\_\_\_\_ Commissioners Court;
- (2) The Elected Official in whose department the offending employee works;
- (3) If the employee is uncomfortable making a report to either of these \_\_\_\_\_ officials, with \_\_\_\_\_ the County Treasurer; or
- (4) If the offending official is the County Treasurer, with the County Judge.

The grievance should contain:

- (1) The incident(s) or behavior complained of;
- (2) The date of the incident(s);
- (3) The names and contact information of any witnesses or involved parties;
- (4) The adverse employment action, if any, or how the complained of behavior \_\_\_\_\_ is effecting the performance of the employee's job;
- (5) ~~a~~Any other information the employee considers relevant to the matter; and
- (6) The specific relief or remedial action requested.

Any relevant documents or evidence should be attached or presented with the grievance. A grievance form may be obtained from the County Treasurer's office.

4. Investigation of Alleged Harassment or Discrimination. The County official with whom the grievance alleging harassment or discrimination is filed or his or her designee will initiate an investigation of the matter. The investigation may consist of the review of the grievance and any supporting documentation, examination of other relevant documentation, and interviews with the complainant, the offending employee, and other individuals who may have relevant knowledge. The extent of the investigation and its procedures will be determined by the official conducting the investigation or his or her designee. The parties will be informed of the results of the investigation but not necessarily the details of the investigation.

The County will attempt to keep interviews, allegations, statements and identities confidential to the extent that it does not interfere with an effective investigation and to the extent allowed by law. However, it may be necessary to reveal certain information to various state or federal agencies or courts.

If the investigation finds that harassment or discrimination occurred, immediate and appropriate action, up to and including termination, will be taken. The alleged harasser's employment history and similar complaints may be taken into consideration. Disciplinary measures may include counseling, anti-harassment or diversity training, suspension, demotion, or discharge.

5. Prohibition Against Retaliation. Retaliation against an employee who reports or opposes harassment or discrimination or who participates in an investigation under this policy is strictly prohibited. Any supervisor or other employee who is found to have taken an adverse employment action against any employee because the employee's use of or participation in this process is subject to severe penalties, including termination. This may apply even if it is determined that the underlying grievance is not a violation of County policy or the law.

application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities as defined by the ADAAA and to make reasonable accommodations for a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on County operations.

1.12 SMOKING PROHIBITION. Smoking is prohibited on all County premises, except where designated, and in all County vehicles and equipment.

1.13 —EMPLOYEE SUGGESTIONS. Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) to the appropriate department head or elected official who will forward the information to the Commissioners' Court, where appropriate, along with the rationale for making the change.

1.14 CHANGES TO THESE POLICIES. These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the Commissioners' Court. To ensure compliance with state and federal law, as well as to implement better practices, the County Treasurer's office should conduct an annual review of the policies contained in this manual as part of the budget process and submit any necessary or recommended changes to the Commissioners' Court for approval prior to the beginning of the new fiscal year.

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

## 2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL. The County is a public, tax-supported governmental entity. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to work each assigned shift or workday in full, to devote their full attention to their work for the County, to efficiently carry out the work assigned as their responsibility, to maintain good moral conduct, and to do their parts in maintaining good relationships with the public, their supervisors, County officials, and their fellow employees.

2.02. SERVICE TO THE PUBLIC AND CODE OF PERSONAL CONDUCT. On a day-to-day basis, citizens base their opinion of Scurry County on the actions of County employees like you. Over the years we have developed a code of personal conduct we think will help maintain a reputation for good County government and which all employees and officials should follow:

1. Remember that we are here to serve the people of Scurry 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 want 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(s) 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, email address or physical address where the person can be contacted.



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 about ways we can improve our services to the citizens of Scurry County or can get our work done in a more efficient manner.
10. 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.

to the County's citizens and to perform specific tasks in a professional manner. As representatives of the County, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the County does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner that is appropriate to the particular job being performed. Expensive clothes are not necessary, but a neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the County's work force. The County, through its officials and supervisors, and not the employee, shall determine whether an employee's attire is appropriate for his or her position.

2.04 TIMELINESS AND ATTENDANCE. Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work. Regular full-time employees' pay is based on the number of hours worked, which is 40 hours per week for all nonexempt, non-law enforcement employees or 171 hours per 28 day work period for law enforcement and fire protection employees. All nonexempt employees are required to maintain accurate time records and to sign their time sheets before submitting them to the department head. Knowingly misrepresenting the number of hours worked is considered falsifying records is against the law and is grounds for termination. Exempt employees are considered salaried employees and do not fill out time sheets, but they are expected to work approximately 40 hours weekly.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor as soon as possible prior to the time scheduled for work but not later than thirty minutes after the time the employee is scheduled to begin work unless emergency conditions exist.

The employee who will be absent must **personally speak** to his or her supervisor or another person if the supervisor is unavailable and provide the supervisor with a reason for the absence or lateness and the time the employee expects to be at work. Voicemails, emails, or text messages are not acceptable forms for communicating absences. A department head may require a different reporting schedule or method if it would work better for that particular department. Department heads should report their absences to the County Treasurer's office. See also the Leave Time chapter of these policies for matters involving planned absences.

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.

Each employee will be at his or her place of work in accordance with the starting time established for his or her position unless prior approval is given by the supervisor or the employee is unable to be at work on time for reasons beyond the control of the employee. Each employee will remain on the job until the normal quitting time for his or her job unless permission to leave early is given by the employee's supervisor. Failure to report within the required period can be considered justification for disallowing paid leave for an absence.

Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

2.05 OUTSIDE ACTIVITIES. Employees must notify the elected official or department head over their department at the time of their initial employment or prior to the employees acceptance of any outside employment, including self-employment.~~Employees must notify the elected official or department head over their department at the time of their initial employment or prior to acceptance of any outside employment, including self employment. Employees may not engage in any outside employment, activity, or enterprise determined by the elected or appointed department head to be inconsistent or incompatible with employment with the County, or to affect the employee's job performance adversely. Employees may not engage in any outside employment, activity, or enterprise determined by the elected or appointed department head to be inconsistent or incompatible with employment with the County, or to affect the employee's job performance adversely.~~

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

2.06 GIFTS AND GRATUITIES. A County officer or employee may not accept any gift or free service that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the County or which creates the appearance of impropriety or unfair influence. See "Conflict of Interest" section below.

2.07 CONFLICT OF INTEREST.

1. -Elected Officials. A member of the Commissioners Court and certain other County officials shall 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."

- ~~\_\_\_\_\_~~a. ~~\_\_\_\_\_~~-sSolicit or accept or agree to accept a financial benefit, other than from 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 the employee's performance;
- ~~\_\_\_\_\_~~b. ~~\_\_\_\_\_~~-aA accept employment or compensation that might reasonably induce him or ~~\_\_\_\_\_~~her to disclose confidential information acquired in the performance of official ~~\_\_\_\_\_~~duties;
- ~~\_\_\_\_\_~~c. ~~\_\_\_\_\_~~-aA accept outside employment or compensation that might reasonably tend to ~~\_\_\_\_\_~~impair independence of judgment in performance of duties for the County;
- ~~\_\_\_\_\_~~d. ~~\_\_\_\_\_~~-mM 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
- ~~\_\_\_\_\_~~e. ~~\_\_\_\_\_~~-sSolicit, accept or agree to accept a financial benefit from other person in ~~\_\_\_\_\_~~exchange for having performed duties as a County employee in favor of that ~~\_\_\_\_\_~~person; or
- ~~\_\_\_\_\_~~f. ~~\_\_\_\_\_~~-eEngage in activities that create an appearance of impropriety in connection ~~\_\_\_\_\_~~with carrying out one's duties as a county employee.

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

- ~~\_\_\_\_\_~~ election or nomination for office; or
- ~~\_\_\_\_\_~~2. ~~\_\_\_\_\_~~-Directly or indirectly coerce, attempt to coerce, command, or advise or employee to pay, lend or contribute anything organization, agency, or person for a

All County employees, except elected officials, are prohibited from participating in any way in any political activity while wearing a County uniform, regardless of whether the employee is on duty or on his or her own time. 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 that 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 request, or in applying any other employment actions to the employee except in cases allowed by law, such as when the employee's activity conflicts with his role as a public employee or substantially inhibits the performance or provision of public services.

2.09-CHAIN OF COMMAND. Individual County employees are responsible to the appropriate elected or appointed department head or to a supervisor designated by the elected official or department head. Department heads are under the direction of the Commissioner's Court. 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 unless otherwise specified in these policies.

2.10 COMMUNICATIONS. From time to time, an employee may be given directions from persons other than his or her immediate supervisor or elected or appointed department head. In such cases, it is the employee's responsibility to notify his or her immediate supervisor about the direction, its purpose, and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action. Communication with the public about County issues or problems is the responsibility of the appropriate department head or elected official. Employees are to refer the public to the appropriate elected or appointed department head if a question is non-routine, controversial, or outside the scope of the employee's normal duties.

2.11 TELEPHONE USE. County telephones are to be used for County business. It is understood that occasionally personal calls are necessary; however, use of telephones, whether County or personal cell phones, for personal calls is permitted only if the number and length of calls are kept to a minimum. Excessive personal calls, texting, or personal internet communication make an employee subject to disciplinary measures up to and

including termination. If an employee's use of a personal cell phone is excessive, the employee will not be allowed to have the cell phone at work. 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.

## 2.12 TECHNOLOGY POLICY

1. Overview. The use of the County's automation systems, including telephones, computers, fax machines, scanners, copy machines, and all forms of Internet access, is for County business and is to be used for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable, as long as it is not prohibited by the employee's supervisor, is not excessive or inappropriate, and does not result in expense to the County. Employees may be required to reimburse the County for any charges arising from their personal use of County automation systems.

Use is defined as "excessive" if it interferes with normal job duties, responsiveness, or the ability to perform daily job activities. The County automation systems are County resources and are provided as business communication tools. Electronic communication should not be used to solicit or sell products, distract co-workers, or disrupt the workplace.

Use of County technological equipment, including computers, networks, and Internet access, is a privilege granted by the County and may be revoked at any time for inappropriate conduct including, but not limited to:

- Engaging in private or personal business activities;
- Sending chain letters;
- Installing unauthorized software;
- Misrepresenting oneself or the County;
- Engaging in unlawful or malicious activities;
- Using abusive, profane, threatening, racist, sexist or otherwise objectionable language in either public or private messages;
- Sending, receiving or accessing pornographic materials;
- Becoming involved in partisan politics;
- Causing congestion, disruption, disablement, alteration or impairment of the County networks or systems;
- Using recreational games, movies, or video content; or
- Defeating or attempting to defeat security restrictions on County systems and applications.

Using County automation systems to create, view, transmit or receive racist, sexist, threatening or otherwise objectionable or illegal material is strictly prohibited. "Material" is

defined as any visual, textual or auditory entry. Such material may violate the County's anti-harassment and anti-discrimination policy and is subject to disciplinary action.

The County's electronic mail system must not be used to violate the laws and regulations of the United States or any other nation or state, city, province or other local jurisdiction in any way.

Use of County resources for illegal activity can lead to disciplinary action, up to and including termination and criminal prosecution.

2. Ownership and Access to Electronic Mail and Computer Files. The County owns the rights to all data and files on any computer, network or other information systems used in the organization. The County also reserves the right to monitor electronic mail messages and their content. Employees must be aware that the electronic mail messages that they send and receive using the County equipment are not private and are subject to viewing, downloading, inspection, release and archiving by the County management at all times. Furthermore, with few exceptions, emails, data, and files on County computers are subject to disclosure under the Texas Public Information Act. No employee may access another employee's computer, computer files or electronic mail messages without prior authorization from either the employee or a supervisor or the Elected Official in whose department the employee works.

The County has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software. Moreover, employees may not create, use, distribute or upload any licensed or unlicensed software without the prior written authorization of the employee's department head. Violations of this policy can lead to disciplinary action up to and including termination.

3. Confidentiality of Electronic Mail. As noted above, electronic mail is subject at all times to monitoring and the release of specific information is subject to applicable state and federal laws and county rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work related information is to decide if you would post the information on the office bulletin board with your signature.

It is a violation of County policy for any employee, including system administrators and supervisors to access electronic mail and computer system files to satisfy curiosity about the

affairs of others. Employees found to have engaged in such activities will be subject to disciplinary action.

4. Message Tone for Electronic Mail. Employees are expected to communicate with courtesy and restraint with both internal and external recipients. Electronic mail should reflect the professionalism of the County and should not include language that could be construed as profane, discriminatory, obscene, sexually harassing, threatening or retaliatory. Typographical or grammatical errors and misspelled words are also unacceptable; employees should remember that e-mail is a form of business communication, and the language they use should reflect that fact at all times. Using all capital letters, shorthand, idioms, unfamiliar acronyms, and slang should be avoided when using electronic mail.

5. Receiving Electronic Mail. Employees should use caution when opening any e-mails from known or unknown senders as viruses can attach to either. If an employee questions the security and/or authenticity of an e-mail, or attachment they are required to contact their supervisor before opening any items.

6. Policy Statement for Internet Browser(s). The Internet is to be used to further the County's mission, to provide effective service of the highest quality to the public and staff, and to support other direct job-related purposes. Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. The various modes of Internet access are County resources and are provided as business tools to employees who may use them for research, professional development and work-related communications. Limited personal use of Internet resources is a special exception to the general prohibition against the personal use of County computer equipment and software.

Employees are individually liable for any and all damages incurred as a result of violating the County's security policy, copyright, and licensing agreements. All County policies and procedures apply to employees' conduct on the Internet, especially but not exclusively, relating to: confidentiality, standards of conduct, misuse of County resources, anti-harassment, and information and data security. Violation of these policies and/or state and federal laws can lead to disciplinary action up to and including dismissal and possible criminal prosecution.

7. Internet Security. The rights to all data and files in any information system used by the County belong to the County. Internet use is not confidential, and no rights to privacy exist. The County reserves the right to monitor Internet usage, both as it occurs and in the form of account histories and their content. The County has the right to inspect any and all files stored in private areas of the network in order to assure compliance with County policy and state and federal laws. The County will comply with requests from law enforcement, regulatory agencies, and public information requests for logs, diaries, archives or files on

individual Internet activities as required by law. Existing rules, policies and procedures governing the sharing of work-related or other confidential information also apply to the sharing of information via the Internet. The County has taken necessary actions to assure the safety and security of our network. Any employee who attempts to disable, defeat or circumvent County security measures is subject to disciplinary action up to and including termination.

2.13 UNIFORMS. Some County departments require employees to wear uniforms. Each employee is expected to keep his or her uniform neat, clean, and in good condition. Employees will be responsible for replacing or reimbursing the County for lost or destroyed uniforms that are provided to the employee by the County.

2.14 PURCHASING. Purchases by County employees may only be made as authorized by elected or appointed County department heads or the Commissioners Court. Additionally, all purchases must be made in accordance with state purchasing laws as they apply to counties.

2.15 INDEBTEDNESS TO THE COUNTY. State law prohibits issuing a paycheck in excess of minimum wage to a County employee if the employee is indebted to the County or to the State.

### 3.00 HIRING PRACTICES

3.01 METHODS OF RECRUITMENT AND SELECTION. The County has four approved methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) transfer from within; (3) public announcement and consideration of internal and external applications for employment; and (4) referral from a job training program. The elected official(s) or appointed department head determines the method of selection to be used in filling each vacancy. However, the Commissioners Court must approve funding and recruitment for a position before recruitment begins. 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 will be informed of how County job announcements are advertised and that they may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

3.02 POSITION ANNOUNCEMENTS. Elected officials and department heads must send a notice of any position openings to the County Treasurer for posting. The County Treasurer will notify current County employees and the general public of vacancies by posting a notice in a central place in the County courthouse and by such other public announcements as may be appropriate. The posting will state whether the position is open to only internal or to both internal and external candidates. Employees are permitted to apply for all positions for which they believe themselves to be qualified.



The length of time during which applications will be accepted will be determined by the appropriate department head in accordance with the circumstances that exist at the time.

3.03 QUALIFICATIONS. The County maintains a job (class) description that establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications required to fill the position.

3.04 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. Selection will be based on qualifications for the position and the ability to perform the essential functions of the job, either with or without reasonable accommodation, without consideration of the applicant's race, age, sex, religion, color, disability, national origin, genetic information, or other protected category. A copy of the applicant's resume or application for employment will be attached to the personnel action form. The personnel action form will be placed in the employee's personnel file. If the position is one that requires a physical examination prior to the employee beginning employment, the examination will be kept in a separate medical file that will be kept confidential as required by law.

3.05 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 County Treasurer's office prior to the first day of employment.

3.06 APPLICATION FOR EMPLOYMENT. When a specific vacancy exists, each person desiring employment with the County may obtain an application for employment from the Treasurer's Office. To be valid, an application must be made on the County's official application form. All applications must be filled out completely. When an application is received for a specific departmental position vacancy, the department must separate the EEO statistical data form from the application and file the EEO form by position applied for in a recruitment file. Each employment application will be retained by the County for two years after receipt of the application.

It is the responsibility of the employing department to conduct a personal interview of the applicant and to make appropriate checks to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. In the case of applicants for positions with the County that require driving a vehicle, the department head must check the prospective employee's driving record prior to offering the applicant employment with the County.

Any false or misleading statements or omissions on an employment application will be grounds for not hiring the individual involved or for termination if discovered after hiring.

3.07 EMPLOYMENT OF RELATIVES (NEPOTISM). Nepotism is hiring of family or relatives. The practice of nepotism in hiring or appointing personnel or awarding contracts to family and relatives within certain degrees of relationship is forbidden by the County. No person may be hired who is related to any member of the Commissioners Court or to an elected official or department head for whom he or she works within the second degree of affinity (relationship by marriage) or the third degree of consanguinity (relationship by blood).

1. Affinity. The following relatives of a public official fall within the prohibited first or second degree of affinity:

a. First Degree of Affinity. Relatives related within the first degree of affinity include an individual's husband, wife, father-in-law, mother-in-law, sons-in-law, daughters-in-law, stepsons and stepdaughters.

b. Second Degree of Affinity. Relatives related within the second degree of affinity include a public official's sisters-in-law (brother's spouse or spouse's sister), brothers-in-law (sister's spouse or spouse's brother), spouse's grandmothers, spouse's grandfathers, spouse's granddaughters, and spouse's grandsons.

2. Consanguinity. The following relatives of a public official would fall within the prohibited first, second or third degree of consanguinity:

a. First Degree of Consanguinity. Relatives related within the first degree of consanguinity include a public official's mother, father, sons and daughters.

b. Second Degree of Consanguinity. Relatives related within the second degree of consanguinity include a public official's brothers, sisters, grandmothers, grandfathers, grandsons and granddaughters.

c. Third Degree of Consanguinity. Relatives related within the third degree of consanguinity include a public official's great-grandfathers, great-grandmothers, aunts, uncles, nephews, nieces, great-grandsons and great-granddaughters.

1. At least 30 days, if the Commissioners' Court member, official or department head is appointed; or

2. At least one year prior to the date the assumption of office, if the Commissioners' Court member or official or department head is elected.

supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

3.08 TESTING. Drug and psychological testing for law enforcement officers and any other test that may be required by state law, will be conducted prior to starting employment. Performance tests that are specifically job-related (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers, writing samples) may be administered prior to beginning employment, promotion, or transfer. Required medical examinations will be made by a health care provider of the County's choice and will be paid for by the County. Offers of employment, promotion, and transfer will be contingent upon the successfully completing required tests.

3.09 MEDICAL RECORDS. All records relating to the medical condition, medical testing, genetic information or testing, or drug screening of an employee or prospective employee will be kept separately from other personnel records and will be kept confidential to the extent allowed by law. Only those with a business reason to review an employee's medical records are allowed to do so.

3.10 VERIFICATION OF ELIGIBILITY OF WORK. In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form [I-9](#) within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility.

3.11 DRIVING RECORD. Every County employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record and may be required to participate in defensive driving courses at the County's request. Except as restricted by state law, the department head is responsible for conducting a check of a prospective employee's driving record prior to offering the applicant County employment in a capacity which requires operating a vehicle or piece of equipment. Any employee whose position requires him or/her to drive for the County, either his or/her personal vehicle or a County owned vehicle or piece of equipment, must report any driving while intoxicated (DWI) charges, or other moving violations, or driver's license changes or suspensions that affect the employee's ability to drive to his or/her supervisor. Depending upon the severity of the offense and/or the individual's overall driving record and his or/her job duties, disciplinary action and/or termination may result. An employee's failure to notify his or her supervisor of a DWI, other driving offenses, or changes to the individual's driver's license that affects the employee's ability to drive the vehicle or equipment the employee operates may result in disciplinary action up to and including termination.-

3.12 DISQUALIFICATION. An applicant is disqualified from employment by the County if he or she:

- ~~a.~~ D does not meet the minimum qualifications for performance of the duties of position requested;
- ~~b.~~ K knowingly has made a false or misleading statement on the application for
- ~~m;~~ H has been dishonest by omission or commission during the application or ~~selection process~~;
- ~~d.~~ I is not legally permitted to hold the position;
- ~~e.~~ H has offered or attempted to offer money, service, or any other thing of value ~~to secure an advantage in the selection process~~;
- ~~f.~~ I is unable to perform the essential functions of the job, either with or without ~~reasonable accommodation~~;
- ~~g.~~ H has not provided proof of citizenship or legal work status in the United States ~~within the first three days of employment~~; or
- ~~h.~~ H has failed any required substance abuse screening or other required test.

3.14 PLACEMENT ON COUNTY PAYROLL. New employees must fill out employment forms before or at the beginning of their first day of employment. The elected official or appointed department head must provide the necessary paperwork to the County Treasurer prior to the new employee being placed on the payroll. Employees may not begin work prior to completion of employment forms necessary to be placed on the County payroll.

3.15 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 must also be sufficient funds available in that line item to cover the incoming employee's salary for the specified temporary period of employment. If the department's budget does not contain a line item for temporary or emergency employee salaries, the department head must first obtain authorization from the Commissioners' Court each time prior to hiring any temporary or emergency employee(s).

3.16 ORIENTATION AND TRAINING. The County Treasurer will provide a general orientation for new employees about employment with the County. During this orientation, employees

are shown the Personnel Policies and Procedures Manual, are required to read it within two weeks, and are informed of its continued availability to them and the reference locations. Employees will sign an acknowledgment to this effect and return it to the County Treasurer within two weeks of employment. Additionally, employees will be given information about County benefits programs during orientation.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation conducted by the elected official or department head for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better and its relationship to the overall operation of County government. Training an employee is the responsibility of the elected official or department head for whom he or she works. If employees are new to the type of work they will be doing, to the extent possible, they will receive on the job training under close supervision. Employees who are hired with experience or training in the area in which they are working are expected to be familiar with the standards of work in the area in which they are hired and may not receive additional training.

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

**Regular Full-Time.** A regular full-time employee is appointed to an authorized position that involves, on the average, 40 work hours per week and that is expected to last at least six months. Regular full-time employees may be either hourly or salaried and are eligible for Scurry County's benefits package, subject to the terms, conditions, and limitations of each benefit program.

**Regular Part-Time.** A regular part-time employee is appointed to an authorized position that involves, on the average, at least 20 but fewer than 40 work hours per week and that is expected to last at least six months. Regular part-time employees will be paid on an hourly or salaried basis depending upon their job duties. Employees who are normally scheduled to work between 20-29 hours per week will be categorized as half time employees. Employees who are normally scheduled to work between 30-39 hours per week will be categorized as three quarter time employees. Half and three quarter time employees may be eligible for some or all Scurry County benefits, subject to the terms, conditions, and limitations of each benefit program, and may be required to pay all or some additional or pro rata share of premiums or cost for benefits.

**Temporary Full-Time.** A temporary full-time employee is an employee hired to work an average of 40 hours per week for a period expected to last less than six months. Temporary full-time employees may be either hourly or salaried depending upon their job duties and

only receive those benefits that are mandated by law, such as social security and Medicare.

Temporary Part-Time. A temporary part-time employee is an employee hired to work an average of less than 40 hours per week for a period expected to last less than six months. Temporary part-time employees may be paid on an hourly or salaried basis depending on their job duties and only receive those benefits that are mandated by law, such as social security and Medicare.

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

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 are governed by all terms of these policies not in conflict with their contract for services.

5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.01 PAY. Pay for County elected and appointed officials and employees who are paid wholly from County funds is 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.

5.02 SALARY GRIEVANCES FOR 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

1. The Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, District Clerk, County Attorney or Criminal District Attorney, and the number of public members necessary to provide nine voting members, but excluding the elected official who is filing the grievance; OR

each year to have nine public members.

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

If, after a hearing, the Committee, by a vote of at least six of its voting members, decides to recommend a change in the salary or personal expenses of the official requesting the hearing, it will prepare its recommendation in writing and deliver it to the Commissioners' Court, which will consider the recommendation at its next meeting.

If nine members vote to recommend the increase and sign the recommendation, the committee will deliver its recommendation to the Commissioners' Court which will include the increase in the budget before the budget is filed. The increase will take effect in the next budget year.

5.03 PAYDAYS. The pay period for the non-exempt hourly employees is biweekly. Checks for non-exempt employees are issued electronically every two weeks on Wednesday for each 14-day period ending at midnight on the Friday preceding the pay date. - If the payday falls on a holiday, checks will be issued on the last working day preceding the holiday.

Checks for exempt employees will be issued and/or direct deposited bimonthly on the 15th day of the month and the last day of the month unless it falls on a weekend or holiday and then it will be paid on the preceding day.

5.04 CHECK DELIVERY. The Commissioners' Court has authorized electronic deposit of all paychecks. All electronic transfers of paychecks will be made on the days set forth above.

An employee must promptly bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the County Treasurer. Errors in payroll will be corrected in subsequent pay periods.

5.05 PROHIBITION AGAINST LOANS AND SALARY ADVANCES. No salary advances or loans against future salary will be made to any employee for any reason.

Commissioners' Court. Deductions will be made from each employee's pay for the following:

- Federal social security;
- Federal income tax;
- Court-ordered child support;
- Texas County and District Retirement System contributions (for regular fulltime 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 of group health/medical or dental premiums for the employee or dependents;

- Supplemental deferred compensation; and
- Such other deductions as may be authorized by the Commissioners' Court.

her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the County Treasurer the appropriate forms for communicating these changes.

sets aside funds for performance-based increases, those increases, based on a percentage of the employee's current salary, may be granted for exceptionally good and consistent performance in the same position. Performance-based increases are not used to recognize increased duties and responsibilities (a promotion) and are granted without regard to cost-of-living factors or longevity. Such increases recognize outstanding performance and thus are granted only with the supervisor's recommendation and a written performance evaluation of the employee which may be completed in conjunction with the budget process or at the time the increase is requested if it is at a time other than prior to a new budget year. Absent extraordinary circumstances, an employee will not be eligible for a pay raise of any kind until he has been employed a period of one year and then only with a written explanation of the circumstances that warrant the raise prior to the end of a year of employment. A performance based increase cannot increase an employee's salary beyond the maximum of the pay group for the position.

**5.08 ACROSS-THE-BOARD PAY INCREASE.** During budget deliberations for the forthcoming year, the Commissioners' Court may authorize an across-the-board pay increase.

**5.09 CLASSIFICATION PLAN.** The County maintains a classification plan that assigns each class of positions to a pay group based on the principle of equity among positions requiring similar knowledge, skills, and abilities and having similar levels of responsibility. The plan may also take into account the market rates for similar jobs.

**5.10 PAY PLAN.** Pay ranges for each group are established by a pay plan that is approved by the Commissioners' Court.

**5.11 PAY GROUP.** Within the general guidelines of the pay plan and the budget, the Commissioners' Court is authorized to determine the appropriate pay group to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan (unclassified) is paid within maximums set in a budget approved by the Commissioners' Court.

**5.12 LONGEVITY PAY.** Longevity pay is additional pay given to regular full time employees to recognize an employee's increased value to the County with each additional year of service. Longevity pay is based on the number of years of continuous service by County employees. All regular full-time employees receive \$5.00 per month for each year of service which is added to base pay to determine gross pay. Longevity pay is not affected by



percentage salary increases or cost-of living-adjustments. It is calculated at the beginning of each year based on prior service and remains the same for the full year. Any employee rehired by the County within one year of termination will receive prior service credit for the purpose of computing longevity pay. For employees with breaks in service for longer than one year, longevity pay will accumulate from the most recent hire date and will not include prior service unless otherwise required by law. Employees hired before the 15th of the month will receive longevity for that month. Employees hired after the 15th of the month will not receive longevity until the following month. Employees who are off work on unpaid leave will not receive monthly service credit for any full month off on unpaid leave.

5.13 PROMOTIONS. A promotion is a change in the duty assignment of an employee that results in advancement to a higher position requiring higher qualifications and involving greater responsibility. A promoted employee will normally receive a pay increase of at least the amount of difference from one pay group to the next. When an employee is promoted to a new pay group with added responsibilities and receives a pay increase, he or she will not be eligible for another pay raise until he or she has been employed in the new position for a period of one year. Promotions are approved by the elected or appointed department head within the staffing pattern and budget limits authorized and approved for that department by the Commissioners' Court and consistent with the classification and pay policies established by the Commissioners' Court.

5.14 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 requested by the employee or the elected official or department head to whose department the employee will be transferred and must be agreed upon in writing by both department heads. An employee will not normally 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 and is within the department's annual budget. However, if an employee transfers to a position with less responsibility or fewer job duties, the employee's salary may be reduced. An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation and sick leave.

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

5.16 PAY REDUCTION FOR DISCIPLINARY REASONS. An employee's pay for continued performance in the same position may be reduced to a lower rate as a disciplinary measure but may not be below minimum wage.

5.17 TERMINAL PAY. If an employee leaves the service of the County, his or her final paycheck will include (1) pay for all hours worked but for which payment has not been received; (2) pay for any accumulated compensatory time not to exceed the limits established by these policies; (3) pay for any vacation leave time for which payment is due under the provision of these policies; and (4) deductions for any indebtedness to the County which the employee has incurred, but which has not been paid.

5.18 APPROVING AUTHORITY. The Commissioners' Court is the approving authority for all payrolls and payroll transfers granted under the terms of (1) these policies, (2) the classification and pay plans, and (3) the annual budget. The appropriate elected or appointed department head approves performance-based pay increases provided that funds have been specifically set aside for that purpose by the Commissioners' Court. Any performance-based increases granted by department heads must be consistent with (1) these policies, (2) the classification and pay plans, and (3) the annual budget. The department head must notify the Commissioners' Court of any change(s).

5.19 COST OF LIVING ADJUSTMENT{COLA}. Notwithstanding any other provision in this section, when there is a social security cost of living adjustment, such adjustment will be added to the base pay of all regular fulltime employees. Said adjustment will be based on the cost of living multiplier as determined by the social security cost of living adjustment for the prior year. Any cost of living adjustment shall be in addition to other payroll adjustments made for the same period (i.e., longevity pay, performance based increases, etc.) The adjustment will not increase the maximum base salary cap for any position. Although the employee pay may exceed the maximum base salary cap based upon cost of living adjustments.

5.20 FAIR LABOR STANDARDS ACT SAFE HARBOR. Scurry County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Treasurer's attention, Scurry 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 question, please use the reporting procedure outlined below.

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 sheet must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. When you receive each pay stub, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week. Do not sign your time sheet if it is not accurate. Unless you are authorized by your supervisor, you 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 and that time is recorded on your time sheet. 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 sheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

It is a violation of Scurry County policy for any employee to falsify a time sheet or to alter another employee's time sheet. 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 alter another employee's time sheet 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 employees' time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the County Judge.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work 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, such as during salary review times, 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.

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes, social security, retirement; or, voluntary contributions to a deferred compensation plan. In any work week in which you performed any work, your salary 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.

In any work week 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 any 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 the County Judge or the County Treasurer. If you are unsure of whom to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney. 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 will result in disciplinary action, up to and including termination.

#### 6.00 WORK SCHEDULE AND TIME REPORTING

6.01 WORK HOURS. Normal working hours for most County employees are Monday through Friday 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek. Sheriff's Department officers, jailers, dispatchers, park employees, precinct staff, and Emergency Service employees may work varying shifts in order to provide services 24 hours a day.

Elected officials and department heads may, within the limits of state and federal law, make adjustments to these schedules. The Commissioners' Court encourages offices to remain open during the noon hour to better serve the public. Some employees may have their lunch hours staggered so that the County can provide this service. Employees are considered to be off duty during meal periods and are not to work during this time unless they have the express permission of their supervisor to do so. An alternative lunch break should be arranged on days on which an employee is required to work through his/her regular lunch period.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full, established work schedule. This is an essential duty of each employee's position.

6.02 BREAK PERIODS. Morning and afternoon breaks of 15 minutes each may be, but are not required to be, authorized by the responsible elected official, but if authorized, this time does not accumulate if not taken regardless of the reason it was not taken. Breaks are a benefit, but not a right, of employment with the County. Breaks may only be taken if the day's workload allows and doing so will not interrupt the workflow of the day or otherwise disrupt the workplace. Breaks may not be taken at the beginning or end of the workday or immediately prior to or after a lunch break. Any time taken in excess of 15 minutes will be docked from the employee's vacation leave or will be without pay. Any employee who abuses the break period may be disallowed breaks and subject to disciplinary action up to and including termination.

6.025 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 during the first year following the birth of a child.

Scurry County will provide two paid 15 minutes breaks daily for nursing mothers. The nursing mother will be allowed whatever time is needed to express breast milk, however, if the break is longer than 15 minutes in duration, the break time will be unpaid time off.

The mother will be given 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.

Scurry County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for one year following the birth of their child.

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, they may not be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for nursing mother, however if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

6.03 NUMBER OF HOURS WORKED AND TIME REPORTING. Subject to laws governing pay and working hours and to the provisions of the County's budget, the Commissioners' Court determines the number of hours worked by an employee for the compensation to be received. Each regular full-time, ~~nonexempt~~ employee's ~~financial compensationsalary~~ is based on 40 hours per week. Detailed and accurate time records must be kept by each employee, and time sheets must be signed by each nonexempt employee verifying the number of hours worked prior to being submitted to the appropriate department head. Time records should be filled out on a daily basis in order to maintain an accurate and comprehensive record of the actual time spent on a particular workday or project. Unless specifically requested by the Treasurer's office, time records should never be filled out in advance and must accurately reflect the actual time worked by the employee.

Commented [CB4]: Discuss with Nelda

Each elected official or department head is responsible for ensuring that all hours worked and leave time taken are reported on the time records delivered to the County Treasurer for payroll purposes as well as being recorded in the individual department records. Further information about timeliness is found in the section of this manual under the main heading Employee Responsibilities. Department Heads are exempt employees and do not fill out time sheets but need to complete a Report of Leave form for vacation, sick or compassion time taken and present it to the County Treasurer's office.

Altering, falsifying, misrepresenting time worked, tampering with the time records or recording time on another employee's time records is unacceptable, may be unlawful, and is grounds for disciplinary action up to and including termination.

6.04 OFFICIAL WORK PERIOD. The official work period for most County employees is a seven-day workweek beginning at 12:01 a.m. on Saturday and ending at midnight on the following Friday. For certified law enforcement employees, the work period is a 28-day period.

6.05 OVERTIME WORKED. The policy of the County is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized ahead of time. In order for overtime to be authorized, an employee must have his/her supervisor's approval. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable

number of hours under the Fair Labor Standards Act (FLSA) of 40 hours per seven-day workweek for non-law enforcement employees and 171 hours per 28 day period for certified law enforcement officers and jailers.

For non-exempt, non-law enforcement employees, overtime begins to accrue with the 41st hour worked during the seven-day workweek. For non-exempt law enforcement employees, overtime begins to accrue after the 171st hour worked during the 28 day period. Holidays, vacation, sick leave, or other paid time off during the workweek are not hours worked and do not count toward the 40/171 hours worked requirement to accrue overtime compensation.

EXEMPT EMPLOYEES DO NOT ACCRUE OVERTIME OR COMPENSATORY TIME FOR TIME WORKED IN EXCESS OF 40 HOURS IN A 7 DAY WORK WEEK OR 171 HOURS IN A 28 DAY PERIOD.

All overtime services by employees must be authorized in advance by the employee's supervisor and approved by the elected or appointed department head. Working overtime without permission may result in disciplinary action up to and including termination.

Compensatory Time: Instead of receiving cash payment for overtime worked, a nonexempt employee may be granted compensatory time. Taking compensatory time off from work should be scheduled so as not to interfere unduly with County operations. Supervisor approval is required.

- A. Same work week. The employee shall receive equal time off if the time off is taken within the same work week.
- B. Different work week. If the employee is unable to take off during the same work week, the overtime hours worked will be credited to the employee's "compensatory time bank". Compensatory hours are banked at one and one-half (1 ½) times overtime hours worked.
- C. Maximum Accruals. Certain departments encourage employees to maintain minimum balances in their compensatory time banks. This helps to ensure that employees will receive a normal paycheck even when work cannot be performed due to such things as bad weather. Maximum accruals of compensatory time shall be set by each Department head or Elected official up to a maximum of 80 compensatory hours in his/her compensatory bank. Any hours worked beyond the maximum allowed shall be paid as overtime.
- D. Termination. Upon leaving the service of the County, an employee will be paid for any time remaining in his/her compensatory bank time. Since the accumulated hours are already recorded at time and a half, the balance will be paid based upon the employee's final hourly rate of pay.
- E. Compensatory time must be taken by December 15<sup>th</sup> of each year.

6.06 EXEMPTIONS FROM FLSA OVERTIME COMPENSATION. Department heads and other executive, administrative, and professional employees are exempt from the

overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable services over and beyond 40 hours in a work week with no additional compensation. The salaries of these positions are established with this condition in mind.

Some additional County positions are exempt from FLSA because of the close relationship of the position and the elected official for whom the employee works. Extra hours worked by executive, administrative, professionals and elected officials' closest staff members may be used as a factor in granting or denying paid leave other than vacation or sick leave.

Employees engaged in recreational, seasonal activities which do not operate for more than seven months in any calendar year and meet the other statutory prerequisites are exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees.

Each County job description designates whether persons hired in that classification are exempt from or covered by (nonexempt) the overtime provisions of the FLSA. Exemptions from overtime will be determined by the FLSA.

6.07 OVERTIME COMPENSATION. When emergency circumstances necessitate overtime work, nonexempt employees are compensated for the overtime worked by being given (listed in order in which they are to be given):

personnel; 28 days for law enforcement officers and jailers); or

-2. \_\_\_\_—Payment at the rate of one and one-half times the employee's regularly  
-hourly—rate.

Remember, overtime work must be approved by the Department Head and authorized by the Commissioners' Court and normally may only be so in emergency situations.

-6.08 HOLIDAYS WORKED. The County's policy is that each regular full-time employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular full-time employee is required to work on a scheduled holiday, he or she will be paid for the hours worked and will be given an alternate day off, preferably, but not necessarily, within the same workweek or work period.

6.09 REPORTING TO WORK DURING SEVERE WEATHER CONDITIONS. The Scurry County Judge will as determined by weather conditions, based on reports and forecasts, contact all departments as to whether there will be a weather day closure or delayed opening. When

severe weather occurs during the work day, County offices will close as soon as is reasonable and at the discretion of the elected official or department head responsible for each individual office. If an employee is considered essential for purposes of reporting to work as normally scheduled during severe weather, the employee will be so informed by his or her supervisor.

All Sheriff's Office, Jail and EMS personnel are considered essential and must be at work at their normally scheduled time even in the event of severe weather and thus should make any necessary adjustments to their schedules in order to be at work in severe weather.

Scheduled work time missed due to bad weather closing will be paid time off and WD (weather day) should be marked on the employees time sheet or Report of Leave form, whether the determination is made by the County Judge or Elected Official or Department Head in accordance with the above policy.

## 7.00 BENEFITS

7.01 MEDICAL INSURANCE. Regular full-time employees are provided general medical, hospitalization, and life insurance. The County pays the premium for coverage of eligible employees. All covered employees are given a handbook that details the benefits of the plan and describes how to make claims covered by the plan. Employees may obtain coverage under the group plan for family members at a rate set by the Commissioners' Court. Premiums for family members covered under this plan will be deducted from the employee's paycheck.

7.02 SECTION 125/CAFETERIA PLAN. The County offers a "cafeteria" plan at the employee's option. This plan provides payroll deduction for optional insurance premiums.

7.03 DEFERRED COMPENSATION PLAN. NRS is the plan administrator.

**Commented [CB5]:** Do you have a deferred compensation plan? If not, remove this section.

7.04 RETIREMENT. The County is a member of the Texas County & District Retirement System. Subject to the terms of the plan, regular employees begin accruing benefits from the date of employment. Each regular employee contributes seven percent (7%) of his or her gross pay to the system. This amount is deducted from the employee's paycheck. The County also contributes toward each regular employee's retirement. The percentage of employees' gross salary paid by the County is determined annually by the Commissioners Court. An employee is vested after —5 years of service. If a person no longer works for an entity participating in the Texas County and District Retirement System, he or she is eligible to withdraw the funds he or she contributed to the retirement plan— by completing an application for the refund. The refund will consist of all funds the employee has put into the system plus all interest that has been earned less any taxes withheld. The withdrawal will not include any funds or interest earned on funds contributed by the County. For specific details on the plan, employees may contact the Texas County and District Retirement System at [www.tcdrs.org](http://www.tcdrs.org).



7.05 SOCIAL SECURITY. All employees of the County are covered by social security. The County contributes to the social security system on behalf of each employee. Deductions are made from each employee's paycheck.

7.06 WORKER'S COMPENSATION. All employees of the County are covered by the workers' compensation insurance program, and the County pays the premium. This coverage provides medical and salary continuation benefits to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in the sections of this manual under the main heading Health and Safety.

7.07 UNEMPLOYMENT INSURANCE. All employees of the County 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. Employees terminated for misconduct as defined by the Texas Labor Code will not be entitled to unemployment benefits.

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

## 8.00 LEAVE TIME

### 8.01 DEFINITIONS.

1. 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.

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

3. Unauthorized Absences. Absences from regular duty without permission of the supervisor or appropriate elected official or department head. Employees are not paid for unauthorized absences. Such absences may result in disciplinary action up to and including termination.

8.02 APPROVAL OF LEAVE. All leave taken by County employees must be approved by the employee's supervisor and the appropriate elected official or department head. Elected officials and department heads are responsible for determining that leave has been accrued

and is available for use in the amounts requested by an employee. In addition, they are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet sent to the County Treasurer for payroll purposes. In the event that an employee takes leave time for which he/she does not have enough leave time accrued, this time will be without pay and will be deducted from the employee's paycheck. Since department heads do not fill out time sheets, they need to complete Report of Leave forms and deliver them to the Treasurer's office.

8.03 VACATION LEAVE. All regular full-time County employees who work at least 40 hours per week are eligible for vacation leave.

1. Vacation Accrual. When a full-time employee is hired during the year, their vacation time will accrue at the rate of 8 hours monthly on the first day of each month. After the initial, partial year of service, all Regular full-time employees' vacation leave is based on years of service. The following years of service vacation accruals apply to all regular full time employees, except Emergency Medical Services personnel:

Up to 10 years:	80 hours per year
More than 10 years, but less than 20 years:	120 hours per year
More than 20 years but less than 30 years:	160 hours per year
30 years and over	200 hours per year

Vacation time is allocated on January first of every year, so all regular full time employees employed on that day receive vacation, no matter their start date or employment anniversary date.

Vacation accrual of EMS personnel is based on and calculated in terms of shifts of leave per years of service.

-vacation leave. An employee cannot take or "borrow" unaccrued vacation time. For regular full time employees, the maximum amount of time that can be carried forward from one year to the next is 80 hours. If an employee anticipates having a vacation leave balance in excess of 80 hours at the end of December of any year, the employee may request to be paid in lieu of vacation for any hours in excess of 80 hours up to a maximum of 40 hours. This request must be made in writing, and all time sheets and other necessary paperwork with signatures of the employee and supervisor must be submitted to the Treasurer's Office by November 15 to be paid during the month of December.

When an employee leaves the service of the County, he or she will be paid for all accrued but unused hours. Employees who are separated from employment during the first 6 months of employment will not be paid for any vacation time.

2. Scheduling Vacation Leave. Elected officials and department heads should encourage vacation leave requests well in advance, but no less than one week in advance. Leave schedules must accommodate the County's work schedule. Provided departmental workloads will permit, employees should be allowed to select their desired leave periods. If there is a conflict in leave schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested leave period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with County requirements, the County's requirements are given first consideration. An employee may take earned vacation leave in increments of one/half day or more.

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

- b. Medical, dental, or optical examinations or treatments of the
- c. Illness of a member of the employee's immediate family who

For purposes of use of sick leave, immediate family is defined as the employee's spouse, children, parents or any other relative of the employee who resides in the employee's household and is dependent on the employee for care.

1. ~~1.~~ Sick Leave Accrual. Regular full time employees accrue ~~sick leave on a monthly~~ at a rate of 8 hours per month following the first full calendar month of employment except temporary employees do not accrue sick leave.

2. of one full calendar month of employment. If an employee is absent with permission because of illness prior to the completion of the first calendar 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 two or more hours.

3. scheduled at a time which is least disruptive to the work of the County. Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one week 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 one hour prior to the time the employee is scheduled to report to duty on the first day of absence, unless emergency conditions exist, and must request that approval of sick leave be granted. Some departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

appointments or within two days upon return to work in other instances, as applicable. Departments must promptly forward completed sick leave applications to the County Treasurer's office. Failure to provide the required notice may result in the employee's being placed on disciplinary action against the employee. Employees are expected to return to work as soon as their reasons for leaving have been accomplished or they are medically able to return to work.

4. to furnish, and the employee must provide upon request, written verification by a physician of any medical condition precluding availability for duty at any time sick leave benefits are requested.

in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 1440 hours (180 days) for regular full-time employees. Once the employee's sick leave balance has reached the maximum, accrual will cease until balance falls below the maximum.

6. Exhaustion of Sick Leave. An employee who has exhausted earned sick leave benefits may request to use accumulated vacation or, only after all accumulated vacation has been exhausted, may request leave of absence without pay. No advance of unearned sick leave benefits will be allowed for any reason.

7. Transferring Sick Leave. Under certain conditions to be approved by the supervisor, an employee or employees may contribute long-term illness days (sick days) to another employee, including an employee of their choice, up to 40 hours.

8. Using Transferred Sick Leave. An employee may only receive and use transferred sick leave from other employees after:

\_\_\_\_\_ a. \_\_\_\_\_ The

9. Illness While on Vacation Leave. When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly. Application for such substitution must be supported by a medical certificate or other acceptable evidence and must be approved by the employee's supervisor.

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

11. Prior Service Credit. An employee who is rehired by the County within one year (365 days) after employment was terminated will have sick leave that was unused at the time of termination restored.

12. "Extra" Vacation. Regular employees who do not use any sick leave during the year from January 1 through December 31, will receive three additional working days of "extra" pay or three additional days of vacation. The extra time authorized by this section is not compensation for past services rendered but is intended to be a forward-looking benefit or incentive to retain employees for future service with the County.

8.065 MILITARY LEAVE. Regular (non-temporary) 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 paid leave of absence from their County duties for certain military duties, without loss of time or efficiency rating, vacation time, or salary on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed 15 days in any one federal fiscal-year. Pay for attendance at Reserve or National Guard training sessions or exercises is authorized only for periods that fall within the employee's normal work schedule. Requests for approval of military leave must have copies of the relevant military orders attached. Military leave in excess of 15 days will be charged to vacation leave or leave without pay. Regular employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their honorable release from active duty in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA) or other applicable state or federal law.

8.076 CIVIL LEAVE. Employees are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. Employees must notify the appropriate supervisor prior to taking civil leave. When an employee has completed the activity for which he or she is receiving civil leave, he or she must report to the County for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday. -An employee who is absent from work to appear in private litigation in which he or she is a party is not entitled to paid civil leave. The time off will be charged to vacation leave or, if the employee does not have accrued vacation leave, to leave without pay.

#### 8.087 FAMILY AND MEDICAL LEAVE.

##### 1. Overview.

The FMLA entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

## 2. Definitions.

- a. Spouse. A spouse, defined in accordance with the Texas Family Code, includes common law marriages as defined in the Code.
- b. Parent. For FMLA leave purposes, “parent” is defined broadly as a biological, adoptive, step, or foster parent, or an individual who stood in loco parentis to an employee when the employee was a child. An employee’s parents-in-law are not included in the definition of “parent” for purposes of FMLA leave.
- c. Son or daughter. Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee standing in loco parentis, who is either under 18 years of age, or 18 years of age or older, and is incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence.
- d. Incapable of self-care is defined as requiring active assistance or supervision to provide daily self-care in three or more activities of daily living or instrumental activities of daily living. Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, and so forth.
- e. Serious Health Condition. For the purposes of FMLA, a serious health condition means an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a healthcare facility for a condition that either prevents the employee from performing the functions of the employee’s job or prevents the qualified family member from participating in work, school or other daily activities.
- f. Next of kin of a covered service member. “Next of kin of a covered service member” means the nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member’s next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member’s only next of kin.

## 3. Employee Eligibility for FMLA Leave. To be eligible for FMLA benefits, an employee must:

- a. Have worked for the County for a total of 12 months; and

- b. Have worked at least 1,250 hours over the previous 12 months.

While the 12 months of employment need not be consecutive, employment periods prior to break in service of seven years or more need not be counted unless the break is occasioned by the employee's fulfillment of his or her Uniformed Services (as protected under USERRA).

#### 4. Basic FMLA Leave.

Eligible employees are entitled to twelve workweeks of leave in a 12-month period for:

- a. the birth of a child and to care for the newborn child within one year of birth;
- b. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- c. to care for the employee's spouse, child, or parent who has a serious health condition;
- d. a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- e. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty".

Married couples: In cases where both spouses are employed by the County, the two spouses together may take a combined total of 12 weeks' leave during any 12-month period for reasons a. and b., or to care for the same individual pursuant to reason c.

Twelve-Month Period: The "12-month period" noted in this policy is a "rolling" 12-month period measures backward from the date an employee uses any FMLA leave. Each time an employee takes leave, the amount of leave the employee has taken under this policy in the last 12 months will be subtracted from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

Each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks that has not been used during the immediately preceding 12 months.

#### 5. Military Family Leave

There are two types of Military Family Leave available.

- ~~a.~~ a. Qualifying exigency leave. Employees meeting the eligibility requirements above may be entitled to use up to 12 weeks of their Basic FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used because of any qualifying exigency arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on covered active duty (or has been notified of an impending call or order to covered active duty) in the National Guard or Reserves.

Qualifying exigencies may include:

- Short-notice deployment (up to 7 days of leave)

- Attending certain military events
- Arranging for alternative childcare
- Addressing certain financial and legal arrangements
- Periods of rest and recuperation for the service member (up to 5 days of leave)
- Attending certain counseling sessions
- Attending post-deployment activities (available for up to 90 days after the termination of the covered service member's covered active duty status)
- Other activities arising out of the service member's covered active duty or call to active duty and agreed upon by the company and the employee.
- Leave to care for a covered service member. There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave during any single 12-month period if the employee is the spouse, son, daughter, parent, or next of kin caring for a covered military service member or veteran recovering from an injury or illness.

When both husband and wife work for the County, the aggregate amount of leave that can be taken by the husband and wife to care for a covered service member is 26 weeks in a single 12-month period.

## 6. Procedures

### a. Employee Responsibilities--Notice of Leave

An individual undergoing planned treatment is required to consult with his/her supervisor and make a reasonable effort to schedule the treatment to minimize disruptions to the department's operations. If need for leave is not foreseeable, the employee must request it as soon as practicable, no later than two business days after the need for leave arises.

### b. County Responsibilities--Response to Leave Notice

When an employee requests leave, the employee will be informed whether he or she is eligible under the FMLA. If the event qualifies under the FMLA the supervisor has the responsibility of notifying the employee of her/his rights and responsibilities. In addition, the supervisor should notify the County Treasurer's Office when an employee has notified the supervisor of a qualifying FMLA absence.

If the employee is eligible for FMLA leave, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the employee will be provided with a written notice indicating the reason for ineligibility.

If leave will be designated as FMLA, the employee will be informed in writing and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement.



#### c. Medical Certification

If leave is requested due to the employee's own or a family member's serious health condition, the employee must submit appropriate medical certification from a health care provider to support a request for leave. The medical certification must include the date on which the condition began and its probable duration. An employee may be denied leave if they fail to provide medical certification.

When the employee requests leave, the employee will be informed in writing of the requirement for medical certification and when it is due (no more than 15 days after leave is requested.) If the employee provides at least 30 days' notice of medical leave, he or she should also provide the medical certification before leave begins.

It is the responsibility of the employee, not the County or the employee's health care provider, to see that the required medical certification is received by the County Treasurer's Office. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided.

The County, at its discretion, may also require a second opinion or third opinion regarding certification of a serious health condition. If a third medical opinion is sought, the health care provider selected must be mutually acceptable to the employee and the County. The third opinion will be the final opinion, and the opinion rendered will be binding on both the employee and the County.

All certifications will be treated as confidential medical records and kept separate from personnel records.

#### d. Adoption of a Child

For adoption of a child, the employee must submit a brief written statement to the County Treasurer's Office specifying the age of the child, the anticipated or actual date of placement in the employee's home, and the number of requested days for FMLA leave. The employee also must submit similar proof of the placement of a foster child in her/his home.

#### e. Reporting While on Leave

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact their supervisor periodically, but at least once every 30 days, regarding the status of the condition and his or her intention to return to work. If an employee does not periodically contact her/his supervisor to report her/his status, the employee may be contacted by the County for this purpose. A family member may call in for the employee only if the employee is medically unable to do so.

In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

#### f. Returning to Work

An employee returning from FMLA due to their own medical condition is required to present medical certification that the employee can perform the essential functions of his or her position before returning. Failure to provide such medical certificate may result in a denial of job reinstatement until such a medical certificate is provided.

Employees who return to work from family or medical leave of absence, except for certain highly compensated employees, will be returned to their same job or an equivalent position subject to the rules of FMLA. If the employee does not return to work at the end of the leave and does not notify County of the reason for their failure to return, they may be terminated.

g. Exemption for Highly Compensated Employees.

Highly compensated exempt employees (key employees) (i.e., highest-paid 10 percent of employees at the County) may not be returned to their former or equivalent position following a leave if restoration of employment will cause substantial economic injury to the County. This fact-specific determination will be made by the County on a case-by-case basis. Employees will be notified at the time they request FMLA leave if they qualify as “highly compensated or key” employees and if the County intends to deny reinstatement.

h. Temporary Transfer For Employees on Intermittent Leave.

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.

i. Documenting Relationships

For purposes of confirmation of family relationship, the County may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The County is entitled to examine documentation such as a birth certificate, but the employee is entitled to the return of the official document submitted for this purpose.

j. Request for Extension of Family and Medical Leave.

If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the Family and Medical Leave provisions of these policies, an extension granted will be under the terms set out in the section of these policies headed Other Leaves of Absence Without Pay. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

7. Benefit Status during FMLA Leave without Pay

- a. Scurry County encourages employees on approved FMLA leave to continue health benefits at the same level and conditions during such unpaid leave. The County will continue employer contributions at the same level during such leave, provided any employee-paid premiums are kept current. Employees must pay premiums due, if any, to the Scurry County Treasurer's Office.

b. Employees who return to work directly from unpaid FMLA leave may, effective the date they return to work, reinstate all reduced or canceled coverages that were in effect immediately prior to going on FMLA leave as allowed by law and subject to the terms and conditions of the applicable terms and conditions of the benefit policies at issue.

c. The County may recover from the employee ANY premiums paid by the County, including those normally paid by the County, during any period of unpaid FMLA leave if the employee does not return to work at the conclusion of an approved family or medical leave. If it becomes known to and verified by the County during FMLA leave that the employee does not intend to return to work following FMLA leave, the entitlement to leave and employer-paid premiums cease at that time, and the employee shall be separated.

e. month(s) of FMLA leave without pay and shall not accrue vacation or sick leave for such months.

8. Outside Employment and Other Activities While on FMLA. Employees who are on leave of absence, including FMLA leave or Workers' Compensation leave, are prohibited from having outside employment, attending school, or attend work related trainings.

9. Misrepresenting Reasons for Leave. Intentionally misrepresenting the reasons for requesting family and medical leave may lead to disciplinary action up to and including termination.

1. General Provisions. Leave of absence without pay is an approved absence from duty in a non-pay status for not more than six months unless an extension is approved by the Commissioners' Court. Extensions of leave, including using this type of leave to extend family and medical leave beyond the 12/26 week limit, may be authorized by the Commissioners Court in no more than one-month intervals, and a careful review must be conducted prior to authorizing any extension. Leave without pay for personal reasons will only be granted after all available vacation leave is exhausted, and leave without pay for medical reasons will only be granted after all available sick leave is exhausted. Granting a leave of absence without pay is at the discretion of the elected or appointed department head. There is no right to leave without pay, and each request will be reviewed individually. Leave of absence without pay will not be granted if doing so will be detrimental to County operations. Such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the County at the end of the approved period; approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel or medical file, as appropriate.

2. Authorized Reasons for Leave Without Pay. A leave of absence without pay may be appropriate for the following reasons:

- Military service (see also the section on this type of leave);
- Recovery from extended illness or temporary impairment-, including using leave without pay to extend the allowable 12-week period of family medical leave; pregnancy is treated in the same manner as any other extended illness or temporary impairment (see also the section on Family and Medical Leave);
- As a possible accommodation for a qualified individual with a disability as defined by the ADA
- Educational purposes when successful completion will benefit the County;
- Public service assignments;
- Personnel exchange programs that emphasize intergovernmental relations; or
- Any other reason approved by the Commissioners' Court that, in the judgment of the Commissioners' Court, merits a leave of absence without pay.

3. Conditions. An employee requesting an unpaid leave of absence must provide the elected or appointed department head and the Commissioners' Court with a statement from an appropriate third party, i.e. military authority, health care provider, educational institution, of the date upon which the employee is or will be no longer able to perform his or her duties and the expected length of time off from work needed. In addition, the employee must furnish the County with a written statement from the employee concerning his or her intentions about returning to work at the County. In determining whether to approve the request for leave without pay, the department head or the Commissioners' Court will consider the employee's length of service with the County and past performance, the department's needs, the prospect for temporary replacement of the employee or reassignment of the employee's duties and whether the employee's absence will create a hardship for the department.

4. Reporting Requirements. An employee on extended leave must contact the appropriate County supervisor at least once each week to report on his or her status unless another schedule is agreed to in writing. Failure to provide required medical status reports or to contact the office on the schedule required by the County may result in the County revoking the leave and taking disciplinary action up to and including dismissal.

5. Documentation. A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave will be prepared by the department head, the Commissioners' Court, or designee and placed in the employee's personnel or medical file, as appropriate.

6. Compensation and Benefits. Employees on leave of absence without pay receive no compensation and accrue no benefits. Medical insurance and other benefits can be continued only if the employee pays the premiums (including the County's portion) in full in a timely manner. The continuation of any benefits during a period of leave without pay will be subject to state and federal law and the terms and provisions of the benefit programs or policies or other County policies.

7. Revocation of Leave Without Pay. A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented, or has ceased to exist.

8. Return to Work After Leave Without Pay. Upon returning to work after an authorized leave of absence without pay, an employee will receive an adjusted employment date and adjusted anniversary date that reflect the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity.

Depending upon the reason for the leave of absence without pay, the employee may be returned to his\_or her previous position or a similar position. However, this may not be possible in all cases, in which case the employee may be separated. Return from leave without pay will be handled in compliance with state and federal law including the FMLA and USERRA.

~~8.0910~~ FUNERAL LEAVE. Up to three days per year of funeral leave with pay may be granted to regular full time employees by an elected official or department head in the event of a death in an employee's family. For purposes of funeral leave, family includes spouse, child, parent, brother, sister, grandparents, or grandchildren of an employee or an employee's spouse. It also includes any relative living in the employee's household who is dependent on the employee for care. The use of funeral leave must be approved by the appropriate elected official or department head in advance and must be documented in the employee's personnel file along with the name and relationship of the deceased family member. Leave for the funeral of anyone other than the above listed family members or leave for more than three days in a year will be charged to vacation leave or if the employee does not have accrued vacation leave, will be leave without pay.

~~8.140~~ INJURY LEAVE. For information on leave for bona fide, on-the-job, work-related injuries, please see the sections in this manual under the main heading Health and Safety.

~~8.121~~ USING LEAVE IN COMBINATION. If an employee is off work for medical reasons and he or she exhausts accrued sick leave, the County will automatically begin applying any accrued vacation leave credits. An employee cannot use leave without pay until all vacation leave has been exhausted. Sick leave may only be used for the reasons set forth in Section 8.05 above cannot be used for vacation purposes when vacation leave is exhausted.

~~8.132~~ ABANDONMENT OF POSITION. While any unauthorized absence from work for any period of time may be grounds for disciplinary action or termination, or a determination that an employee has abandoned his\_or\_her job, 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 in all cases. Unless the County official determines otherwise, the resignation is not in good standing, and the employee is not eligible for reemployment.

8.13 INFLUENZA LEAVE POLICY. The following policy is intended to bridge the gap for our employees who may experience illness as a result of influenza season. This policy is intended to lessen the penalizing impact of the illness against our current sick leave policy and the

resulting financial strain it could cause to all of our employees. This policy also intends to lower the incidence of influenza transmission among coworkers.

This policy is applicable to all regular full-time employees affected by the flu season, based on the date determined by the Centers for Disease Control. Employees, who become ill with Influenza, will be paid up to a scheduled work week. This does not affect the employee's current sick leave. Any unused Influenza leave will be removed at the end of the flu season. Influenza leave time does not include situations requiring Medical Leave due to disability and any Influenza absence which exceeds a scheduled work week will be subject to consideration of current sick leave.

An employee caring for a family member in their immediate family with Influenza will be allowed to use the leave to care for such dependent(s) to minimize the spread of the Influenza. A doctor's note will be required with an Influenza diagnosis for the family member.

The end date of this policy each flu season is subject to change based on the Center for Disease Control recommended calendar.

For an employee to be able to use Influenza leave a doctor's note will be required stating the employee did go to the doctor, and the diagnosis of Influenza will need to be on the note.

## 9.00 HOLIDAYS

9.01 GENERAL POLICY. Paid holidays are established each year by the Commissioners' Court. A list of holidays approved by the Commissioners' Court for the current year, specifying days of the week and dates, may be obtained from your department head or the County Judge's office. Each regular full-time employee will receive the same number of holiday hours each year. Temporary employees and regular part-time employees are not paid for holidays not worked. An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday. Whenever an approved legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the Commissioners' Court.

9.02 WORK DURING HOLIDAYS. It is not always feasible to grant holidays on the day they occur or at the scheduled time, especially for employees who are assigned shifts in an "around-the-clock" operation. Any elected official or department head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday. When a regular full-time nonexempt employee is required to work on a holiday, he or she will be paid at the straight time rate of pay for the holiday hours worked and granted the same number of hours off on an alternate workday, unless working on the holiday results in the employee working more than 40 hours in the workweek, in which case the employee will accrue overtime.

9.03 HOLIDAYS FALLING ON NON-WORKING DAYS. This policy applies to employees who work on shifts other than Monday to Friday 8 to 5. Whenever a legal holiday on the current

year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will receive another day off in lieu of the holiday.

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

10.01 SAFETY POLICY. It is the policy of the County to make every effort to provide healthy and safe working conditions for all of its employees.

10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS. Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees and the public. An employee must report every on-the-job accident, no matter how minor, to his or her supervisor immediately but, in any event, no later than 24 hours after the accident. The elected official or department head in charge is responsible for filing a written accident report within 24 hours with the County Treasurer. The County Treasurer will notify the appropriate Workers Compensation authorities.

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

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

Failure to report an on-the-job injury within 24 hours, no matter how minor, is grounds for disciplinary action and may affect an employee's eligibility to receive or may delay workers compensation benefits.

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

10.04 ON-THE-JOB INJURIES.

1. Medical Attention. An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from the medical facility or professional of his or her choice.

2. Return to Work. The County encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work. If the release is not a full release, it must specify any limitations the employee has and the effect those limitations will have on the employee's ability to perform the essential functions of his or her job. As determined by the Commissioners' Court, at the County's expense, an employee may be required to submit to examination by an independent physician.

3. Insurance. The County provides workers compensation insurance for its employees. In most cases, this insurance provides medical and weekly income benefits if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than one week. Eligibility for benefits is determined by the County's insurance carrier and the Texas Workers Compensation Commission. All workers compensation insurance claim forms must be submitted to the County Treasurer's office immediately for appropriate action to be taken.

4. Statutory Benefits. Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments; medical care as reasonably required to relieve the effects of the injury or occupational disease(s); and/or death benefits. Compensation benefits are subject to a seven calendar day waiting period. After 28 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation.

5. Exclusions. Injuries caused by willful intent and attempt to injure one's self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God 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 workers compensation coverage even if they occur on the job. Non-work related injuries and illnesses are also excluded.

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

7. Workers Compensation Leave and FMLA. Any work related, on the job injury leave or workers compensation leave that requires the employee to be off work will run concurrently with any FMLA leave to which the employee may be entitled beginning on the date the employee is first absent from work.

8. Compensation. If a full-time employee sustains a bona fide, on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, that employee will receive a supplemental salary check (salary continuation benefits) from the County in an amount that, when added to workers' compensation payments, equals that employee's regular "take home" pay (that is, the employee's gross salary minus income tax, social



security, and any other Federally or State- required deductions). Salary continuation benefits will continue for the maximum period of time indicated in the following schedule:

Up to 12	1
12-23	2
24-35	3
36-47	4
48-59	5
Over 60	6

The salary continuation benefits will not be charged against vacation, sick, or any other leave.

An employee who is off work and receiving worker's compensation payments will continue to accrue vacation and sick leave benefits for the same number of months that he or she is receiving salary continuation benefits from the County. After the employee's salary continuation benefits expire, the employee will not accrue vacation or sick leave until the employee returns to work.

Once an employee's salary continuation benefits have been exhausted, that employee may elect to supplement his or her workers' compensation payments with sick and/or vacation leave payments from the County, provided that the employee has adequate accrued sick and/or vacation leave. The supplemental sick or vacation leave check from the County will be in an amount that, when added to the workers' compensation payment, equals the employee's regular "take home" pay. The employee must sign a leave request form to exercise this option.

Once the employee exhausts vacation and sick leave, the employee will receive only the statutory percentage of salary allowed by the Texas Workers Compensation Act.

9. Continuation of Group Medical Insurance for Employee; and/or Dependent(s). To continue medical insurance for the employee and/or the employee's dependent(s) when the employee is on workers compensation leave and no longer receiving a regular County paycheck, the County will continue to pay the County's portion of the employee's medical insurance for a period of time not to exceed six months following the employee's injury based on the above eligibility chart. Thereafter, the employee must pay both the employee's and the County's portions of these insurance premiums to the County on the schedule established by the County Treasurer's office in order to maintain coverage.

**Commented [CB6]:** what do you mean by a regular paycheck? Are you referring to an employee using salary continuation benefits or supplementing their paycheck with sick or vacation leave?

10. Reporting Requirements. While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees a health care provider for consultation or treatment, he or she must provide a progress report to the County Treasurer's office, which submits the report to the Commissioners' Court. Any change in the employee's condition that might affect his or her entitlement to workers' compensation payments must also be reported to the County Treasurer's office. In addition, the injured employee must contact his or her

**Commented [CB7]:** Is this done by the WC carrier?

supervisor periodically to report on his or her conditions. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the elected official or department head is grounds for revoking the employee's leave and taking disciplinary action.

11. Duration of Injury Leave. After an employee is off work on workers compensation leave for six months, the employee must meet with his supervisor to evaluate whether and when the employee will be able to return to work either with or without a reasonable accommodation. If an employee fails to meet with his supervisor for such a discussion, it will be presumed that the employee does not wish to return to work with the County, and he or she will be separated from employment with the County. At this six month meeting, the employee may request that his employment be continued. Requests for extensions of time off in increments of no more than 30 days may be authorized after discussion between the employee and his or her supervisor about the employees ability to return to work and carry out the essential functions of his or her job duties. Each extension of leave time beyond six months must be approved by the Commissioners' Court.

12. Termination of Workers Compensation Leave. Workers compensation leave with pay may be terminated if the County receives evidence that the employee is able to return to work and has not done so. Any such evidence will be carefully considered prior to terminating the leave.

13. 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 workers compensation leave must report to work after approval to return to work of either the employee's attending physician or an independent physician paid by the County. The employee must return to work even if his or her release to return to work is with restrictions at which point there will be a discussion and decision regarding the employee's ability to perform the essential functions of his job or the availability of alternate, temporary work. Failure to return to work when directed will result in appropriate disciplinary action up to and including termination. The employee's supervisor must notify the County Treasurer's office upon the employee's return to work so that the County Treasurer's office may resume recordkeeping for purposes of payroll, benefits, and leave and length-of-service accruals.

14. Temporary Restricted Duty Status. During the course of an on-the-job-injury leave of absence, if an employee is released by his or her physician for duty but with restrictions, alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the County can use the employee's limited services for a temporary period of time. If no acceptable duty assignment can be found that complies with the employee's medical restrictions, the employee will be placed on inactive status until released by the physician to perform the essential functions of his or her job with or without accommodations. An employee who is able to return to work in temporary restricted duty

status may be required to work in a different department and perform duties not contained within his or her current job duties. When an employee is assigned to temporary restricted duty status and is performing different duties, he or she will be paid according to the level of pay that he or she would receive for the temporary duty job if the assignment were the result of a reorganization. A temporary restricted duty assignment is just that--temporary--and will be evaluated at least every 90 days to determine if it is in the best interest of the County to continue to employ the employee in that position. An employee has no "right" to continue in a temporary restricted (or light) duty position if the County determines there is no need for the position. If the employee is placed in a temporary restricted duty assignment for which the pay is lower than his lower position, the employee may receive workers' compensation payment in a reduced amount.

15. Inactive Status. At the end of the initial six-month period after an on the job injury for which an employee is receiving workers compensation benefits, 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 an additional six months. If at the end of the second 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) until a determination has been made that the employee is unable to return to work to perform the essential functions of his job, either with or without reasonable accommodation, at which time the employee will be terminated. This may or may not occur prior to any determination of maximum medical improvement as discussed below.

16. Conclusion of Workers Compensation Leave. When the injured employee has reached maximum medical improvement, the employee must furnish the County with a certificate from the employee's physician stating that the employee is able to return to work to perform the essential functions of his or her job, either with or without reasonable accommodations. The certificate must also specify any physical or mental limitations or restrictions placed on the employee and the estimated duration of these restrictions or limitations. The County will then meet with the employee, if possible, to discuss and evaluate whether he or she can perform the essential functions of the job previously held either with or without reasonable accommodations and is thus qualified to resume his or her former position. If the employee is unable to perform the essential functions of his or her job, either with or without reasonable accommodations, the employee may apply for other open positions with the County for which he is qualified or his employment will be terminated. -

17. Total Disability/Retirement. Any employee on Family Medical Leave Act (FMLA) is not qualified for total disability or retirement. When FMLA benefits have expired, the employee may apply for benefits under this section. A determination of total disability, as defined by the County's workers compensation carrier or retirement plan, may be rendered at any time during the course of the workers compensation leave. Upon such a determination, the County Treasurer's office, in consultation with the Commissioners' Court, will make the necessary arrangements for the employee's retirement under the "on-the-job disability" clause of the coverage provided by the County's retirement plan.

**Commented [CB8]:** who determines whether the employee will receive supplemental workers comp pay--the County or the WC carrier? If it is the carrier, I want to add this to the policy.

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

- a. Refusal to return to duty on the workday on which the employee has been released by the treating physician;
- b. Failing to follow prescribed treatment including medical appointments;
- c. Failure to accept a temporary restricted duty assignment; and
- d. Participating in activities which according to the County's or the employee's medical advisor would be injurious to recovery or failing to limit activities to those that will aid in healing or are inconsistent with the claim of injury or inability to work.

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

1. All employees of the County are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace of the County. Employees who violate this policy will be subject to immediate disciplinary action up to and including termination.
2. The County has established a drug-free awareness program providing information about the dangers of drug and alcohol abuse in the workplace, the County's policy of maintaining a drug-free and alcohol-free workplace, information about available drug and alcohol counseling and rehabilitation, and information about the penalties that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.
3. Each employee of the County will be furnished a copy of this policy.
4. All employees of the County will abide by the terms of this policy and will notify the County of any drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. The County will notify any funding agency that requires notification within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of such conviction.
6. Any employee so convicted will be subject to disciplinary action up to and including immediate discharge.
7. The county will make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy.

Commented [CB9]: are you doing this? If not, it is better not to have it in the policy.

#### 11.00 USE OF COUNTY PROPERTY

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

11.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES. County property, materials, supplies, tools, equipment, fuel, and vehicles are purchased with taxpayer funds are intended for the maintenance and operation of the County. 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 and pursuant to County purchasing policies and any applicable laws. No personal or political use of any County property, materials, supplies, tools, equipment, fuel, or vehicles is permitted. Upon termination of employment or the expiration of an official's term of office, employees and officials must return any County property in their possession. Failure to return all County property in the employee's or official's possession may result in legal action against the employee or official.

Under no circumstances may an employee or official borrow County funds for any period of time. Substituting an I.O.U. for funds is strictly prohibited.

Some County employees or officials may be permitted to drive County vehicles home after their shifts and on days off and to return to their worksite in the vehicle on their next regularly scheduled workday. Generally, this is done to enhance the employee's ability to respond to an emergency call by eliminating the need for the employee to drive first to the County vehicle's location and then to the worksite. These vehicles are only to be used for County business. Only drivers and passengers on official County business are allowed to use or ride in County vehicles. Friends, family, and acquaintances not on County business are prohibited from using or riding in County vehicles. Furthermore, personal use of such vehicles is prohibited and may constitute a taxable benefit to the official or employee. With the exception of law enforcement officers driving marked law enforcement vehicles, employees and officials must report any personal use of vehicles other than for County service to the County Treasurer and Auditor and will be taxed for personal usage.

If an employee is in doubt about the appropriate use of County property-, he or she must check with the appropriate elected official or department head before proceeding. Violations of this policy may result in discharge and possible prosecution.

**11.03 VALID DRIVER'S LICENSE.** All operators of County vehicles are required to have the appropriate valid State of Texas driver's license necessary for legal operation of that vehicle or equipment that the employee is operating and to keep the department head or elected official informed of any changes in status of their licenses. Elected officials, department heads, and/or the County's insurance carrier will periodically check the driving records of all employees who operate County vehicles or are required to use their personal vehicle to conduct County business. Failure to maintain a safe driving record may result in disciplinary action up to and including termination. An employee may be required to participate in a defensive driving course 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 discharge.

All employees whose job requires them to operate County equipment that requires a Commercial Drivers License (CDL) will have 60 days to acquire one from the date they are hired or promoted to a position that requires a CDL and provide a copy to the County Treasurer's Office. County employees who do not have a CDL are prohibited from driving

**Commented [CB10]:** You should consider prohibiting the use of the vehicle for personal use. Marked law enforcement are considered a working condition benefit and are not taxed for personal use.

vehicles or equipment that requires a CDL. A list of vehicles and equipment and the type of license required will be maintained by the Department that is using the equipment. It is the employee's responsibility to know what vehicles or equipment they can and cannot operate based upon the type of driver's license they possess.

11.04 VEHICLE INSURANCE. The County maintains up-to-date insurance coverage on all vehicles owned by the County. Elected or appointed officials or employees who drive a personal vehicle on County business are required to provide the County Treasurer with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Failure to do so may be grounds for disciplinary action up to and including discharge.

11.05 ACCIDENT REPORTING. Any employee operating County equipment or vehicles must report all vehicular accidents and property damage or liability claims to his or her supervising elected official or department head and to the appropriate law enforcement authorities immediately, or, in the case of injury to the employee, as soon as the employee is able.

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 Treasurer's office of the accident on the day of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday. Employees involved in an accident in a County owned vehicle or while on County business may be required to submit to a drug or alcohol test following the accident. Refusal to submit to the requested drug or alcohol test will result in disciplinary action up to and including termination.

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

11.06 USE OF ~~COUNTY~~COUNTY CREDIT CARDS. Credit cards are issued to authorized their supervising elected official or department head, who will monitor use of the credit cards and will submit documentation of usage to the ~~county~~County Auditor's office at the each month. Unauthorized or personal use of ~~county~~County credit cards is strictly prohibited will be subject to disciplinary action up to and including termination. Unauthorized or personal use of County credit cards may also subject the user to civil and criminal liability.

## 12.00 DISCIPLINE

12.01 GENERAL PROVISIONS RELATING TO DISCIPLINE AND TERMINATION-. Employees of the ~~county~~County serve "at will" and, within the provisions of state and federal law regarding

employment, can be dismissed at any time, with or without notice for any reason or no reason, and nothing in this policy gives an employee any contract of employment, guarantee of duration of employment, right to any particular step in the progressive discipline process, or property interest in his or her job. Each department head has responsibility for employee discipline in his or her department and is responsible for seeing that each employee works his or her established number of hours.

Reasons for Disciplinary Action. Some of the actions that may result in discipline include, but are not limited to, the following:

- a. Insubordination, including showing contempt or disrespect for authority through verbal or written communication or behavior;
- b. Absence without leave including absence at any time from the worksite without permission, failure to notify a supervisor of sick leave, unscheduled vacation days, and repeated tardiness or early departure;
- c. Endangering the safety of the employee and/or other persons through negligent or willful acts;
- d. Use or being under the influence of alcohol or illegal drugs while on duty or in a County vehicle;
- e. Involvement with alcohol or drugs in the workplace in violation of the County's Drug-Free Workplace Policy
- f. Unauthorized use, failure to return, or theft of public funds or property;
- g. Conviction of a criminal offense that affects the ability of the employee to effectively carry out the duties of his or her job or creates a lack of confidence of the public in the integrity or effectiveness of the employee;
- h. Tampering with or falsification of documents or records, including but not limited to time sheets and requests for reimbursement;
- i. Unauthorized use of official information or unauthorized disclosure of confidential information;
- j. Unauthorized or abusive use of official authority;
- k. Violation of the Anti-harassment and Anti-discrimination Policy;
- l. Incompetence or neglect of duty;
- m. Destruction or loss of County property whether willful or through negligence;
- n. Disruptive or disrespectful behavior;
- o. Failure to meet acceptable job performance standards or reasonable expectations, including productivity or quality for the assigned position;
- p. Failure to respond when on call outside regular work schedule;
- q. Violation of these or any other County or departmental policies; or
- r. Other inappropriate behavior or behavior which is inconsistent with that of a public servant.

12.02 PROGRESSIVE DISCIPLINE. An elected or appointed department head may take disciplinary action, including termination, against an employee at any time. The County may, but not necessarily will, use a progressive discipline system that may involve some, but not necessarily all, of the steps set forth below. Counseling and positive or progressive discipline are used to encourage the correction of deficiencies by providing the employee with

knowledge of the deficiencies, with recommended actions that will correct the deficiencies, and with an opportunity to take the actions recommended. However, before any of the steps below is taken and particularly if the employee is in the first six months of employment, the elected or appointed department head should evaluate the employee's overall behavior and attitude. If the supervisor believes that the employee's behavior will not improve with progressive discipline and/or that the employee ultimately will not be a productive employee, termination without prior disciplinary action may be warranted.

1. Verbal Counseling and/or Oral Warnings. -If an employee is exhibiting minor deficiencies, verbal counseling may be used to establish an understanding of the work and/or behavioral standards expected by the supervisor and any rules or policies to be followed. While records of each warning should be maintained by the appropriate elected official or department head, because these warnings are by their nature informal, a summary of the verbal **counseling** or warnings may be used to support further disciplinary action should the employee's job performance fail to improve following any verbal counseling or warnings.

A more formal conference may also be held between the Elected Official or Appointed Department Head, the employee, and the employee's supervisor, to discuss problems with the employee's behavior or performance. A written summary of the conference should be prepared by the supervisor, with one copy given to the employee and one copy placed in the employee's personnel file.

2. Written Reprimand. If it is determined that an employee has failed to respond to a verbal counseling or warning, or if the infraction is of a more severe nature that would warrant stronger disciplinary action, a written reprimand may be given to the employee. The letter should include specific details of less than acceptable performance or conduct, list any previous discussions or actions regarding the situation, and clearly state expectations with detailed time frames for correction.

Written Reprimands must in all cases be transmitted through the elected official or department head to the employee's personnel file in the Treasurer's office.

3. Suspension. If misconduct or adverse behavior has continued after disciplinary counseling or letters of reprimand, a suspension without pay may be imposed. For offenses of a severe nature, suspension may be justified without prior disciplinary steps. The leave without pay may range from the balance of a shift up to 14 days.

4.Reduction in Pay with or without Demotion. As a component of progressive discipline, an employee's pay may be reduced either with or without demotion.

5. Involuntary Termination. Involuntary Termination may be warranted for major infractions of policies and procedures or other acts of misconduct. While it is recommended that termination from employment for disciplinary reasons normally be preceded by counseling, written letters of reprimand, and/or leave without pay, when the supervisor believes that the employee's behavior will not improve and that the employee ultimately will

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not be a productive employee, termination without prior disciplinary action may be warranted. Termination without prior warning may also occur when continuation of employment would be detrimental to normal departmental operation.

Actions other than oral or written warnings require the advance approval of the appropriate elected official or department head unless an emergency situation exists. Records of disciplinary actions taken are maintained at the departmental level and forwarded to the Treasurer's office.

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

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

Resignation;  
Retirement;  
Reduction in Force;  
  
Termination; or

**13.02 RESIGNATION.** An employee who intends to resign is requested to notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the appropriate elected official or department head immediately. An employee who fails to provide such notice to the County may be deemed ineligible for rehire.

**13.03 RETIREMENT.** An employee who intends to retire should provide the County with at least 30 days notice so that there is adequate time to ensure that retirement payments begin promptly upon retirement. For additional information on retirement see the Texas County and District Retirement website [www.tcdrs.org](http://www.tcdrs.org).

**13.04 REDUCTION IN FORCE.** An employee may be separated when his or her position is eliminated, when there is either a lack of funds or a lack of work, or for other reasons unrelated to the performance of the employee. When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance record of each employee, (3) qualification of the employee for remaining positions with the County, and (4) the employee's length of service with the County.

**13.05 TERMINATION.** Scurry County operates under the legal doctrine of "employment at will" and, within requirements of state and local law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. Every effort will

be made to ensure that employee dismissals are not made in an arbitrary and capricious manner; however, these personnel policies do not constitute an employment agreement between the County and any of its employees and in no way limit or restrict the at-will nature of employment. The County has the right to change these policies at any time, without prior notice to employees.

13.06 DEATH. If a County employee dies, his or her estate will receive all wages due and any earned and payable benefits as of the date of the death. The estate will be paid for accrued vacation but will not be paid for accrued sick leave.

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13.087 CONTINUATION OF GROUP INSURANCE. The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health and dental insurance, at the individual's 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 explains these options under the County's carrier at the time the employee is hired. Later revisions in group insurance coverage are explained in subsequent insurance information distributed to each employee at the time the coverage revision is effective. Each covered employee is responsible for notifying the County Treasurer's 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 affected person's payment for continuation of group health insurance is not received by the 10th of the month, the County will notify the insurance carrier that the payment was not received. If this occurs, the County will neither pay the person's premium nor enter into payment arrangements for this coverage.

14.01 POLICY. It is the policy of the County, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those that occur. No adverse action will be taken against an employee for reason of his or her good faith exercise of the grievance right. However, the filing of a grievance shall not affect the ability of the County to pursue disciplinary action or separation for reasons other than the employee's filing of a grievance.

A grievance may be filed by an employee on one or more of the following grounds: improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); issues pertaining to wages, hours, working conditions, performance evaluations, raises, job promotions, job assignments, or similar matters involving management decisions concerning the employee; improper application of fringe benefits; or improper or unsafe working conditions. The County encourages employees to use this procedure to address their work related problems in an attempt to resolve them in

a manner that is fair to the employee and to the County.

For grievances related to claims of harassment or discrimination based on race, religion, color, sex, age, disability, genetic information, or national origin, see Section 1.10 above.

For procedures to be followed in the event of a salary grievance by an elected county official, see Section 5.02 above.

For grievances alleging retaliation for making a good faith report of a violation of the law, see Section 14.03 below.

14.02 PROCEDURE. The following procedures are applicable to all employees.

**Informal Discussion with Co-employee.** If an employee has an issue with a co-employee and if the employee feels comfortable doing so, the employee may attempt to resolve the issue through an informal discussion with the co-employee. Any such discussion should be conducted in a professional manner. If the issue cannot be resolved informally with the co-employee, the employee should discuss the matter with his or her supervisor and proceed as set forth below.

**Informal Grievances.** The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. This should be done as soon as possible after the conduct complained of occurs. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a written grievance.

**Formal Grievances.** Formal Grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. Formal grievances should be presented in writing to the supervisor even though an informal oral resolution has been attempted. In this way all parties can be assured that the supervisor has been notified of the specifics of the employee's concerns and given an opportunity to respond, and the employee can be certain of the supervisor's response. All grievances should contain:

- (1) The incident(s) or behavior complained of;
- (2) The date of the incident(s);
- (3) The names and contact information of any witnesses or involved parties; and
- (4) The specific relief or remedial action requested.

A grievance form may be obtained from the County Treasurer's office.

All grievance procedures and investigations will be non-adversarial in nature. An employee may be accompanied throughout the grievance process by another County employee of his or her choosing provided that the employee chosen has not been involved in, a participant in, or accompanied an employee in any other grievance proceeding within the previous 12-month period.

After being presented with a written and signed grievance, the supervisor will:

- \_\_\_\_\_ (1) meet with the employee and such other persons as may be necessary to facts;
- \_\_\_\_\_ (2) notify the elected official or department head;
- (3) attempt to resolve the grievance with the employee; and \_\_\_\_\_
- (4) communicate the decision to the employee in writing within 10 working \_\_\_\_\_ days after receipt of the grievance, sending a copy of the proposed resolution \_\_\_\_\_ to the elected official or department head.

If the employee's supervisor is the elected official and the grievance is not about the elected official, the elected official's decision is final.

If an employee whose supervisor is someone other than the elected official or department head either receives no written resolution from the supervisor within 10 working days from the date the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the elected official(s) or department head within 5 working days of receipt of the proposed resolution or if no response is received within 15 working days from the filing of the original grievance. The elected official(s) or department head will:

- \_\_\_\_\_ (1) review the facts and the file:
- (2) at his or her discretion, further investigate the matter: and \_\_\_\_\_
- (3) respond in writing to the employee within 15 working days of the date the was received in the elected official's or department head's office.

The decision of the elected official is final.

The decision of a department head may be appealed within 5 working days to the elected official to whom the department head reports. If the department head is appointed by the Commissioners' Court, and the employee either receives no written resolution from the department head within 15 working days from the date the grievance was appealed to the appointed department head, or if the employee is not satisfied with the appointed department head's proposed resolution of the matter, the employee must file a written appeal with the Commissioners' Court within 5 working days of receipt of the proposed resolution or if no response is received within 20 working days from the filing of the original appeal. The County Judge will then review the facts and the file and conduct an investigation if deemed appropriate, or necessary before rendering a decision in the matter. The County Judge's decision is final.

In the event the employee's grievance is against his or her supervisor, the grievance should be submitted to the employee's next- level supervisor, the department head, or elected official. In the event the employee is Treasurer, or to the County Judge if the County complaining of the actions of an elected official the grievance should be submitted to the County Treasurer is the official whose actions are being grieved.

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

**14.03 GRIEVANCES ALLEGING RETALIATION FOR A GOOD FAITH REPORT OF A VIOLATION OF THE LAW.** All employees are encouraged to report any activity on the part of a County employee who they have a good faith belief is violating the law to their supervisor, an elected official of the County, or to an appropriate law enforcement authority. Any employee who believes he or she has been or is being retaliated against for a good faith report of a violation of the law shall file a grievance on this issue to his or her supervisor. If his or her supervisor is the individual believed to be violating the law, the employee shall file this grievance with the appointed or elected official with final responsibility for the employee's department. If this official is the individual believed to be violating the law, then the grievance should be filed with the County Judge or the County Treasurer if the County Judge is the individual believed to be violating the law. This grievance shall be filed within 10 working days of the alleged retaliation. The official who receives the grievance or his or her designee shall respond to the employee within 30 days of the receipt of the grievance. Any department head or official who receives a grievance alleging retaliation for reporting a good faith violation of the law shall notify the County Judge and County Attorney of the grievance.

**14.04 SEPARATION FROM EMPLOYMENT WHILE A GRIEVANCE IS PENDING.** If an employee separates employment from the County for any reason after filing a grievance, the pending grievance shall be dismissed.

**14.05 GRIEVANCES RELATING TO TERMINATIONS.** Termination of employment may not be grieved unless the employee alleges his or her termination was based on unlawful discrimination as set forth in Section 1.10 above or in retaliation for filing a good faith report of a violation of the law to an appropriate law enforcement authority as set forth in Section 14.03 above. Any grievance from a terminated employee making such an allegation must be filed within 10 working days of termination with the County Judge and must be on County grievance forms. It should be noted that violations of County policy are not necessarily violations of the law or illegal.

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

**15.02 DISTRIBUTION.** The job description for each employee's position will be given to the employee and placed in the employee's personnel file along with a signed certification

statement that the employee has reviewed it. In addition, each employee is given a copy of the job description to keep.

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

#### 16.00 PERSONNEL FILES

16.01 GENERAL. Personnel records, except medical records, are maintained by the County Treasurer or his or her designee. Medical records are filed in a confidential file maintained by the County Treasurer or his or her designee.

Most information in an employee's personnel file is public information and must be disclosed upon a request made pursuant to the Texas Public Information Act unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the County Treasurer or an employee authorized to do so by the County Treasurer. Each employee may choose whether the County discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the County Treasurer's 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 offices.

-Employees must inform the County Treasurer of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

16.02 PERSONNEL ACTION FORM. The Personnel Action Form (PAF) is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting: employment category; position title and classification; pay; other actions affecting the employee's status. The personnel action form is completed on the employee's first day of work and is updated when there is any change in his or her status that relates to employment or benefits. Each personnel action form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

16.03 CONTENTS OF PERSONNEL FILES. Elected officials and department heads must provide, in writing, appropriate payroll and employee information to the County Treasurer's office as a condition of hiring or promoting a person into a budgeted position. An employee's official personnel file may contain of the following:

- An employment record form summarizing the employee's history with the County;

- ~~41~~-9 form;
- W-4 form;
- A copy of the employee's application for employment;
- A copy of the court order for appointees;
- A copy of the employment offer letter and acceptance, if any;
- Signed copies of the employee's acknowledgments of having received a copy of the Personnel Policies Manual and any other policy-related materials;
- Employee's job description(s) (if any);
- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- Change in Status Forms;
- Retirement application;
- Leave application forms;
- Records of any citations for excellence, awards for good performance, or job-related training/education;
- Records of disciplinary action(s);
- Performance evaluations;
- Copies of any grievances and related materials;
- Any other pertinent information having a bearing on the employee's status; and
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file. An employee's personnel file must not contain information regarding an employee's medical record(s), or relating to drug testing.

16.04 LEAVE RECORDS. Official records of vacation leave and sick leave accrual and leave usage are kept for each employee by the County Treasurer or his or her designee. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled.

#### 17.00 TRAVEL

17.01 GENERAL. Employees traveling out of county on official County business will receive their regular rate of pay for the time spent traveling. Official County business includes travel to educational seminars, conferences and meetings or travel directly associated with carrying out one's job duties and responsibilities, such as transporting prisoners, carrying out investigations, etc.

~~ALL OUT OF COUNTY TRAVEL MUST BE APPROVED IN ADVANCE IN WRITING BY THE APPROPRIATE ELECTED OFFICIAL, DEPARTMENT HEAD, OR THE COMMISSIONERS' COURT.~~ ALL OUT OF STATE TRAVEL MUST BE APPROVED BY THE COMMISSIONERS' COURT.

Employees must fill out a Travel Authorization Form that must be signed by the appropriate department head, elected official ~~and~~ approved by the Commissioners' Court prior to the travel or the employee may be responsible for all expenses incurred.

Pay begins at the time of departure and ends upon the employee's return. Time that the employee is not required to be at the approved activity, such as meal times, recreational periods, or other time spent outside of the approved activity, other than travel time to and from the activity, is not compensable time.

17.02 REIMBURSEMENT FOR EXPENSES INCURRED IN TRAVEL. The County allows reimbursement of travel expenses for County officials and employees who travel on official county business only when funds have been allocated in departmental budgets for that purpose. The County will pay reasonable expenses incurred in the course of authorized County travel as follows:

- Conference Registration and Fees
- Transportation
- Lodging
- Meals (for overnight or travel of over ~~12~~6 hours in a day only)
- Parking
- Operational expenses for County owned vehicles

All employees and officials must keep in mind that the funds utilized for travel are public funds and expenses should be minimized as much as possible to conserve these funds. From time to time the Commissioners' Court will approve a schedule for reimbursement that will be available in the Auditor's office. The following are general rules that govern reimbursement.

Conference Attendance: If travel is for a conference, seminar, meeting or other similar event, the employing traveling is expected to attend the entirety of the scheduled event. If the employee does not attend the entirety of the conference, seminar, or meeting, the employee may not be reimbursed for the expenses associated with the travel and may not be paid for his or her time while traveling and while away from the County. The employee may also be required to reimburse the County for any conference, seminar or meeting fees that were prepaid and may be subject to disciplinary action, up to and including termination. Conference brochures must be turned into the department head or elected official at the time the travel is requested and at the time any request for reimbursement for travel expenses is made.

Airfare: The County will only reimburse airfare when it is the most economical form of travel to the place of business and will only reimburse coach airfare. Tickets should be purchased as far in advance as necessary to secure the lowest fare.

Lodging: The County will reimburse the actual cost of lodging not to exceed the rate periodically set by the Commissioners Court, except in the case of lodging which is at the site of the conference, seminar, or meeting being attended. In all cases, employees must request the government rate or lowest available rate when making reservations. In addition to daily room charges, the County will reimburse for necessary hotel taxes and parking fees.



The following charges WILL NOT BE REIMBURSED:

- Personal expense items such as cleaning or laundry
- Alcoholic beverage charges
- Hotel club charges
- Recreational facility use charges
- Movies
- Personal phone calls.

The County will only reimburse for lodging for the amount of time necessary for attendance at the conference or meeting being attended. Any additional lodging will be at the expense of the County employee unless proof is presented that the additional lodging is a result of extended County business.

Car Rental: When it is more economical to rent a car than to utilize a County vehicle, personal vehicle, or public transportation, the County will reimburse for the actual cost of renting the vehicle, including fuel and collision damage waiver insurance. The County will reimburse for a small or midsize car only.

Taxi, Shuttle, or Other Public Transportation will be reimbursed if used for get to or from the conference, meeting or seminar or for other business purpose during the travel.

Personal Vehicles: When it is the least expensive means of travel or is most efficient in terms of time spent traveling, the County will reimburse the employee for the use of a personal vehicle at the mileage rate periodically established by the State of Texas for reimbursement of State employees. The mileage payment will be based on the schedule of distances maintained in the County Auditor's office or, if not on the schedule, based upon the distance determined from a reputable internet site using the starting point of the travel and the address of the place of business travelled to, plus reasonable reimbursement for business mileage traveled while at destination. No other automobile expense will be paid to the employee other than the fixed price per mile as approved by the State of Texas.

County Owned Vehicles: When County owned vehicles are used for travel for County employees or officials on County business, the County will only pay actual expenses, such as gas, oil, or other such maintenance items. Receipts are required for all these items.

Tolls: Toll costs will be reimbursed with receipts.

Meals: The Internal Revenue Service considers reimbursement for most meals that are not incurred in conjunction with overnight travel to be taxable benefits of employment. County employees traveling for business will be reimbursed for meals on a Per Diem basis. However, because The Internal Revenue Service considers reimbursement for most meals that are not incurred in conjunction with overnight travel to be taxable benefits of employment, the County will only reimburse for meals paid for in conjunction with travel which includes an overnight stay or for which the time away on County business exceeds 6 hours.

Meals incurred during overnight travel will be paid as follows: 75% of daily per diem as approved by Commissioners Court will be paid for the first and last day of travel. 100% of daily per diem will be paid for all other days.

The per diem allowance for each meal is set forth on the schedule for reimbursement available in the Auditor's office. Receipts for each meal will not be required.

The County does not reimburse the traveling County employee for any type of alcoholic beverage whether with a meal or not.

The County will not reimburse the cost of meals for friends, family or others joining the employee for meals.

**17.03 PROCEDURES FOR REIMBURSEMENT.** All requests for reimbursement must be submitted to the County Auditor on the approved request for reimbursement form within 10 days of the authorized travel. All requests for reimbursement, other than meals paid pursuant to the per diem set by the Commissioners' Court, must have supporting documentation, including original receipts if requested, in order for the traveling expenses to be reimbursed. If requests for reimbursement on the approved travel expense report are not supported by documentation, the County Auditor will not honor the requests for reimbursement.

If the employee requests to be reimbursed for travel-related expenses other than those listed above, the employee must submit supporting invoices and a statement regarding the necessity of the expense along with the reimbursement request form.

In the event an official or employee of the County receives an overpayment for travel expenses, that overpayment must be reimbursed to the County immediately.

**17.04 TRAVEL PAID FOR BY OTHER ENTITIES.** If an official or employee travels to a meeting or conference that is to be paid for by another entity, it is the responsibility of the County Official or Department Head to see that all reimbursement forms are promptly submitted to the reimbursing agency. When reimbursements are received, it is the responsibility of the County Official or Department Head to see that those funds are deposited with the County Treasurer and copies of receipts sent to the County Auditor.

**17.05 LOCAL TRANSPORTATION EXPENSE REIMBURSEMENT.** Several departments in the County require their employees to travel within the County on official County business. When a County employee uses a personal automobile for this purpose, the employee may be reimbursed for use of his or her personal vehicle on a mileage basis pursuant to the State of Texas approved mileage reimbursement rate. Reimbursement for local transportation is made from speedometer readings on the personal auto and a description of the purpose of the official County business.

Before an employee may be reimbursed for local transportation, there must first be a departmental budget allocation for local transportation. This allocation will be made during budget hearing or through a budget amendment made by the Commissioners' Court.

Requests for reimbursement for local transportation must be submitted on the appropriate form to the County Auditor and must be submitted within 10 days of the travel or if such travel is made on a regular basis as a part of the employee's job duties on a monthly basis.

17.06 TRAVEL ADVANCES. If it is determined that the estimated expense of travel is too high to expect the employee to bear the cost and the employee does not have means of deferring the expense until after the travel and reimbursement can be made, a travel advance may be requested. A travel advance must be approved by the Department Head or Elected Official in charge of the department and must be submitted to the County Auditor on the appropriate form available in the Auditor's office at least three business days in advance of the next Commissioners Court meeting.

Receipt of a travel advance does not constitute approval for the expenditure of the entire amount advanced. Within three business days of return from the travel, the employee or official must submit a travel reconciliation form with supporting documentation that supports each expenditure. In the event of an overpayment, the employee must submit reimbursement to the county at the time the employee submits the travel advance reconciliation form. If an expense is disallowed, the employee will have to submit reimbursement to the County of that expense within three business days of notice from the Auditor that the expense has been disallowed.

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

18.00 APPROVAL OF SPENDING BY CERTAIN COUNTY AND PRECINCT OFFICERS. If an incumbent County or precinct officer is not re-nominated or re-elected to his or her County or precinct office, during the time following the date of the results of the official canvass of the primary or election returns are announce, the Commissioners' Court must approve any expenditure by the incumbent County or precinct officer that is over \$5,500.

Solicitors and vendors are not allowed on County property and are not allowed to approach County employees during working hours. The only exceptions are the following:

of the department being approached.