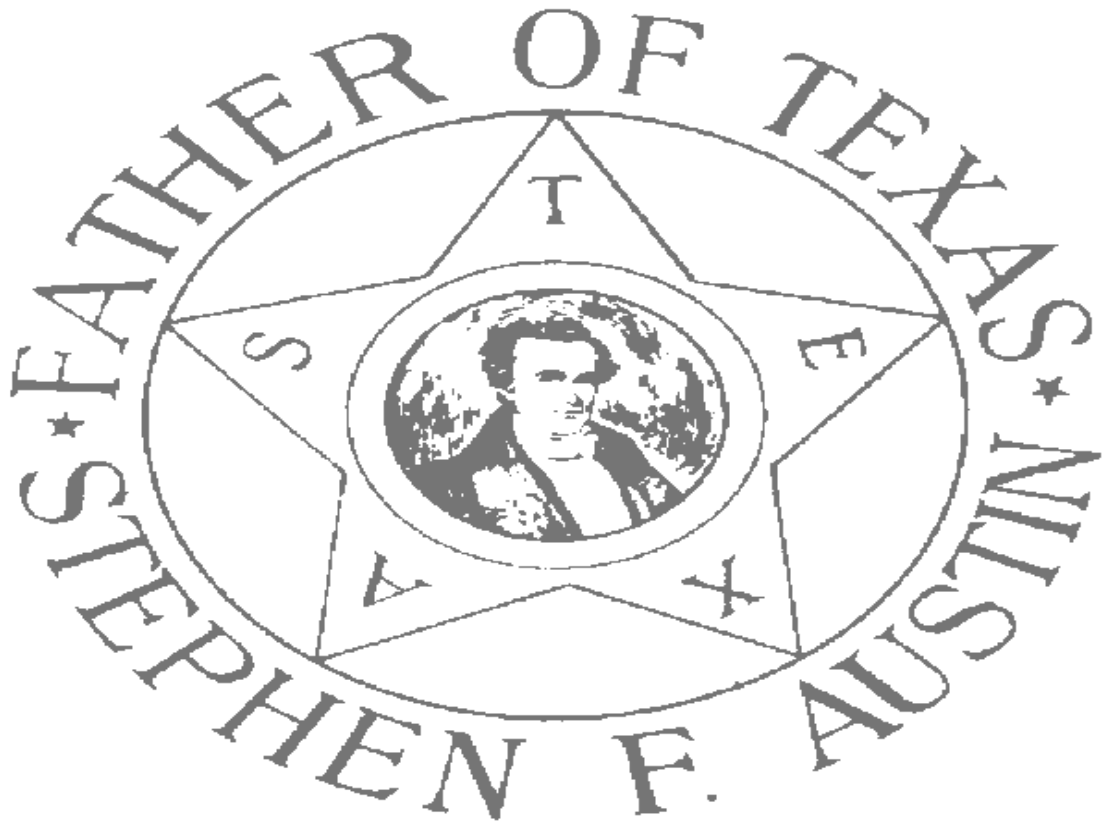


# Austin County, Texas



## PERSONNEL POLICY MANUAL

December 11, 2000 revised 6-7-2010, 7-25-2011, 1-23-2012, and 2-06-2012



AUSTIN COUNTY, TEXAS  
One East Main  
Bellville, Texas 77418

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## **NOTICE TO EMPLOYEES**

Austin County operates under the legal doctrine of “employment-at-will” and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. These personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The county has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the county means Austin County, Texas.

## EMPLOYMENT WITH AUSTIN COUNTY

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**Dear Austin County Employee:**

**WELCOME to Austin County government.** Whether you are a new employee or an experienced employee, these personnel policies are a guide to public service with Austin County. In adopting them, the Commissioners Court is providing written guidance about the benefits of employment with the county, about expectations for employees, and about laws with which we must all comply.

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 Austin County. How well you do your work and how you conduct yourself on the job are both subject to public approval. Oftentimes, your contacts with citizens will be the only basis on which the county government is judged; therefore, you owe it to both the county and yourself to serve the public in the best possible manner. The county has proven to be a good place to work, but it is up to each individual employee to maintain his or her position as a result of good performance, proper attitude, and responsible action in the use of tax dollars.

The personnel policies and procedures of the county are adopted by the Commissioners Court, are subject to regular review, and may be updated or changed from time to time without prior notice.

Other county Elected Officials and Department Heads may have additional policies governing their employees, but any departmental policies may not conflict with these countywide policies that implement state and federal law. Be sure to check with your supervisor or Department Head to see which additional policies, if any are applicable to you. If you need more details on the countywide policies and procedures, please consult Human Resources.

Sincerely,  
County Judge and  
Commissioners Court



## ABOUT AUSTIN COUNTY GOVERNMENT

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Austin County's government organization is established by the Constitution of the State of Texas and by state statutes. Its operations are governed by state and federal law and by actions of the Commissioners Court.

The Commissioners Court consists of four county commissioners, each elected by the voters of a commissioner's precinct, and the county judge, elected by all of the voters of the county. This is the policy-making body of the county.

County operations are conducted through departments, each administered by an elected public official or an appointed Department Head: Elected Officials – Officials elected on a countywide basis are the County Criminal District Attorney, County Clerk, County Court-at-law Judge, County Judge, County Tax Assessor-Collector, County Treasurer, District Clerk, District Judge, and Sheriff. Officials elected on a precinct level are Commissioners, Justices of the Peace and Constables. (*see Austin County Organizational Chart*)

## HISTORY OF AUSTIN COUNTY

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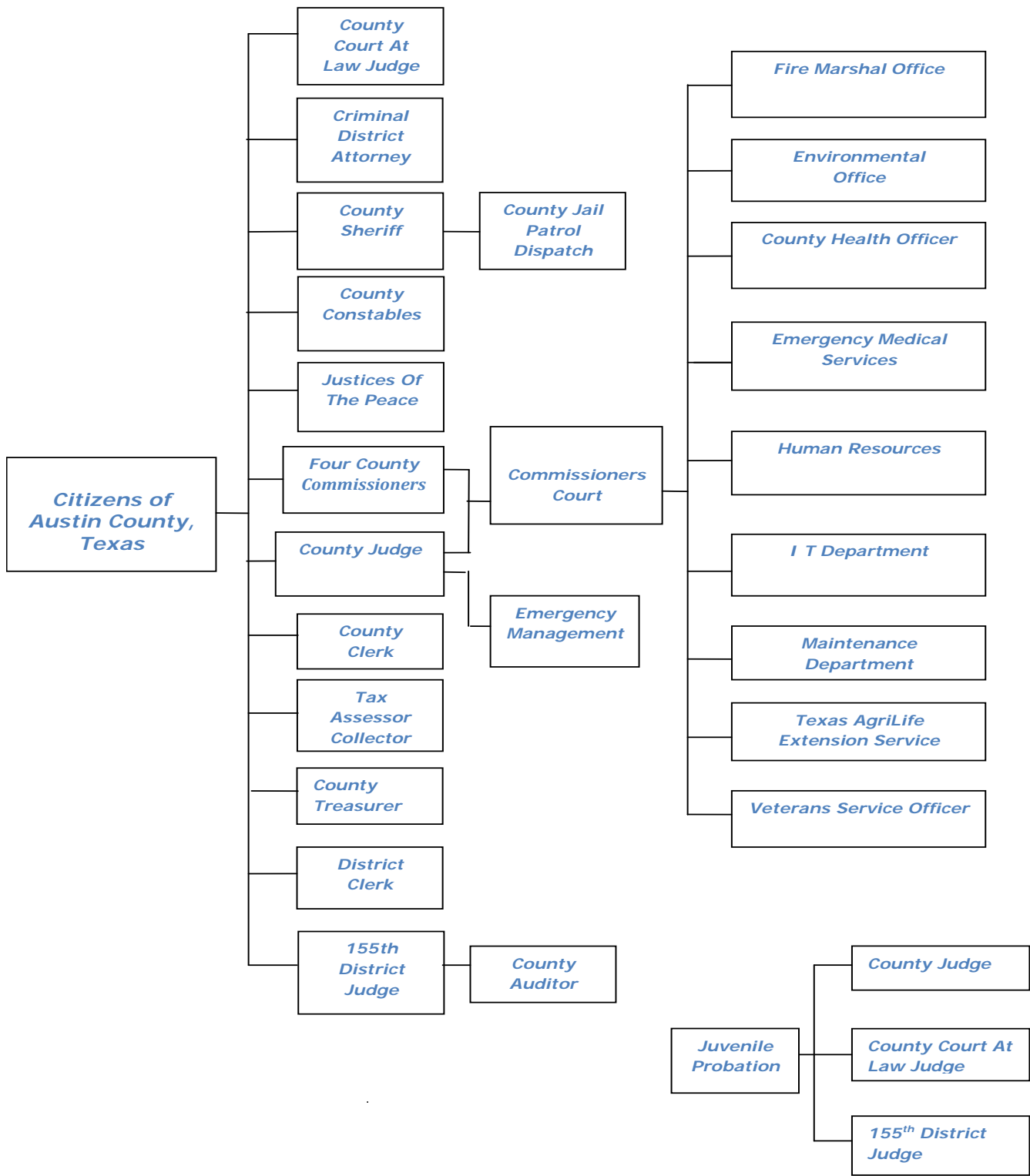
The area that is now Austin County was originally home to American Indians, notably the Karankawas. As what is now Texas shifted from French to Spanish to Mexican control, the Austin County area was crossed by the Atascosa Road. The road was a key link from the mission and fort at Goliad to the United States. Austin County became central to early Anglo-American settlement of Texas as the area was picked by Stephen F. Austin to found his first colony. Later, it became home to German then Czech immigrants and to African-Americans, which provided a rich mix of ethnic cultures. Today, Austin County can celebrate its mix of cultures as it preserves the best from its past while absorbing new growth as part of Texas' largest urban region.

Some of the highlights of Austin County history include its selection in 1823 by Stephen F. Austin, now known as the Father of Texas, as the site for his colony, with San Felipe as its headquarters; publication of the first newspaper in Texas, the Texas Gazette; organization of a postal system for Texas; and creation of a Committee of Safety, later to become known as the Texas Rangers.

The first organized opposition to Mexico's rule over Texas came at the Convention of 1832 in San Felipe and from 1835 until 1836 San Felipe was the capital of the provisional government of Texas.

Austin County government as we know it today was formed in 1837.

# Austin County, Texas Organizational Chart June 7, 2010



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## 1.00 GENERAL POLICIES

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### 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. Any interpretations of these policies are made by the Commissioners Court.

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

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

### 1.02 SEVERABILITY.

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

### 1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES.

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

- County Commissioners Court oversees and interprets general personnel policies, and any modifications will be recorded in the official minutes of the court;
- Elected Officials and Department Heads select and supervise employees and are responsible for the administration of these personnel policies within their own departments or units.
- The County Treasurer distributes payroll checks and administers Texas County & District Retirement System (TDCRS) for all eligible employees.
- The County Auditor maintains official personnel records (including maintaining originals of employee time and leave records), processes payroll, verifies employment, and administers the annual Section 125 Plan, Flexible Spending Accounts and Benefit Election annual enrollment.
- Human Resources recommends plans and implements changes in personnel policies and procedures as directed by Commissioners Court. All vacancies for employment must be

submitted to Human Resources for advertisement in the newspapers, as well as the County website and The Workforce Solutions. Human Resources conducts orientation for new hires, as well as an Exit Interview of all employees leaving employment. In addition, Human Resources will coordinate random drug and alcohol testing, post-accident testing, pre-employment requirements (physicals, drug and alcohol testing), Workers' Compensation, FMLA (Family Medical Leave Act), Sick Leave Pool, and Accident/Incident Reports. Human Resources will communicate with and assist, effectively and courteously, Commissioners Court, Elected Officials, Department Heads, all employees and the public.

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

#### **1.04 PURPOSE OF PERSONNEL POLICIES.**

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

#### **1.05 APPLICABILITY OF PERSONNEL POLICIES.**

These personnel policies apply equally to all employees of the county unless a class of employees is specifically exempted by law or by the terms of these policies. Individual departments may elect to stand independently and have other more restrictive policies govern their department (i.e. Emergency Medical Services and Sheriff's Office). A copy of all independent policies must be forwarded to Human Resources.

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

#### **1.06 EMPLOYMENT-AT-WILL.**

Austin County operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. The county will attempt to ensure that employee dismissals are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The county has the right to change these policies at any time without prior notice to employees.

#### **1.07 DISSEMINATION OF PERSONNEL POLICIES.**

Human Resources will maintain the official set of the personnel policies, with all revisions, for reference by employees, and is responsible for providing a complete copy of this manual and copies of all subsequent revisions or policy changes to each Department Head or Elected Official for

distribution to employees in the department. If a question arises about a particular policy, the official set of policies in Human Resources should be consulted and will control.

Human Resources will provide a copy of the personnel policies to new employees on their first day of employment. Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Upon receipt of the personnel policies, each employee and Elected Official or Department Head will review policy with employee sign an acknowledgment that he or she has received a copy of the Personnel Policies Manual and understands that he or she is responsible for knowing the contents. The signed acknowledgment is filed in the employee's official personnel file in the County Auditor's office.

### **1.08 EQUAL EMPLOYMENT OPPORTUNITY.**

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

The county has formulated, implemented and will maintain a written equal opportunity program relating to Law Enforcement employment practices affecting minorities and women. (Legal Reference: 28 CFR 42.304)

An employee will not engage in conduct at work that involves the use of racial or ethnic joking or derogatory remarks. Reports of such conduct will be investigated, and necessary corrective action will be taken.

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

(Legal reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights Act, V.T.C.A. Government Code, Sec. 461; V.T.C.A. Labor Code, Chapters 21-22; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990; U.S. Executive Order 11246; U.S. Equal Pay Act; V.T.C.A. Health and Safety Code, Chapters 592.)

### **1.09 SEXUAL HARASSMENT.**

It is the policy of the county to provide and maintain a work environment that is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including termination.

In this section, “sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature (1) that create a hostile working environment or (2) the submission to which is made a term or condition of a person’s employment.

It is illegal and against the county’s policy for any worker, male or female, to harass another worker or to create a hostile working environment by either committing, tolerating, or encouraging:

1. Physical assaults on another employee, including, but not limited to rape, sexual battery, molestation, or attempts to commit these assaults; or
2. Intentional physical contact that is sexual in nature, including, but not limited to, touching, pinching, patting, or brushing up against another employee’s body; or
3. Unwanted sexual advances, propositions, or sexual comments, including making sexual gestures, jokes, or comments made in the presence of any employee; or
4. Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The county’s grievance procedure (see Grievances) provides procedures for reporting alleged sexual harassment. The County Official or Department Head will investigate immediately.

No employee will be subject to any form of retaliation or discipline for pursuing a sexual harassment complaint.

(Legal reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604.11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986.)

### **1.10 GENERAL HARASSMENT**

It is the policy of Austin County to treat all employees with respect and dignity and not to discriminate against any employee on the basis of any protected class. Austin County prohibits any form of harassment.

Harassment is prohibited by federal and state laws. This policy prohibits harassment of any kind; and, the County will take appropriate action swiftly to address any violations of this policy. (procedures are followed the same way as 15.00 Grievances.)

The definition of harassment is; verbal or physical conduct designed to threaten, intimidate, or coerce; also, verbal taunting (including racial and ethnic slurs) which, in the employee’s opinion, impairs his or her ability to perform his or her job.

Harassment shall include, but not be limited to, verbal or physical conduct of a nature where:

- a. Submission to such conduct is either an expressed or implied condition of an individual’s employment;

- b. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the harassed person; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of harassment are:

1. Verbal: Comments which are not flattering regarding a person's national origin, race, color, religion, age, gender, sexual orientation, pregnancy, and appearance of disability, marital status, veteran status, or other protected status. This includes epithets, slurs, and negative stereotyping.
2. Non-Verbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates insults, belittles, or shows hostility or aversion toward an individual, or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, and appearance of disability, marital status, veteran status, or other protected status.

All claims of harassment shall be taken seriously and the County Official or Department Head will investigate immediately. The county's grievance procedure (see Section 15.03 Grievance Procedure) provides procedures for reporting alleged harassment of any form.

### **1.11 PERSONS WITH DISABILITIES.**

It is the policy of the county to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to persons with disabilities, and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee, unless that accommodation will place an undue hardship on county finances or operations. In this section, a person with a disability is defined as a person who:

1. Is presently disabled;
2. Has been disabled in the past; or
3. Is perceived to be disabled.

It is also illegal, and against county policy, to discriminate against a person because of his or her relationship or association with an individual with a known disability.

The Americans with Disabilities Act (ADA) defines disability as:

1. A physical or mental impairment which substantially limits one or more of a person's major life activities;



2. A record of such an impairment; or
3. Being regarded as having such impairment.

Conditions that are medically correctable, such that they do not substantially limit a major life function may be found not to be a disability.

Persons with disabilities must be provided equal access to the hiring process. Persons with disabilities who perform the essential functions of their job must be provided equal access to promotion, training, and other benefit opportunities. No person will be subject to any form of retaliation for pursuing a complaint based on disability-related discrimination. (Legal reference: U.S. Americans with Disabilities Act of 1990; Vaughn v. United.)

### **1.12 GINA (Genetic Information Nondiscrimination Act).**

Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family member history); and requests for or receipt of genetic services by applicants, employees, or their family members. (It is anticipated that the EEOC will publish the final rule and appropriate language for use in the notice prior to the law's effective date, November 21, 2009. Shortly thereafter, the mandatory posting will be available for downloading at no charge on the U.S. Department of Labor's and EEOC's web sites.) Employment provisions in Title II of GINA will apply to the same covered entities as Title VII of the Civil Rights Act of 1964 whether or not the employer conducts genetic testing. The provisions will prohibit employers from discriminating against individual employees or job candidates on the basis of genetic conditions or predisposition to certain diseases even if an employer does not conduct genetic testing.

### **1.13 SMOKING AND NON-SMOKING TOBACCO.** *(Revised 1-10-11, Order 11-09)*

In keeping with Austin County's intent to provide a safe and healthy work environment, smoking and other tobacco use is prohibited within facilities and vehicles owned or operated by the county. A violation of this policy may result in disciplinary action. Smoking is also prohibited within 18 feet from any entrance doorway of any such building.

### **1.14 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS.**

These personnel policies may be amended or revised or new policies may be added, at any time, with or without notice, upon the approval of the Commissioners Court. In addition, Human Resources may conduct an annual review of the policies contained in this manual as part of the

budget process, and may submit any necessary or recommended changes to the Commissioners Court for approval prior to the beginning of the new fiscal year.

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

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## **2.00 EMPLOYEE RESPONSIBILITIES**

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### **2.01 GENERAL EMPLOYEE RESPONSIBILITIES.**

The county is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, good judgment, courtesy, and avoidance of even the appearance of illegal or unethical conduct in the course of their regular duties. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their part in maintaining good relationships with the public, their supervisors, county officials, and their fellow employees. (see 2.10 Social Networking and 12.03 Use of County Equipment)

### **2.02 PROFESSIONAL APPEARANCE.**

Employees of the county are hired to provide services to the county's citizens and to perform specific tasks in a professional manner. As representatives of the county, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the county does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner, which is appropriate to the particular job being performed. Expensive clothes are not necessary, but a neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the county's work force. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for time away from work.

### **2.03 TIMELINESS AND ATTENDANCE.**

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

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not later than 15 minutes after the time the employee is scheduled to begin work, as a general rule, unless emergency conditions or other department rules exist. A Department Head may require a different reporting schedule if it would work better for that particular department. (See also the Leave Time chapter of these policies for matters involving planned absences.)

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, the supervisor may approve longer reporting intervals. Frequent

tardiness or unexcused absence is not permissible and will result in disciplinary action up to and including termination.

## **2.04 OUTSIDE ACTIVITIES.**

Employees may not engage in any outside employment, activity, or enterprise determined by the elected or appointed Department Head (1) to be inconsistent or incompatible with employment with the county; or (2) to affect the employee's job performance adversely. Examples of outside activities that may conflict with county employment include construction or installation that may be inspected or regulated by the employee's county department, employment by a major contractor of the county, or employment that results in fatigue while on county duty.

Any Department Head, at his or her discretion, may require that employees in that department notify the Department Head prior to the employee's acceptance of any outside employment, including self-employment.

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.

## **2.05 GIFTS AND GRATUITIES.**

A county officer or employee may not accept any gift or free services that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the county. (See the **Conflict of Interest** section below.)

## **2.06 CONFLICT OF INTEREST.**

County officers and employees are expected to avoid any actual conflict of interest with their public duties as well as the appearance of a conflict of interest. For this reason, it is the policy of the county not only to comply with state law regarding conflict of interest by county officials, but also incorporate into its policies additional standards for employees that parallel the requirements that apply to state employees. These are as follows:

1. County Elected Officials. A member of the Commissioners Court and certain other county officials will not participate in a discussion, vote or decision in which the member or official or family member who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) has a substantial interest.

2. County Employees. A county employee may not:

- a) solicit or accept or agree to accept a financial benefit, other than from the county, that might reasonably tend to influence his or her performance of duties for the county or that he or she knows or should know is offered with intent to influence the employee's performance;
- b) accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
- c) accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the county;
- d) 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) solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

(Legal reference: V.T.C.A., Local Government Code, Section 171; V.T.C.A. Penal Code, Chapter 36).

## **2.07 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.

A county employee may not:

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

County employees, except Elected Officials, may not participate in political activities while on county duty. Employees are expected to remove county uniforms before participating in a political activity. In addition, county-owned property, vehicles, buildings, and/or offices may not be used for displaying campaign materials or for

conducting any partisan political activity other than conducting party primary elections and announcements for public office.

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

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

(Legal reference: V.T.C.A., Penal Code, Sec 36.03; U.S. Hatch Act of 1940, as amended.)

## **2.08 CHAIN OF COMMAND.**

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

## **2.09 COMMUNICATIONS WITH THE PUBLIC.**

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 supervising Department Head or Elected Official or his or her designee. Employees are to refer the public to the supervising elected or appointed Department Head if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

## 2.10 SOCIAL NETWORKING.

Policy Regarding Use of Social Media by Employees communicating with each other and the rest of the world; including but not limited to instant messaging, texting, and sites such as Facebook, Myspace, YouTube, LinkedIn and Twitter.

While Austin County encourages its employees to enjoy and make good use of their OFF-DUTY TIME, certain activities on the part of employees may become a problem if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the county; or harming the goodwill and reputation of the county and/or employees among its constituents or in the community at large. Employees must ensure that the use of social media does not produce the adverse consequences noted above. For this reason, the county reminds its employees that the following guidelines apply in their use of social media:

1. If any employee publishes any personal information about themselves, another employee of Austin County, or constituent in any public medium (print, broadcast, digital, or online) that:
  - a) has the potential or effect of involving the employee, their co-workers, or the county in any kind of dispute or conflict with other employees or third parties;
  - b) interferes with the work of any employee;
  - c) creates a harassing, demeaning, or hostile working environment for any employee;
  - d) disrupts the smooth and orderly flow of work within the office, or the delivery of services to the county's clients or customers;
  - e) harms the goodwill and reputation of the county and/or employees among its constituents or in the community at large;
  - f) tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information;

the employee(s) responsible for such problems will be subject to counseling and/ or disciplinary action, up to and potentially including termination of employment, depending upon the circumstances.

2. No employee may use county equipment or facilities for furtherance of non-work-related activities or relationships.
3. Employees who conduct themselves in such a way that their actions and/or relationships with each other could become the object of gossip among others in the office, or cause unfavorable publicity for the county, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such a situation, the employees involved should request guidance for the elected official to



discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

4. Should you decide to create a personal blog, be sure to provide a clear disclaimer that the views expressed in the blog are the author's alone, and do not represent any county views.
5. Be respectful to the county co-workers and constituents, and be mindful of your physical safety when posting information about yourself or others on any forum. Describing intimate details of your personal and social life, or providing information about your detailed comings and goings might be interpreted as an invitation for further communication--- or even stalking and harassment that could prove dangerous to your physical safety.
6. Social media activities should never interfere with work commitments.
7. Your online presence can reflect on the county. Be aware that your comments, posts, or actions captured via digital or film images can affect the image of Austin County.
8. Do not ignore copyright laws, and cite or reference sources accurately. Remember that the prohibition against plagiarism applies online.
9. Use of personal cell phones, etc. during work schedule must be limited to family emergencies. (see 2.10 Social Networking and 12.03 Use of County Equipment)

## **2.11 PERSONAL VISITORS IN THE WORKPLACE.**

In the event a non-work related person visits an employee during working hours, the employee is responsible for the conduct and safety of his or her visitor(s).

## **2.12 UNIFORMS.**

Some county departments require employees to wear uniforms. Each employee is expected to keep his or her uniform neat and clean. Uniforms provided by the county to R&B and Maintenance personnel shall be worn only during working hours and in accordance with individual department policies. Law Enforcement and EMS personnel will subscribe to individual department policies.

## **2.13 PURCHASING.**

Purchases by county employees will be made only as authorized by elected or appointed county Department Heads or the Commissioners Court and must be made in accordance with state purchasing laws as they apply to counties and Commissioners Court orders. (Legal reference: V.T.C.A., Local Government Code, Chapter 262.)

## **2.14 INDEBTEDNESS TO THE COUNTY.**

State law prohibits issuing a paycheck to a county employee if the employee is indebted to the county or to the state. (Legal reference: V.T.C.S., Local Government Code, Section 154.025. Applies only to counties with populations of 190,000 or less.)

## **2.15 EMPLOYEE FUNDRAISING.**

County employees are free to engage in fundraising efforts for outside organizations of the employee's choice; but the solicitations shall be made during the employee's nonworking hours. (Nonworking hours include lunch periods, work breaks, or any other period in which the employee is not on duty.) The employee must not represent himself or herself as a county employee or wear a county uniform when engaged in non-county-sponsored fundraising solicitations.

## **2.16 WHISTLEBLOWER.**

Austin County complies with the Texas Government Code, section 554.002, whereby a state or local government entity may not suspend or terminate the employment of, or take other adverse personnel action against a public employee, who in good faith, reports a violation of the law by the employing governmental entity or another public employee to an appropriate law enforcement authority.

In this section, a report is made to an appropriate law enforcement authority if the authority is part of a state or local governmental entity or of the federal government that, the employee in good faith believes, is authorized to:

- 1) regulate under or enforce the law alleged to be violated in the report; or
- 2) investigate or prosecute a violation of criminal law.

Austin County employees are urged to report any violation of the law to the appropriate law enforcement agency.

Austin County will not tolerate retaliation of any kind and in any manner. This protection extends not only to individuals who complain about unlawful activities, but also to those who serve as witnesses in investigations.

Confidentiality will be maintained as much as possible regarding complaints of unlawful activities. However, absolute confidentiality cannot be promised as complaints may be disclosed during the course of the investigation, but only to those who need information to conduct an investigation and/or take corrective action.

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## 2.17 ANTI-FRAUD POLICY.

### Introduction

The Austin County Commissioners Court has established an anti-fraud policy to enforce controls and to aid in the prevention and detection of fraud, theft, waste, or abuse against the county. This policy applies to any fraud, theft, waste, or abuse or suspected fraud, theft, waste, or abuse involving an employee, elected official, department head, consultant, vendor, contractor, outside agency, or person doing business with the county or in any other relationship with the county.

Austin County does not tolerate any type of fraud, theft, waste or abuse. The county's policy is to promote consistent, legal, and ethical organizational behavior by:

- assigning responsibility for reporting fraud, theft, waste or abuse;
- providing guidelines to conduct investigations of suspected fraudulent behavior;
- requiring each employee to attend annual fraud awareness training.

Failure to comply with this policy subjects an employee to disciplinary action, including immediate termination. Failure to comply by a consultant, vendor, contractor, outside agency, or person doing business with the county or in any other relationship with the county could result in cancellation of the business or other relationship between the entity and the county.

Austin County will pursue prosecution if the results of an investigation indicate the possibility of criminal activity.

For purposes of this policy only, the term *fraud* or *fraudulent* includes theft, waste, and abuse as defined below.

### Definitions

***Fraud*** is defined as an intentional deception designed to obtain a benefit or advantage or to cause some benefit that is due to be denied.

***Waste*** is the loss or misuse of county resources that results from deficient practices, system controls, or decisions.

***Abuse*** is the intentional, wrongful, or improper use of resources or misuse of rank, position, or authority that causes the loss or misuse of resources, such as tools, vehicles, computers, copy machines, etc.

*Theft* is defined as the act of taking something from someone unlawfully.

### **Responsibility to Report Suspected Fraud**

Each employee, elected official and department head is required to report any suspected fraud, theft, waste or abuse or other dishonest conduct to the Austin County Criminal District Attorney.

Elected Officials and Department Heads do not have the authority to determine the merits of a report of suspected fraud. The Austin County Criminal District Attorney makes this determination.

The identity of an employee or complainant who reports suspected fraud will be protected to the full extent allowed by law.

Suspected improprieties and/or misconduct concerning an employee's ethical conduct should be reported to Austin County Criminal District Attorney. Note that there are many instances of prohibited actions that do not rise to the level of fraud.

### **Guidelines for Handling a Report of Suspected Fraud, Theft, Waste, or Abuse**

The reporting individual should receive the following instructions and information:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Allow the Austin County Criminal District Attorney to conduct the investigation. Do not further investigate the allegations.
- Observe strict confidentiality. Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the Austin County Criminal District Attorney.
- Retaliation will not be tolerated. The county will not tolerate any form of retaliation against individuals providing information concerning fraud or suspected fraud.
- Every effort will be made to protect the rights and the reputations of everyone involved, including the individual who in good faith alleges perceived misconduct as well as the alleged violator(s).
- The identity of an employee or other individual who reports a suspected act of fraud will be protected as provided by this policy.

## **Responsibility of Austin County Criminal District Attorney**

On receiving a report of suspected fraud, the Austin County Criminal District Attorney shall document the contact and conduct a preliminary investigation to determine the credibility of the report. If the report is credible, the Austin County Criminal District Attorney shall follow the investigation guidelines provided in this policy.

The Austin County Criminal District Attorney shall make every effort to protect the rights and the reputations of everyone involved in a report of suspected fraud, including the individual who in good faith alleges perceived misconduct, as well as the alleged violator(s). The Austin County Criminal District Attorney also shall make every effort to protect the identity of a person who in good faith reported the suspected fraud. However, disciplinary action may be taken as provided by this policy if a report is made in bad faith.

On determining that a report is not credible or is not a report of fraud, the Austin County Criminal District Attorney shall document this determination. The Austin County Criminal District Attorney's documentation shall include support for the determination.

The Austin County Criminal District Attorney is responsible for reporting confirmed fraud to the retained outside Auditor.

The Austin County Criminal District Attorney is responsible for the administration, revision, interpretation, and application of this policy.

## **Guidelines for the Investigation of Suspected Fraud**

The Austin County Criminal District Attorney is responsible for the full investigation and documentation of suspected fraud.

The Austin County Criminal District Attorney has primary responsibility for the investigation of reported wrongdoing and all suspected fraud and for coordinating investigative activities. Each employee involved in an investigation of suspected fraud shall keep the content of the investigation strictly confidential to the full extent provided by law. Investigation results shall not be disclosed or discussed with anyone other than those who have a legitimate need to know.

Any required investigative activity shall be conducted without regard to the suspected wrongdoer's length of service, position/title, relationship to the county, or any other perceived mitigating circumstance.

The Austin County Criminal District Attorney shall maintain appropriate documentation regarding incidents of fraud. The Austin County Criminal District Attorney shall develop and maintain guidelines for access to and security of this documentation.

If an investigation substantiates fraudulent activities, the Austin County Criminal District Attorney will provide information to the Austin County Commissioners Court and the appropriate elected official and/or department head. Any information so provided shall be consistent with investigation protocol, confidentiality concerns and criminal procedure.

Any inquiries from the suspected individual, his or her attorney/representative, or any other inquirer shall be directed to the Austin County Criminal District Attorney.

## **Disciplinary Action**

Failure to comply with any part of this policy is grounds for disciplinary action, including immediate termination.

An employee who:

- has engaged in any form of fraud, theft, waste, or abuse;
- suspects or discovers fraudulent activity and fails to report his or her suspicions as required by this policy or
- intentionally reports false or misleading information

is subject to disciplinary action, including termination.

## **Fraud Awareness Training**

Each employee is required to attend at least one session of Fraud Awareness Training during each fiscal year. After attending the training, the employee must sign a form indicating that they have attended the training and understood its content.

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## **3.00HIRING PRACTICES**

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### **3.01 METHODS OF RECRUITMENT AND SELECTION.**

The county has five methods of recruiting and selecting persons to fill vacancies:

1. Promotion or transfer from within the same department;
2. Transfer from another county department or office;
3. Public announcement (including media announcement and{/or} posting of notice for county employees) and competitive consideration of applications for employment;
4. Referral from a job training program; or
5. Selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding 90 days.)

The Elected Official or appointed Department Head determines the method of selection to be used in filling each vacancy. However, the Commissioners Court must approve funding and recruitment for a position before recruitment begins.

The county does not accept applications for employment unless a specific job opening has been announced by the Department Head or Elected Official. Department Heads should notify Human Resources when an opening is available and provide a description of the position to be advertised. Human Resources will circulate a memorandum to other departments, place advertisement in local newspapers, Workforce Solutions and [www.austincounty.com](http://www.austincounty.com). Persons wishing to apply for a job with the county when a specific vacancy does not exist will be informed as to how county job openings are advertised, and that they may file an application when an advertised vacancy exists for which they consider themselves to be qualified. After a county position has been filled, all applicants who were interviewed, but were not chosen will be notified in writing or by telephone as soon as practicable.

### **3.02 SELECTION.**

The Commissioners Court is responsible for the selection and employment of all appointed Department Heads except as specified by law or in these policies.

Except for positions filled by a vote of the Commissioners Court or as set out above, each Elected Official or Department Head is responsible for the selection of persons to fill

each vacant position within the pay limits set by the Commissioners Court, unless otherwise specified by law.

The county requires reference checks, a criminal history check, a post-conditional offer of employment drug and alcohol test, and physical that measures whether or not the prospective employee can perform the essential functions of the position with or without reasonable accommodations. Offers of employment are conditioned on the Department Head's satisfaction that the results of these inquiries reflect the applicant's fitness and qualifications for public employment and for carrying out the specific duties of the position for which he or she has applied. (Legal reference: V.T.C.A. Government Code, Sec.461.001.)

Once a selection is made, the Elected Official or Department Head will submit to Human Resources a Personnel Action Form, with a copy to the County Auditor's Office, listing the name of the applicant, the requested classification, beginning salary, and the effective date of employment. A copy of the Application For Employment form must be attached to the original of the Personnel Action Form sent to Human Resources. The position for which the employee was selected will require a post-conditional offer of employment drug and alcohol test, and physical that measures whether or not the prospective employee can perform the essential functions of the position with or without reasonable accommodations. The examining medical doctor will be instructed to submit the results of the employee's drug and alcohol test and physical examination directly to Human Resources, who will file them in a separate, secured file. Upon receipt of satisfactory results, Human Resources will confirm the employee's start date with the Elected Official or Department Head and initiate the orientation process.

Access to employee medical records and files is restricted to only those who can demonstrate a "need to know" as defined in the Americans with Disabilities Act. (Legal reference: U.S. Americans with Disabilities Act of 1990.)

### **3.03 AGE REQUIREMENTS.**

Persons under 14 years of age will not be employed by the county under any circumstances.

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. Generally, persons less than 18 years of age are prohibited from performing the following types of duties that may occur in county operations: driving a motor vehicle or riding as an outside helper on a vehicle; using power-driven equipment including woodworking equipment and power-driven saws or shears; operating power driven hoists; participation in wrecking, demolition, or roofing operations; working in trenches or other excavations.

A Department Head or Elected Official wishing to employ a prospective county employee younger than 16 years of age must have written permission and age verification (documentation required, i.e. driver's license or passport) and a signed Authorization and Minor's Release Form from

his or her lawful parent or guardian on file in Human Resources prior to the first day of employment.

Other age limitations will be applied only as may be specifically required by state or federal law.

(Legal reference: Child Labor Regulations, Subpart C, issued pursuant to authority conferred by Section 3 (1) of the U.S. Fair Labor Standards Act of 1938, as amended; V.T.C.A. Labor Code, Chapter 51; U.S. Age Discrimination in Employment Act of 1967, as amended.)

### **3.04 APPLICATION FOR EMPLOYMENT.**

When a specific vacancy exists, each person desiring employment with the county may obtain an Application For Employment from the department where the opening exists, Human Resources or the Austin County website ([www.austincounty.com](http://www.austincounty.com)). Completed applications should be returned to the department. To be valid, an application must be made on the county's official application form. The Department Head or Elected Official should retain each employment application for two years after receipt of the application. (Legal reference: 29 Code of Federal Regulations 1602; V.T.C.A. Government Code, Section 441.158; State Library and Archive Commission Local Schedule GR, as amended.)

It is the responsibility of the employing department to make appropriate checks to verify education, experience, character, and required certificates and skills of an applicant prior to extending an offer of employment. In the case of applicants for positions with the county that require driving a vehicle, the Elected Official or Department Head must check the prospective employee's driving record prior to offering the applicant employment with the county. *In addition, this information will be checked at least annually. See 3.10 Driving Record.*

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

Nepotism is the showing of favoritism toward a relative. The county forbids the practice of nepotism in hiring personnel or awarding contracts.

**Relationship to a Member of the Commissioners Court.** A person who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to a member of the Commissioners Court may not be hired in position that requires approval of the selection by the Commissioners Court.

**Relationship to an Elected Department Head.** An elected Department Head may not hire a person if that person is related to the Department Head within the second degree by affinity (marriage) or within the third degree by consanguinity (blood).

**Determining Degree of Relationship.** Degree of relationship to a county official can be determined using the charts on the following page.

**Continued Employment of a Relative.** The employment must be prior and continuous, but the length of prior employment varies with the public official. If the public official is appointed, his relative must have held his/her position 30 days prior to the appointment of the public official. If the public official is elected at a special election, the employee relative must have held his/her position for 6 months prior. If the public official is elected at a general election for state & county officers, the employee relative must have held his/her position for one year prior to the election.

**Texas Government Code Sec. 573.062. CONTINUOUS EMPLOYMENT.**

(a) A nepotism prohibition prescribed by Section 573.041 or by a municipal charter or ordinance does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

(1) the individual is employed in the position immediately before the election or appointment of the public official to whom the individual is related in a prohibited degree; and

(2) that prior employment of the individual is continuous for at least:

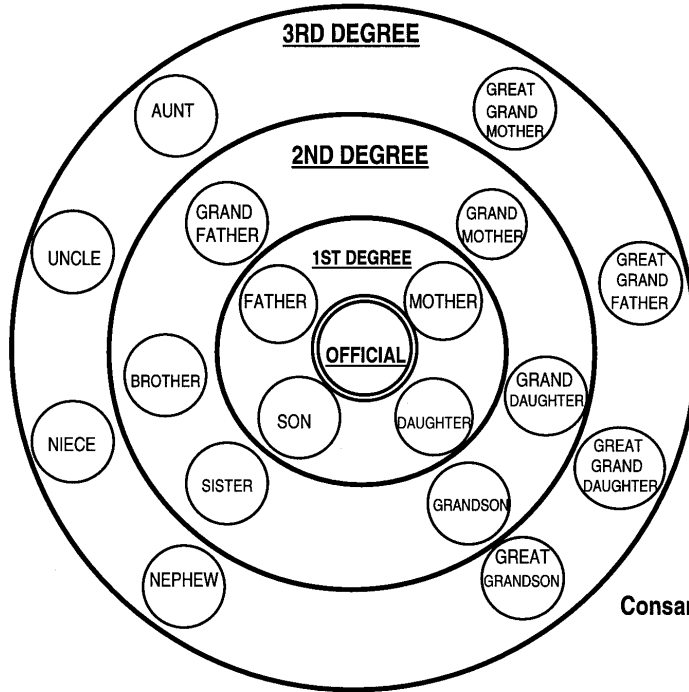
(A) 30 days, if the public official is appointed;

(B) six months, if the public official is elected at an election other than the general election for state and county officers; or

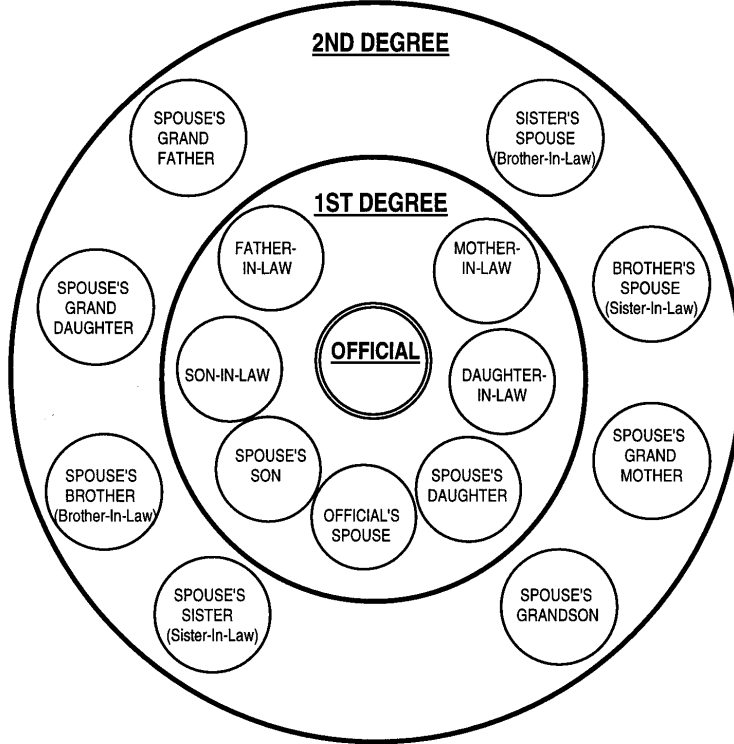
(C) one year, if the public official is elected at the general election for state and county officers.

(b) If, under Subsection (a), an individual continues in a position, the public official to whom the individual is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

**NEPOTISM CHARTS**



**Consanguinity Kinship Chart (Blood)**



**Affinity Kinship Chart (Marriage)**

### **3.06 TESTING.**

Except for drug/alcohol tests, physical examinations, and psychological tests for law enforcement officers, and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job-related (“piece-of-the-job”) tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.).

### **3.07 PHYSICAL STANDARDS.**

The ability to perform the essential function of the job safely is necessary to avoid occupational injuries and to ensure that it will be possible to avoid any future job-related injuries from existing medical problems. For these reasons employees are required to pass a drug and alcohol test and required to pass a physical examination after a conditional offer of employment has been extended, but prior to their first day of work. Employees will not be placed on the county payroll prior to passing these exams. Back X-rays are required for persons who will perform strenuous physical activity.

The required physical examinations and drug and alcohol tests for all applicants who apply for a position will be performed by a physician of the county’s choice and will be paid for by the county. In each instance, the examining doctor will be provided a copy of the appropriate job description along with physical requirements, and will be required to certify that the prospective employee is physically able to perform the essential duties of the job. Upon receipt of the satisfactory results, Human Resources will confirm the employee’s start date with the department and initiate the orientation process.

### **3.08 MEDICAL RECORDS.**

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a “need to know” has been clearly established and is also in compliance with the American’s with Disability Act. Only the County Auditor or designee has routine access to employee medical records.

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

### **3.09 VERIFICATION OF ELIGIBILITY TO WORK.**

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

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

### **3.10 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 prospective employee is responsible for providing a driving record prior to county employment in a capacity which requires operating a vehicle or piece of equipment. Employees must maintain the appropriate driver's license; and suspension or revocation of the license may result in demotion, reassignment, or termination.

### **3.11 SEAT BELT.**

All drivers of County-owned vehicles and/or equipment shall comply with all federal, state, county and local laws, rules and regulations governing the safe and legal operation of vehicles and/or equipment. At all times that the vehicle and/or equipment is in motion, the driver and all passengers must wear a seat belt, if included as original equipment in the vehicle and/or equipment. Employees must submit a written statement from a physician excluding him or her from wearing a seat belt, for medical reasons.

### **3.12 DISQUALIFICATION.**

An applicant is disqualified from employment by the county if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position involved;
2. Knowingly has made a false statement on the application form;
3. Has committed fraud during the selection process;
4. Is not legally permitted to hold the position;
5. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
6. Does not pass the post conditional offer physical examination and the drug and alcohol test; or
7. Has not provided proof of citizenship or legal work status in the United States within the first three days of employment.

### **3.13 PRIOR SERVICE WITH THE COUNTY.**

Employees entering service with the county, whom the county previously employed, may be considered for appointment above the customary entry-level salary. Employees rehired to fill regular full-time positions (scheduled to work at least 32 hours per week) with the county will not receive credit for their prior length of service as regular full-time employees for longevity pay purposes. A break in continuous service with the county also forfeits vacation and sick leave benefits accrued prior to the break. *(For details pertaining to how a break in service affects retirement benefits, please refer to your Texas County and District Retirement System "Member Information Guide.")*

### **3.14 PLACEMENT ON COUNTY PAYROLL.**

New employees must fill out employment forms on the first day of employment. The Department Head or Elected Official will contact Human Resources to schedule the new employee for Orientation. Employment forms will be made available to new employees during orientation.

### **3.15 ORIENTATION.**

All new employees will attend a County orientation on the first day of employment. The orientation conducted by Human Resources will explain the County's organization and services, work rules, standards of performance, and personnel policies and procedures. Each employee will receive a copy of the Personnel Policies Manual and once reviewed an Employee Acknowledgement: of Personnel Policies & Return of County Property form is given to each employee to sign. Employees are responsible for knowing and following the information contained in the personnel policies.

Human Resources will provide an overview of employment benefits eligibility and enrollment procedures, and will provide the necessary forms and deadlines to new employees on enrollment forms.

Before an individual begins performing his or her actual duties, he or she will be given a brief departmental orientation session, 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, as well as that job's relationship to the overall operation of county government.

### **3.16 TRAINING.**

Training an employee is the responsibility of the Elected Official or Department Head for whom he or she works. Whenever possible, employees receive on-the-job training under close supervision.



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## 4.00 TYPES OF EMPLOYMENT

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### 4.01 CATEGORIES OF EMPLOYMENT.

There are four categories of employment with the county:

Regular Full Time. A regular full-time employee is 1) employed in an authorized regular position that involves, on average, at least 40 work hours per week or 2) employed as a “full time/part time employee” as designated by commissioners court (i.e. Librarians Emergency Management and Ag. Ext. Secretary) who work at least 32 hours per week. Regular full-time employees may be either Non-Exempt Hourly or Salaried or exempt from overtime, and are eligible for Austin County’s benefits package subject to the terms, conditions, and limitations of each benefit program.

Regular Part Time. A Regular Part Time employee is employed in an authorized position that, on average, involves fewer than 40 work hours per week. Regular Part Time employees may be either Non-Exempt Hourly or Salaried, and those who are scheduled for at least 32 hours of work per week are eligible for benefits sponsored by Austin County, subject to the terms, conditions, and limitations of each benefit program.

Temporary Full Time. A Temporary Full Time employee is an employee hired to work at least an average of 40 hours per week for a specified, limited time period or is hired to complete a specified project or assignment. Temporary Full Time employees are not eligible for any County benefits, except those required by law. No retirement benefits apply to this position due to it being a temporary position.

Temporary Part Time. A Temporary Part Time employee is an employee hired to work fewer than 40 hours per week for a specified, limited time period or is hired to complete a specified project or assignment. Temporary Part Time employees are not eligible for any County benefits, except those required by law. No retirement benefits apply to this position due to it being a temporary position.

All Regular Full Time and Regular Part Time employees are eligible to participate in Texas County and District Retirement System (TCDRS); regardless of the number of hours they work in a year. Only Temporary Full Time and Temporary Part Time employees may be excluded from enrollment in TCDRS. (See Benefits chapter of these policies for details of benefits available to each category of employee.)

Retiree. Employees who retire from Austin County and start receiving benefits from TCDRS may be rehired and continue receiving their annuity as long as a) the original termination was “bona fide” under the IRS guidelines, and b) there was a separation from employment of at least three calendar months ( or ninety days). In order to be a bona fide termination, there can be no prior agreement between the County and the retiree that he/she will be rehired after retiring, and the retiree may not be given preferential status

when applying for a vacant position. Contact the County Treasurer's Office for additional information.

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

All new regular employees or employees who are promoted or transferred serve a four *month* (120-day) introductory period before the employee is eligible for a raise. Any significant absence will automatically extend the introductory period by the length of the absence.

#### **4.03 ASSIGNED STAFF.**

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

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## **5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT**

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### **5.01 PAY.**

Pay for county elected and appointed officials and employees who are paid from county funds is set each year by the Commissioners Court in the adopted county operating budget. Salaries for County Auditors, assistant County Auditors, and district court reporters are set by district judge(s). Rules governing salary administration and pay increases are also established by the Commissioners Court. (*Legal reference: V.T.C.A., Local Government Code, Chapter 152.*)

### **5.02 PAYDAYS.**

The county pays employees on a biweekly basis every other Friday. If a payday falls on a holiday, employees will be paid on the previous workday.

### **5.03 CHECK DELIVERY.**

The county encourages electronic deposit of payroll.

Paychecks/Paystubs will not be issued other than on the days set out by the Commissioners Court.

The County Treasurer or designee is responsible for the proper distribution of paychecks/paystubs. Paychecks/Paystubs may be released only to the individual responsible for their proper distribution within a department. Paychecks/Paystubs are distributed to individual employees by their Department Heads or by an individual delegated this responsibility within each department. Only the employee himself or herself, or someone designated in writing by the employee, may receive the paycheck/paystub in person.

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

An employee must promptly bring any discrepancy in a paycheck/paystub (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the County Auditor.

### **5.04 PAYROLL DEDUCTIONS.**

Any deductions must be approved and authorized by the Commissioners Court. Deductions will be made from each employee's pay for the following:

1. Federal social security;
2. Federal income taxes;
3. Court-ordered child support;
4. Texas County and District Retirement System (**TCDRS**) contributions (for eligible Regular Full Time, Regular Part Time employees, and elected and appointed Department Heads, and covered Part-Time employees; and
5. 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:

1. Dependent group health insurance;
2. Credit union payments;
3. Dental insurance;
4. Other insurance options;
5. Deferred compensation; and
6. Such other deductions as may be authorized by the Commissioners Court.

If there is a change in the employee's family status (marriage, birth of child, divorce, etc.), address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for contacting Human Resources so that the appropriate forms for these changes can be completed and processed.

#### **5.05 LONGEVITY PAY.**

When an employee has completed five (5) years with Austin County, the employee is eligible for longevity pay. Longevity is figured and paid annually at the rate of \$4.00 per month for full-time employees retroactive to the first year when the employee has completed five (5) years of service. Longevity is figured annually. After October 1<sup>st</sup> of the fiscal year and after an employee has completed five (5) years, \$240.00 is paid as longevity pay and \$48.00 every year thereafter is added. Those "full time / part time employees" designated by Commissioners Court (i.e. Librarians, Emergency Management and Ag. Ext. Secretary) are eligible for half (1/2) the longevity benefits based on a 32 hour workweek. Elected and Appointed Officials are excluded from Longevity pay. Longevity pay is paid in a lump sum to eligible employees, when it is determined by the Commissioners Court that funds exist in the current fiscal year budget.

Longevity pay is based on the number of years of continuous service with Austin County. If an employee is separated from employment with the county and subsequently rehired, longevity will accumulate from the new hire date and will not include prior service. Employees in a paid or unpaid leave capacity will continue to earn longevity pay only through the first year of leave.

#### **5.06 USERRA (Uniformed Services Employment and Reemployment Rights Act)**

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits the County from discriminating against past and present members of the uniformed services and applicants to the uniformed services. In accordance with USERRA guidelines, the County will reemploy employees that:

- submit advance written or verbal notice of their service
- have five years or less of cumulative service in the uniformed services
- return to work or apply for reemployment in a timely manner after conclusion of service and have not been separated from service with a disqualifying discharge or under other than honorable conditions.

Employees who are eligible for reemployment, must be restored to the job and benefits attained as if the employee had not been absent due to military service or, in some cases, a comparable job.

#### **5.07 CLASSIFICATION AND PAY ADMINISTRATION.**

A new employee normally is hired at the lowest level of pay for the position to which he or she is assigned. A new employee may not be hired above this level without specific approval by the Commissioners Court. In determining an employee's starting salary, the following factors will be considered:

1. The applicant's knowledge, experience, and education as compared to the minimum qualifications for the job;
2. If the employee is a rehire employee of the county, the previous salary he or she earned prior to leaving employment, as well as additional experience and knowledge gained subsequent to his or her prior service with the county; and
3. Any unusual external market factors affecting the job.

#### **5.08 PROMOTIONS.**

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

Promotions are approved by the elected or appointed Department Head within the staffing levels and budget limits approved by the Commissioners Court.

## **5.09 LATERAL TRANSFERS.**

A lateral transfer is the movement of an employee between positions at the same level of pay within the county. Lateral transfers may be made within the same department or between departments, and are subject to an introductory period. Lateral transfers may be requested by the employee or the Elected Official or Department Head to whose department the employee will be transferred, and must be approved by both Department Heads. Elected Official or Department Head is responsible for notifying Human Resources of lateral transfers. An employee will not receive a pay reduction when making a lateral transfer, provided that the employee's current salary is within the range approved by the Commissioners Court for the transfer position and is within the department's annual budget. An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation and sick leave.

If an employee leaves county employment during the same fiscal year following a transfer between departments, the Commissioners Court will make appropriate budget adjustments to assure that each employing department pays for the amounts of unpaid compensatory or vacation leave time earned by the employee in that department.

## **5.10 DEMOTIONS.**

A demotion is a change in duty assignment of an employee to a lower paid position with less responsibility. 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. A demotion may involve a decrease in pay.

## **5.11 PAY REDUCTION FOR DISCIPLINARY REASONS.**

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

## **5.12 APPROVING AUTHORITY.**

The Commissioners Court is the approving authority for all payrolls and payroll transfers granted under the terms of (1) these policies and (2) the annual budget.



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## 6.00 WORK SCHEDULE AND TIME REPORTING

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### 6.01 WORK HOURS.

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

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.

Working hours for Road & Bridge employees may vary in the precincts, with lunch, for a total of 40 hours per workweek.

Sheriff's Department Officers, Jailers, Dispatchers, and EMS field personnel work varying shifts in order to provide services 24 hours each day.

Elected Officials and Department Heads may, within the limits of state and federal law, make adjustments to these schedules. The Commissioners Court encourages that offices remain open from 8:00 a.m. to 5:00 p.m. and during the noon hour to serve the public better. Some employees may have their lunch hours staggered so that the county can provide this service.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule established.

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

Employees of the County's Sheriff's Department and Jail work in shifts. In accordance with the exception allowable under Section 207(k) of the Fair Labor Standards Act (FLSA), the county has established the following work period for the county's sheriff's department:

The salary paid is intended to cover a minimum of 80 hours and up to 86 hours worked in the 14-day work period for deputies and jailers. The official work period consists of 14 days with varying hours per day. Compensatory time calculations will commence after the 86th hour worked in a 14 day period. (*29 C.F.R. 553.230 Wage and Hour Division, Department of Labor*)

- The sheriff must notify affected employees at least annually of the beginning and ending dates and times of the first 14-day work period. Subsequent work periods follow the calendar in 14-day cycles.

## **6.02 OFFICIAL WORK WEEK AND WORK PERIOD.**

The official work week for non-exempt county employees is a seven-day workweek. The workweek begins on Saturday at 12:01 a.m. and ends on Friday at 12:00 midnight.

The official work periods for Sheriff's Deputies and Jailers is a 14 day work period which begins on Sunday at 12:01 a.m. and is subject to the 207(k) provisions of the Fair Labor Standards Act.

Employees of the Emergency Medical Services Department work a 24-hour shift, with 7 day workweek beginning at 9:00 a.m. on Sunday.

## **6.03 OVERTIME WORKED.**

The policy of the county is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized by the Commissioners Court or the appropriate budget authority if different from the Commissioners Court. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. If disaster recovery is needed, employees will work as assigned. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-law enforcement employees; 86 hours per 14-day work period for certified law enforcement officers and certified jailers).

For non-law enforcement employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For law enforcement employees, overtime begins to accrue after the 86<sup>th</sup> hour worked during the 14-day work period.

All overtime services by employees covered under FLSA must be authorized in advance by the employee's supervisor and approved by the elected or appointed Department Head. (Legal reference: U.S. FLSA of 1938, as amended.)

## **6.04 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 overtime services with no additional compensation. The salaries of these positions are established with this condition in mind.

Human Resources maintains and provides to the County Auditor a list of positions that the Commissioners Court have determined are exempt from FLSA.

Extra hours worked by executive, administrative, and professional employees may be used as a factor in granting or denying paid leave other than vacation or sick leave. Each county job description designates whether persons hired in that classification are exempt from or covered by (nonexempt), or not covered by (nonexempt) the overtime provisions of FLSA.

## **6.05 OVERTIME COMPENSATION.**

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

- Equal time off within the same work period (usually one week; 14 days for law enforcement officers and jailers);
- Compensatory time off at one and one-half times the number of hours worked up to a maximum number of hours which may be accrued (240 hours by non-law enforcement personnel and 480 hours by law enforcement employees); or
- Automatic payment of employees who reach the maximum F.L.S.A. accrual rates.

The Commissioners Court discourages time and one-half payment for overtime to non-exempt employees, which may be authorized by the Elected Official or Department Head only if (1) adequate funds are available in the department's budget, (2) and the Commissioners Court has granted authority to pay overtime by a separate court order, (3) and an emergency situation or special circumstances exists.

In addition, the court discourages the accumulation of compensatory time off for nonexempt employees at one and one-half times the number of hours worked because of the contingent liability this creates for the county. The preferable method for overtime compensation is to schedule equal time off for the affected employee during the same work period in which the overtime was worked.

In accordance with the Fair Labor Standards Act (F.L.S.A.) and Austin County Policy overtime is defined as hours actually worked in excess of 40 hours in a seven day work week for non-law enforcement employees and in excess of 86 hours in a 14-day work period for law enforcement employees. Elected Officials and Department Heads are charged with the administrative responsibility to properly control departmental overtime by approving such hours only in emergencies and scheduling equal time off in the same work period in which the overtime was worked or as soon thereafter as possible. Upon termination, any accrued, compensable hours are paid from that department's salary budget; in some cases, a significant amount.

Any employee earning F.L.S.A. overtime hours in excess of County/F.L.S.A. maximums will be automatically paid on the employee's next occurring payroll. Austin County will pay in accordance with F.L.S.A. maximums. The expense of such payment will be debited from the Departmental budget of the Employee.

For this purpose Departments may be allowed to make budget revisions to cover overtime compensation from other approved budget line items. However, this is an issue that must be carefully supervised by the Elected Official/Department Head as to the impact on the Departmental budget.

#### **6.06 USE OF COMPENSATORY TIME.**

As a general rule, any compensatory time earned should be used as quickly as possible and by the end of the fiscal year in which the overtime was worked.

#### **6.07 OTHER TIME.**

An employee, who is subject to the overtime provisions of FLSA and uses any type of paid time off (sick leave, vacation leave, holiday, etc.) during a work period, shall report the paid time off accurately on the timesheet. An employee who is then required to work extra hours in that same work period will be given equal time off ( "other time") for the extra hours worked. This "other time" may be used for any purpose.

If the total hours the employee actually works during the work period is in excess of 40 hours (86 hours if law enforcement), compensatory time and one-half will be given (See Section 6.05 Overtime Compensation)

"Other time" must be used within six (6) months of its accrual unless otherwise approved by Commissioners Court.

An employee will not be paid for "other time" at separation from employment. *(Detailed information about leave and other types of released time is found in the sections of this manual under the main headings 8.00 Leave Time and 9.00 Holidays).*

#### **6.08 TIME REPORTING.**

Non-exempt employees will keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. Exempt employees will keep records of leave taken and submit them to Human Resources for each pay period. The Commissioners Court promulgates forms for time reporting.

Time records must be signed by the employee and by the supervising Elected Official, Department Head, or his or her appointed designee and submitted to the County Auditor. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

Altering, falsifying, tampering with time records, or recording time on a time record will result in disciplinary action, up to and including termination of employment.

Each Elected Official or Department Head is responsible for ensuring that all hours worked and leave time taken are reported accurately on the time sheets. The County Auditor audits the time sheets and submits to the County Treasurer for payroll processing. The County Treasurer forwards to Human Resources the original timesheets to be filed in each employee's time sheet folder.

## **6.09 OFFICE CLOSINGS IN EMERGENCIES.**

Short-term emergency closings of Austin County offices/departments may arise due to unexpected inclement weather, prolonged power failure, or other emergency situations. After the county judge communicates with Elected Officials and Department Heads, closings will be communicated to employees. In the event that a situation occurs during non-working hours that would necessitate emergency closings of Austin County offices/departments, local radio and television stations will be asked, by the county judge's order, to broadcast an official courthouse closing statement. A general notification call will be placed to the phone numbers on the county list.

Elected Department Heads and officials may follow the general closing order or set other schedules for their employees. Every County employee will have one of the following classifications: (Essential or Non-Essential) which could change based on the length of emergency closing.

**Essential:** Employees whose presence is essential in implementing all or portions of the emergency plan. In accordance with the Labor Code Section 22.001 (3), this would include Emergency Services Personnel such as fire fighters, police officers and other peace officers, and emergency medical technicians, as well as other individuals who are required, in the course and scope of their employment, to provide services for the benefit of the general public during emergency situations. Essential employees will be designated to remain in the County on the job or at a designated location during an emergency and are subject to being utilized as needed.

**Non-Essential:** Employees whose presence is not essential in implementing all or portions of the emergency plan, but who cannot leave their positions until released by their supervisor, and must return to work as usual. Non-Essential employees are responsible for the following activities:

1. Must call the Emergency Operations Center or a designated hotline for return to duty information;
2. Must remain in contact with their supervisor regarding assignments and return to duty information;

3. Must stay abreast of the emergency situation by monitoring radio/television/internet for instructions.

Employees in all departments under the direct jurisdiction of the Commissioners Court will be paid for the first day or partial day of closing.

For subsequent days, the Commissioners Court may, by budget amendment, adjust salaries of employees not required to work during a closing period.

In the event there is an official emergency closing of all County operations ordered by Commissioners Court, due to a disaster by state declaration, all essential employees (exempt or non-exempt) required to remain at work will be compensated for straight-time or actual time worked for the duration of the emergency closing for all documented time during which work is performed. Straight-time and overtime will be determined in accordance with the applicant's pre-disaster policies, which should be applied consistently in both disaster and non-disaster situations. For example, one applicant may define labor exceeding 8 hours a day as overtime, which another might define labor exceeding 40 hours a week as overtime. However, all costs, including premium pay, must be reasonable and equitable for the type of work being performed. (See FEMA Labor Costs – Emergency Work Recovery Policy 9525.7 or [www.fema.gov/government/grant/pa/9525\\_7.shtm](http://www.fema.gov/government/grant/pa/9525_7.shtm))

Any employee who is off or scheduled to be off on sick leave, FMLA or disciplinary leave without pay during a period of emergency closure shall have their leave recorded as such.

Any essential employee who is off on paid leave may be required to return to work immediately. Any essential employee who fails to report to work as scheduled during inclement weather or disaster may be subject to disciplinary action.

Any employee who fails to report to work as scheduled during an “emergency evacuation order” as may be subject to disciplinary action, if such employee is necessary to provide for the safety and well-being of the general public or is otherwise necessary for the restoration of vital services.

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## **7.00 BENEFITS**

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

Regular Full-Time and Regular Part-Time employees who work at least 32 hours per week are offered group health benefits (general medical, hospitalization, prescription drug, and life insurance benefits). There is a 120-day waiting period for group health coverage.

Regular Full-Time employees and Regular Part-Time employees who work at least 32 hours per week may purchase health coverage and other insurance for their family members.

Upon successful completion of a 120-day waiting period all eligible employees will receive group health coverage, Human Resources will provide an overview of medical and life insurance benefits to eligible employees during New Hire Orientation. When the employee has reviewed the insurance booklet containing detailed information about the county's insurance programs, elected the coverage for his or her self and/or family, Human Resources will forward to the County Auditor's Office the completed forms.

Temporary employees and Regular employees who work less than 32 hours per week are not eligible for paid insurance coverage.

### **7.02 SOCIAL SECURITY.**

Employees of the county are covered by social security. The county also contributes to the social security system on behalf of each employee.

### **7.03 RETIREMENT.**

The county is a member of the Texas County & District Retirement System (TCDRS). Regular Full time and Regular Part-Time employees are required to become members of TCDRS and are eligible for this benefit immediately upon employment. An eligible employee has seven percent of gross salary deducted for retirement. The county pays a matching percentage that varies from year to year. An employee is vested after eight years of service. Employees, who leave county employment prior to retirement, will upon request, be refunded their portion of the retirement account plus interest earned on their portion.

Retirement benefits are determined by a formula that involves age, the number of years of creditable service, and the amount deposited in the employee's account. A new employee receives a brochure about the county's specific retirement coverage and options under TCDRS at the time of employment. The County Treasurer's Office has additional information about the retirement plan, which is available upon request.

Contact the County Treasurer's Office for assistance with retirement paperwork and benefit payment options. Additional resources are also available at [www.tcdrs.org](http://www.tcdrs.org) under Planning and Guidance.

#### **7.04 WORKERS' COMPENSATION.**

Employees and volunteers of the county are covered by the workers' compensation insurance program, and the county pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in the sections of this manual under the main heading Health and Safety. (Legal reference: V.T.C.A. Labor Code, Title 5, Subtitle A and Chapter 504.)

For the purposes of continuing retirement benefits, employees on Worker's Compensation will receive \$1 per pay period from the County.

#### **7.05 UNEMPLOYMENT INSURANCE.**

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. (Legal reference: Texas Workforce Commission, Section 2.2.3.1 [http://www.twc.state.tx.us/ui/tax/manuals/law/law\\_ch2\\_02.html](http://www.twc.state.tx.us/ui/tax/manuals/law/law_ch2_02.html) and Texas Labor Code 201.063 (of the Unemployment Compensation Act <http://www.statutes.legis.state.tx.us/Docs/LA/htm/LA.201.htm>) (revised 2-06-2012)

#### **7.06 LEAVE TIME.**

Regular Full-Time and Regular Part-Time county employees (scheduled to work at least 32 hours per week) are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. (Detailed information about leave and other types of released time is found in the sections of this manual under the main headings Leave Time and Holidays.)

#### **7.07 EDUCATION AND TRAINING.**

When the county requires an employee to attend any educational or training course, conference, or seminar, the county will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals, and lodging as budgeted for the fiscal year. Employees are expected to use the least expensive means of travel for the county, including avoiding unnecessary overtime whenever possible.

Please refer to the chapter on Travel and Expense Reimbursement for explanation of attendance at seminars authorized by the county.

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## **8.00 LEAVE TIME**

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### **8.01 LEAVE TIME DEFINITIONS.**

- **Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
- **Holidays.** Holidays are days designated by the Commissioners Court on which county offices are closed, that otherwise would be regular business days.
- **Unauthorized Absence.** An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or supervising Elected Official or Department Head. Employees are not paid for unauthorized absences, and such absences may result in disciplinary action up to and including termination.

### **8.02 APPROVAL OF LEAVE.**

Leave taken by county employees must be approved by the employee's supervisor and the supervising Elected Official or Department Head. Copies of signed leave forms are sent to Human Resources and the County Auditor's office for recording on the central leave records. County payroll records are verified against these leave records.

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 Auditor for payroll purposes. Elected Officials and Department Heads are responsible for notifying Human Resources when leave usage is for FMLA (*see FMLA in this section*).

### **8.03 LEAVE TIME DONATIONS.**

Other than donations to the Sick Leave Pool under Section 8.09, no employee may transfer his/her time to another employee.

### **8.04 VACATION LEAVE.**

Regular full-time and regular part-time county employees are eligible to accrue paid vacation leave. Employees are encouraged to take regular vacations at least annually.

Employees are not credited with vacation leave until the completion of one year of service with the county. Vacation leave is credited to an employee for continuous service on the first anniversary date of his or her employment and each year thereafter.

**Vacation Leave Accrual for Full-Time Employees.** Regular full-time employees earn vacation as follows:

| <b>Years of Employment</b>                                      | <b>Vacation Days</b> |
|---|----------------------|
| After one full year of continuous service                       | 40 hours per year    |
| After two years of continuous service, but less than five years | 80 hours per year    |
| After five years of continuous service, but less than 10 years  | 96 hours per year    |
| After 10 years of continuous service, but less than 15 years    | 120 hours per year   |
| After 15 years of continuous service                            | 160 hours per year   |

**Vacation Leave Accrual for Regular Part-Time Employees.** Regular part-time employees who work at least 32 hours per week earn vacation leave as follows:

| <b>Years of Employment</b>                                      | <b>Vacation Days</b> |
|---|----------------------|
| After one full year of continuous service                       | 32 hours per year    |
| After two years of continuous service, but less than five years | 64 hours per year    |
| After five years of continuous service, but less than 10 years  | 77 hours per year    |
| After 10 years of continuous service, but less than 15 years    | 96 hours per year    |
| After 15 years or more of continuous service                    | 128 hours per year   |

**Maximum Vacation Leave Accrual.** Accrued vacation leave must be used in the year that it is credited to an employee's account. Any balance is reduced to zero without compensation to the employee on the employee's next anniversary date of employment. No payment is made in lieu of vacation upon status change to part-time. *(Revised 1-24-11, Order 11-33)*

**Payment for Unused Vacation Leave Upon Separation.** When an employee leaves the services of the county, he or she will be paid for credited but unused vacation leave not to exceed the maximum vacation leave accrual for that year. The rate of pay will be determined by the salary rate in effect at the time the leave was earned.

**Scheduling Vacation Leave.** Supervising Elected Officials and Department Heads should encourage their employees to schedule vacations and to request leave well in advance; vacation schedules must accommodate the county's work schedule. Provided

that departmental workloads permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a “first come, first served” basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with seniority. If the desired leave schedules conflict with county requirements, the county’s requirements are given first consideration. Approval of previously approved leave requests may be withdrawn if necessary to satisfy work requirements of the county.

**Maximum Vacation Leave Accrual.** Accrued vacation leave must be used in the year that it is credited to an employee’s account. Any balance is reduced to zero without compensation to the employee on the employee’s next anniversary date of employment. No payment is made in lieu of vacation or upon status change to part-time. *(Revised 1-24-11, Order 11-33)*

**Payment for Unused Vacation Leave Upon Separation.** When an employee leaves the services of the county, he or she will be paid for credited but unused vacation leave not to exceed the maximum vacation leave accrual for that year. The rate of pay will be determined by the salary rate in effect at the time of termination.

Employees terminating during the first year of employment will not be paid for vacation leave.

## **8.05 COMPENSATORY LEAVE.**

See the section of this handbook under the main heading Work Schedule and Time Reporting, specifically the section on Overtime Compensation (Section 6.05), for information about earning compensatory time and using compensatory leave credits.

## **8.06 SICK LEAVE.**

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

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness of a member of the employee’s immediate family who requires the employee’s personal care and attention. For this purpose, immediate family is defined as the employee’s spouse, child or children, parent, step-parent, or any

other relative of the employee who resides in the employee's household and/or is dependent on the employee for care.

**Accrual of Sick Leave.** Sick leave accrues at the rate of eight (8) hours per month for full-time, regular county employees after the employee has satisfied the 120-day introductory period. Regular part-time employees scheduled to work 32 hours or more per week, receive sick leave in proportion to the number of hours worked. The appropriate number of hours of sick leave is credited to an employee's sick leave account on the first day of eligibility and on the first day of each month thereafter. *[Example: a regular full time employee is hired 10-1-10 and will earn eight (8) hours on 2-1-11 and each month after that]*

**Notification Requirements.** Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance. In all other instances of use of sick leave, the employee must notify his or her supervisor or the supervising Elected Official or Department Head before leaving work or, if not already at work, not later than the time at which the employee is scheduled to begin work on the first day of absence (within 15 minutes of the scheduled time to begin work), unless emergency conditions exist, and must request that approval of sick leave be granted. Some departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Employees must complete a request for approval of sick leave prior to non-emergency appointments, or must immediately request for approval of sick leave upon return to work in other instances, as applicable. Departments must promptly report authorized use of sick leave to the County Auditor's office with the payroll.

Failure to provide the required notice may result in the employee's being placed on leave-without-pay status, and could result in disciplinary action against the employee.

Employees must report to and remain at work until it is necessary to leave for an approved non-emergency appointment, and must return to work immediately following the appointment, unless extenuating circumstances exist. The unauthorized use of sick leave may result in disciplinary action against the employee.

**Medical Statement.** An Elected Official or Department Head shall request an employee in his or her department to furnish, and the employee must provide upon request, written verification by a physician of medical disability precluding availability for duty at any time that sick leave benefits are requested for more than three (3) consecutive work days.

**Maximum Accumulation of Sick Leave.** Sick leave not used by regular employees during the year in which it accrues accumulates and is available for use in succeeding years.

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

**Illness While on Vacation Leave or on a Holiday.** When an illness or physical incapacity occurs while 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 a substitution must be supported by a medical certificate or other acceptable evidence approved by the Commissioners Court. If an employee is sick on a holiday, he or she may not use sick leave for these hours and will not get an alternative day off.

**Donation Upon Termination.** Any employee may donate up to 80 hours (10 days) of his/her accrued sick leave time to the Sick Leave Pool upon separation from county employment, if it is determined that the funds are available as budgeted for the fiscal year.

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

### **8.07 MILITARY LEAVE.**

Regular employees who are members of the State Military Forces, or are members of any of the Reserve Components of the Armed Forces of the United States, are entitled to a paid leave of absence from their duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays, without loss of time or efficiency rating, or leave time, in any one federal fiscal year (October through September). Requests for approval of military leave must have copies of the relevant military orders attached.

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.

*(Legal reference: V.T.C.A., Government Code, Section 431.005 and Section 613.001-613.005; Fed. 38, U.S. Code Ann., Chapter 43.)*

### **8.08 CIVIL LEAVE.**

Employees are granted civil leave for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. (Legal reference: V.T.C.A. Labor Code, Sec. 52.051; Election Code, Sec. 276.004.)

Employees must notify the appropriate supervisor as soon as possible prior to taking civil leave. When an employee has completed civil leave, he or she must report to the county for duty for the remainder of the workday unless excused by his or her supervisor. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of each workday on which he or she will be absent. An employee, who is called for jury duty, must provide his or her supervisor with an acknowledgement of service from the court.



Payment received for civil leave is retained by the employee.

## **8.09 SICK LEAVE POOL.** (AMENDED 5-24-2010)

### 1. PURPOSE AND DEFINITION

#### Purpose

The purpose of the Sick Leave Pool is to provide additional paid sick leave to members of the Pool in the event they are unable to report to work due to a catastrophic illness or injury. Members may apply for sick leave from the Pool only after the member has exhausted all comp time, sick leave, vacation leave, and excess holiday leave balances.

#### Authority and Effective Date

The Austin County Sick Leave Pool has been established consistent with Sections 157.071-157.075: "Pooling of Sick Leave by County Employees," of the TEXAS LOCAL GOVERNMENT CODE.

Commissioners Court reserves the right to amend, change, or delete this policy at any time, with or without notice.

#### Definitions

**Catastrophic Illness or Injury:** A "Catastrophic Illness or Injury" is one that meets the criteria of a Serious Health Condition. Catastrophic illness or injury is considered to be any personal illness, injury or physical or mental condition suffered by the employee or a member of the employee's immediate family that involves continued treatment by a medical care provider for chronic or long-term medical conditions that are incurable or so serious that the employee has been absent from his or her place of work on paid leave, accrued compensatory time, or leave without pay for a period of ten (10) consecutive calendar days due to the catastrophic illness or injury. Immediate family is defined as the employee's spouse, child or children, parent, step-parent, or any other relative of the employee who resides in the employee's household and/or is dependent on the employee for care.

**Donation:** Refers to the act of an eligible employee voluntarily giving three (3) days (24 hours) the first year and continuing contributions per year of a minimum of one (1) day or up to three (3) days, but no more than the maximum of three (3) days of their own accrued sick leave to the Pool. Donations to the Pool cannot cause the employee's sick leave accrual to fall below 80 hours.

**Donation Upon Termination:** Any employee may donate up to 80 hours (10 days) of his/her accrued sick leave time to the Sick Leave Pool upon separation from county employment, if it is determined that the funds are available as budgeted for the fiscal year.

**Eligible Employee:** A regular full-time employee with at least twelve (12) months of continuous employment with the county is eligible to become a member of the Pool.

Member: A member of the Pool is an eligible employee who has contributed at least three (3) days the first year of their own accrued sick leave to the Pool.

Serious Health Condition: For purposes of this policy, Serious Health Condition is defined as an illness or injury that meets the definition and criteria of the Family and Medical Leave Act. The FMLA defines a serious health condition as an illness, injury, impairment, or physical or mental condition that involves (A) inpatient care in a hospital, hospice, or residential medical care facility; or (B) continuing treatment by a health care provider. (C) an illness or injury of a member of the employee's immediate family who required the employee's personal care and attention. *(See Sick Leave Pool Policy Section 8 - 7. Use of Sick Leave Pool for Immediate Family.)*

Withdrawal: Refers to the act by a member of the Pool applying for sick leave from the Pool due to a catastrophic illness or injury. The maximum number of days that can be awarded to any one member of the Pool is thirty-one (31) days per year. The Pool may not award more than 1/3<sup>rd</sup> of the balance that its members have contributed.

#### Definition of Sick Leave Days for Members

Sick leave days from the Pool are those days granted to a member who is unable to work or is absent from work to care for his/her immediate family due to a catastrophic illness or injury.

For purpose herein, "Pool" will refer to The Austin County Employees Sick Leave Pool.

## 2. MEMBERSHIP

### Eligibility

All full-time employees exempt or non-exempt, of Austin County shall be eligible for membership. Participation is voluntary; however, an employee must be a member of the Pool in order to be able to withdraw sick leave hours from the Pool in the event of the employees own catastrophic illness or injury or a catastrophic illness or injury of a family member. \* *(Guidelines for granting of sick leave for use with family are covered in Personnel Policies Manual Section 8 - 8.05.)*

### Procedures for Joining the Sick Leave Pool

Any employee who is eligible to join the Sick Leave Pool may do so by contributing three (3) days of accrued local sick leave.

Employees desiring to join the Pool shall complete the Membership form and submit it to Human Resources. Pool membership will be held in January and June.

## 3. REGULATIONS CONCERNING CONTRIBUTION OF DAYS

To become a member of the Pool, an employee must contribute three (3) days from his or her accrued sick leave for the current year or after completing one (1) full year of continuous service).

To remain a member of the Pool, an employee must continue to contribute per year a minimum of one (1) day or up to five (5) days, but no more than the maximum of five (5) days of their own accrued sick leave to the Pool. Annual contributions will be in January and June.

These days will be subtracted from the member's local sick leave record.

The three (3) days donated become the property of Austin County Sick Leave Pool. ALL DONATIONS WILL REMAIN IN FORCE AND CANNOT BE RETURNED EVEN UPON CANCELLATION OF MEMBERSHIP.

Personnel who terminate their employment with the County forfeit membership in the Pool at the effective date of termination. Neither the employee nor the employee's estate shall have any claim to any hours in the Pool, including those hours originally donated by the employee. If the employee wishes to regain membership in the Pool upon his/her return to the county, three (3) days must again be donated.

Personnel on approved leave of absence will retain membership in the Pool and will not be required to donate additional days.

#### 4. MAINTAINING MEMBERSHIP

To maintain your membership in the pool, an employee must contribute a minimum of one (1) day or up to five (5) days and annual contributions will be in January and June.

#### 5. AWARDING DAYS FROM THE POOL

Conditions known to exist by the employee one year prior to the date of joining the Sick Leave Pool will not be covered under provisions of the Sick Leave Pool.

Sick leave days from the Pool will be awarded only after the member has exhausted all accumulated sick leave, vacation leave, holiday leave and comp time balances. Timesheets will reflect the leave used in the same order; sick leave, vacation leave, holiday leave and then comp time balances. *(NOTE: Comp time may not be counted towards the employee's 12-week FMLA entitlement.)*

Days from the Pool shall be awarded only for a catastrophic illness or injury. Sick Leave Pool shall be awarded only for absences from working days and will not be awarded for holidays, vacation days or other such days for which the member is not paid.

An employee receiving Workers' Compensation benefits will not be covered by Sick Leave Pool.

Sick Leave Pool awards will not be authorized for illness or disability resulting from self-inflicted injury or act of war.

The amount of sick leave available for withdrawal by an eligible Pool member is the lesser of: the number of hours needed to cover the Pool member's absences as indicated by the Physician's Statement, 31 day maximum (248 hours), or no more than 1/3<sup>rd</sup> of the balance than its members have contributed.

If a request to draw upon the Pool is for other than consecutive days of illness, a separate request, including a physician's statement on the required forms, must be submitted for each period of illness. Each separate application must meet the initial criteria of just cause.

All requests to draw upon the Pool must be accompanied by the appropriate Physician's Statement, signed by the physician, confirming actual treatment, the cause of illness, certifying the existence of a disability to perform assigned duties and length of absence.

The Sick Leave Pool Committee may request a medical review by a physician at the member's expense.

A Member will lose the right to utilize the benefits of the Pool by:

- Termination of Employment at Austin County
- Cancellation of participation by the member on the proper form at any time
- Being on approved leave of absence
- Attempted abuse of the Pool and or its policies
- Refusal to continue required annual contributions

## 6. PROCEDURES FOR APPLYING FOR SICK LEAVE DAYS

Should the member be unable to report to work due to a catastrophic illness or injury necessitating the need for additional day's after all accumulated sick leave days have been used, the member may submit a request for days from the Pool.

The employee or the employee's personal representative can request an award of time from the Sick Leave Pool by submitting a completed application to Human Resources. The application should be submitted thirty (30) days before the hours are needed, or as soon as possible after the need arises.

Completion of the attending physician's statement which includes:

- Identification of the nature of the catastrophic illness or injury
- Date of initial onset of this particular condition

- Anticipated date eligible to return to work on a full or part-time basis
- Statement from the physician that the condition is not a pre-existing condition

The Sick Leave Pool Committee may refuse to consider an application that does not contain the required information.

If a member is critically ill and unable to file an application for sick leave days from the Pool, the Elected Official or Department Head may initiate the application form at the request of the family by notifying Human Resources.

An applicant may be required to undergo a medical review by a second opinion physician of the Sick Leave Pool Committee's choice at any time. Employee accrues no time while on Sick Leave Pool.

Time starts to accrue when employee brings return to work slip from doctor to Human Resources. The Department Head will notify Human Resources when the employee returned to work and if the employee did not use all the awarded sick leave pool, the unused balance will be returned to the Sick Leave Pool.

County Auditor will credit the unused hours awarded to the Sick Leave Pool. The employee's time sheet will be adjusted to reflect the transfer.

## 7. SICK LEAVE POOL ADMINISTRATION

### Name

For purpose herein, "Committee" will refer to the governing committee, which will approve or disapprove all requests for sick leave pool and shall be called "The Austin County Sick Leave Pool Committee."

### Composition of Membership of Sick Leave Pool Committee

The Commissioners Court to designate that the administrator of the Austin County Sick Leave Pool shall be a committee, consisting of the County Judge, Director of Human Resources and a representative(s) to be designated by the County Commissioners Court.

The Committee shall be responsible for reviewing applications and medical certification forms submitted by Pool members.

The Committee shall be responsible to maintain accurate records of membership in the Pool, document deposits and withdrawals from the Pool and shall strictly follow all Pool guidelines as set forth by this policy. No deviation from these guidelines shall be allowed, except by action of Commissioners Court.

### Duties and responsibilities of the Sick Leave Pool Committee

All applications for Sick Leave Pool shall be reviewed individually by the Committee in a called meeting.

A member may be requested to appear before the Committee to substantiate his or her case.

The Committee shall determine the number of days approved up to thirty-one (31) days and reserves the right to approve, disapprove, or modify the days requested.

A member may appeal the decision of the Committee by writing a letter to the Executive Officer requesting to appear in person before the Committee.

The County Judge shall serve as Executive Official, the Director of Human Resources shall serve as the Executive Officer of the Sick Leave Pool Committee and the representative(s) of the County Auditor will process all approved sick leave days for members (donations, awards and returning unused time to the Pool). If disapproved, the reasons for disapproval will be included. Reasons why use of County Sick Leave Pool leave may be denied may include one or more of the following:

Employee has not been continuously employed with Austin County for at least 12 months;

Employee has not been absent for a period of 10 consecutive days due to the catastrophic event;

Employee still has accrued time on his or her paid leave and compensatory time balance;

Employee has not suffered a catastrophic injury or illness as specified in this policy;

Employee has already used the maximum County Sick Leave Pool leave allowable for the current fiscal year.

The injury, illness, or condition was obtained in the course of employment with an organization other than Austin County.

Employee was injured in the course of Austin County employment and is currently receiving Workers' Compensation benefits;

An individual other than the employee suffering the catastrophic event is not a member of the employee's immediate family, as defined within this policy; or

Insufficient leave time is available in County Sick Leave Pool.

The decision of the Committee will be final.

## 8. USE OF SICK LEAVE POOL FOR IMMEDIATE FAMILY

To make the Pool a more significant benefit for Austin County employees, the Committee has included the immediate family. This has necessitated stricter guidelines to protect the Pool and the County from the excessive use of sick leave days.

#### Purpose

To provide additional sick leave days for members whose immediate family has suffered catastrophic illness or injury. See Definition of Immediate Family.

#### Definition of Immediate Family

The term “immediate family” is defined as the employee’s spouse, child or children, parent, step-parent, or any other relative of the employee who resides in the employee’s household and/or is dependent on the employee for care.

To apply for sick leave pool the member must follow the procedures set out in Section 5 and Section 6 of the Sick Leave Pool Policy.

All regulations pertaining to the use and award of sick leave pool will also be applied to the catastrophic illness or injury of the immediate family member.

Regulations that pertain to the use of the Pool for members of the family:

The maximum number of days that may be granted to an employee for use of a family member with a catastrophic illness or injury is fifteen (15) days per occurrence with a maximum of thirty (31) days, but no more than 1/3<sup>rd</sup> of the balance than its members have contributed.

Upon a unanimous vote of the Sick Leave Pool Committee, the Committee may provide to a member thirty (31) additional days or fifteen (15) additional days for the illness of an immediate family member in extreme hardship cases.

### **8.10 FAMILY AND MEDICAL LEAVE.**

**Eligible Employees.** To be eligible for family leave, an employee must have been employed by the county for at least 12 months, and must have worked at least 1,250 hours during the preceding 12 months from the qualifying event. If the county employs both spouses, and the reason for the leave is to care for a newly arrived child or a sick child or parent, 12 weeks is the aggregate family leave limit for both.

**Eligible Circumstances.** An eligible employee is entitled to 12 workweeks of leave during a rolling 12-month period for one or more of the following:

1. birth or placement for adoption or foster care of a child (only within 12 months of the birth or placement);

2. a serious health condition of a spouse, child , or parent; or
3. the employee’s own serious health condition.
4. Military Family Leave (October 28, 2009, President Obama signed into law the Fiscal Year 2010 National Defense Authorization Act ([H.R. 2647](#))). Legislation has provided two new kinds of leave for employees with close relatives serving on active duty in the armed forces:

## **Covered Exigency Leave**

**Exigency leave:** The 2008 amendments granted up to 12 weeks of leave for employees to tend to urgent needs occasioned by the call to active duty of a loved one serving in the National Guard or military reserves.

*The new law ([H.R. 2647](#)) grants exigency leave rights to close family members (spouse, son, daughter, or parent) of all active-duty military personnel.*

## **Covered Caregiver Leave**

Caregiver leave: The 2008 amendments granted up to 26 weeks of unpaid leave to employees who need to help care for a family member (spouse, son, daughter, parent, or next of kin) who is injured or becomes ill while on active duty.

*The new law ([H.R. 2647](#)) extends caregiver leave rights to family members of veterans being treated for, recuperating from or receiving therapy for any serious injuries or illnesses that occurred within the preceding five years.*

This is a significant expansion of family leave rights. First, it covers family members of veterans—a much larger group than those currently on active duty. Second, employees may now take leave to help their loved ones deal with pre-existing conditions aggravated by active-duty service, not just those caused by military service.

These provisions are effective upon enactment. (<http://www.dol.gov/compliance/laws/comp-fmla.htm>)

A serious health condition is one that requires either inpatient care or continuing treatment by a health care provider.

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**Calculation of 12-Month Period.** An eligible employee is entitled to 12 unpaid workweeks of leave during a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.



**Definition of Family Members.** “Son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age or an individual 18 years of age or older who is incapable of self-care because of a mental or physical disability. “Spouse” means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage. “Covered Service member” means a member of the Armed Forces, including a member of the National Guard or Reserves. “Next of kin”, used with respect to an individual, means the nearest blood relative of that individual.

**Limitations/Restrictions.** Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the Elected Official or Department Head. The Elected Official or Department Head will notify Human Resources of approved leave for FMLA. However, leave for serious health conditions – either of an eligible family member of the employee or the employee himself or herself – may be taken intermittently or on a reduced schedule if medically necessary, provided that the other conditions of these policies are met.

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

**Maximum Duration.** The total cumulative maximum period of time which an employee may be absent from work on family leave during the rolling 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. If an employee has accrued sick, vacation, or “other time” leaves on the books at the time that the family leave begins, the employee must exhaust sick leave first, vacation leave and then “other time” balances before being eligible for the remainder of unpaid family leave. Once the employee’s leave balances have been exhausted, the employee; 1) if eligible, may apply for Sick Leave Pool (See Sick Leave Pool section) or 2) the county will provide enough unpaid family leave to total 12 weeks. (NOTE: Comp time may not be counted towards the employee’s 12-week FMLA entitlement.) During the unpaid portion of an employee’s family leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.

**Notice.** Human Resources must be notified on the fifth (5<sup>th</sup>) business day by the Department Head or Elected Official when an employee is absent. Human Resources will determine if the leave is FMLA leave, requiring continuous care by a health care provider. Continuous care is defined as regularly scheduled visits to the medical doctor during the leave period. When an eligible FMLA circumstance occurs for an employee, the employee must contact Human Resources and complete a request for family leave, with the leave request specifying the first date of absence or expected absence. In the case of foreseeable leave, an employee must provide at least 30 days’ advance notice before the date on which the leave is expected to begin. If the employee is unable to provide 30 days’ notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date on which the employee is aware of the need to request leave. In the case of leave for a serious medical

condition, if the leave is foreseeable, based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the county's operations. The same advance notice requirements apply. The employee, Department Head or Elected Official may request FMLA documents from Human Resources.

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

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

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

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

**Summary of Act.** The county has posted a summary of the Family and Medical Leave Act on its central bulletin board for employees' information. (Legal reference: Family and Medical Leave Act of 1993 (P.L. 103-3).)

**Request for Leave without Pay Immediately Following 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, any extension granted will be under the terms set out in the section of these policies headed Other Leaves of Absence Without Pay. Before requesting an extension, employees should read the referenced section carefully and understand the differences between family and medical leave and unpaid leave.

**Documentation.** Human Resources will forward all FMLA documents for county employees to the County Auditor's Office. All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files, and is accessible to a limited number of persons, and only on a "need-to-know" basis.

## **8.11 FUNERAL LEAVE.**

"Immediate family" is defined as spouse, child, step-child, foster child, child's spouse, grandchild or parent. In the event of a death of an immediate family of a regular employee, up to three (3) consecutive working days based on 8 hours per day of funeral leave with pay may be allowed for attending to personal matters related to the death. If additional time off is required for this purpose, the employee may request use of accumulated vacation leave or leave without pay. The supervising Department Head must approve funeral leave timing and duration of funeral leave. Funeral leave cannot be accumulated or carried forward.

"Other family" is defined as brother, sister, grandparent, brother-in-law and sister-in-law. In the event of the death of other family member of a regular employee, up to two (2) consecutive working days based on 8 hours per day of funeral leave with pay may be allowed. If additional time off is required for this purpose, the employee may request use of accumulated vacation leave or leave without pay. The supervising Department Head must approve funeral leave timing and duration of funeral leave. Funeral leave cannot be accumulated or carried forward.

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## **8.12 OTHER LEAVES OF ABSENCE WITHOUT PAY.**

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. Department Head or Elected Official will notify Human Resources of the request. Extensions

of leave, including using this type of leave to add to the 12-week limit on family and medical leave may be authorized by the Commissioners Court. The reason(s) for granting the extension must be documented in writing in the employee's medical file, as appropriate, if the leave without pay is for medical reasons, or in the employee's personnel file, if the leave without pay is for non-medical reasons.

Granting a leave of absence without pay is at the discretion of the elected or appointed Department Head. This type of 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 placed in the employee's personnel or medical file, as set out above. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs or by these policies. *(See 8.10 Family and Medical Leave)*. Medical insurance can be continued if the employee pays the premiums (including the county's portion) in full in a timely manner. The county may limit the length of time the medical benefits may be continued at which time the employee will receive COBRA information and may elect to continue paying for the health coverage through COBRA. Contact Human Resources for further information on premium payments.

**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.

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

1. Military service (see also the section on this type of leave);
2. Recovery from extended illness or temporary disability, including using leave without pay to add to the allowable 12-week period of family leave; pregnancy is treated in the same manner as any other extended illness or temporary disability (see also the section on Family and Medical Leave);
3. Public service assignments;
4. Seeking public office;
5. Personnel exchange programs which emphasize intergovernmental relations; or

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6. Any other reason approved by the Commissioners Court which, in the judgment of the Commissioners Court, merits a leave of absence without pay.

**Conditions.** An employee requesting an unpaid leave of absence must provide the Elected or Appointed Department Head, Human Resources and the Commissioners Court with a

statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time 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 or not 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, past performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

**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 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.

**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 a designee, and will be placed in the employee's medical file, if the reason for the leave is medical, or in the employee's personnel file, if the reason for the leave is non-medical in nature.

**Return to Work After Leave Without Pay.** At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists, and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits with the exception of military leave. (See also sections on Family and Medical Leave and on Military Leave for specific provisions relating to leaves of absence for those purposes.)

### **8.13 ON-THE-JOB INJURY LEAVE.**

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

### **8.14 USING LEAVE IN COMBINATION.**

An employee can use earned vacation leave, compensatory time and one-half, or "other time" if sick leave is exhausted. Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the supervising Elected Official or Department Head, other types of leave may be used in combination or coupled with holidays, if it is determined to be in the best interests of both the county and the employee.

### **8.15 ABANDONMENT OF POSITION.**

Unauthorized absence from work for a period of three consecutive working days may be considered by the Elected Official or Department Head as a resignation. Unless the county official determines otherwise, the former employee is not eligible for reemployment. Elected Official or Department Head will notify Human Resources of the unauthorized absence.

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## 9.00 HOLIDAYS

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### 9.01 GENERAL HOLIDAY POLICY.

Paid holidays are established each year by the Commissioners Court. The Commissioners Court reviews a holiday calendar and adopts holiday dates for each specific year.

The Commissioners Court may declare holidays for special events. 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.

County offices are closed in observance of recognized holidays, with the exception of those offices that operate on a 24-hour basis, seven days per week. These office include but may not be limited to the Sheriff's Office, Emergency Medical Service and other departments with personnel who perform law enforcement and/or emergency functions.

**HOLIDAY ELIGIBILITY:** This holiday policy applies to all full time employees and those "full time /regular part time employees" designated by Commissioners Court (i.e. Librarians, Emergency Management and Ag. Ext. Secretary) who work at least 32 hours per week. In order to receive holiday pay, a full time employee must work, or have approved time off with pay, their last scheduled workday before a holiday, and the first scheduled workday after a holiday.

**HOLIDAYS TAKEN AND OVERTIME:** For purposes of computing overtime hours worked, time away from the job during the workweek for reasons such as holiday taken, are not actual hours worked, and therefore will not count towards the calculation of overtime or compensatory time. (9.00 HOLIDAYS Page 70 or 103 Austin county Personnel Policy Manual – Revised 6-7-2010)

**HOLIDAY INCREMENTS:** A holiday will be equivalent to eight (8) work hours for all eligible employees on all shifts. If a holiday falls on an employee's regularly scheduled day off, the employee will receive eight (8) hours of holiday pay for the holiday provided they meet the conditions as specified in both Holiday Eligibility and Holidays Taken and Overtime sections of this policy.



## **9.02 WORK DURING HOLIDAYS.**

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts in an “around-the-clock” operation. Any Elected Official or Department Head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday. See sections under the heading Work Schedules and Time Reporting for additional details.

## **9.03 HOLIDAYS FALLING ON NON-WORKDAYS.**

This section applies to employees who work on shifts other than Monday through Friday. 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 be paid his or her regular salary amount for the pay period involved, and will accrue 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.

## **9.05 ESSENTIAL PERSONNEL HOLIDAY POLICY.**

For the purpose of this policy Essential Personnel shall be defined as those full-time personnel who must be replaced in order for essential daily operations of the County to remain intact.

### Identified Essential Personnel

- EMS Field Personnel
- Deputies assigned to patrol duties
- Dispatch personnel
- Jail Personnel

### Holiday Options

- In the event essential personnel are scheduled to work an approved county holiday, they have the option of taking the holiday time (8 hours) off, if suitable replacement personnel are available and such action is approved, or
- In the event the essential personnel works the approved holiday he/she would receive an additional 8 hours of holiday pay added to their timesheet. This

additional 8 hours of pay would be at the employee's normal rate of pay and will not be utilized in calculating any overtime pay.

- Personnel who are not scheduled to work on an approved holiday will have an additional 8 hours of pay added to their time sheet. This additional 8 hours of pay would be at the employee's normal rate of pay and will not be utilized in calculating any overtime pay.
- In the event of a situation affecting general county business, such as a hurricane, Commissioners Court may employ an alternate plan of action.

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## **10.00 HEALTH AND SAFETY**

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### **10.01 SAFETY POLICY.**

It is the policy of the county to make every effort to provide healthful and safe working conditions for all of its employees.

### **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. Supervisors are responsible for observing and reporting employee work activities that might be deemed unsafe to the employees or others.

After consultation with the Department Head or Elected Official, Human Resources may require an employee to obtain a fitness for duty evaluation of his or her ability to perform essential functions and/or operate equipment or vehicles safely. Such a fitness for duty evaluation may be required only if the Department Head/Elected Official or supervisor has a direct observation and a reason to believe that an employee is incapable of safe operation of assigned equipment or vehicles and is a threat to the health and safety of themselves or others. The county will pay for required fitness for duty evaluations.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor immediately. The supervisor is responsible for filing a written Accident/Incident Report immediately with the Elected Official or Department Head in charge, who must forward the report to Human Resources, who in turn notifies the county's workers' compensation insurance carrier not later than the next business day.

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:

*(Legal Reference: U.S. Occupational Safety and Health Act of 1970, as amended)*

1. No employee may engage in horseplay, wrestling, or practical joking while on duty or operating county equipment;
2. Employees should maintain awareness of potentially dangerous situations that may cause injury to themselves, fellow employees, or the public ( release form );
3. Employees must report immediately to their supervisors any conditions that in their judgment threaten the health or safety of employees or the public;

4. An employee who is unable to perform his or her duties safely due to illness or injury must promptly notify his or her supervisor; and
5. 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, no matter how minor, will result in disciplinary action.

### **10.03 EMPLOYEE SUGGESTIONS.**

Employees are encouraged to make suggestions to their supervisors for improvements that would make the county workplace safer.

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

#### **Medical Attention.**

It is the responsibility of the Department Head or Elected Official to notify Human Resources when an employee who sustains a bona fide, on-the-job, work-related injury. Human Resources will provide the department information to obtain medical attention from a medical facility or professional that accepts Work Comp claims and is approved by Texas Workers Compensation Commission (TWCC); except in the case of an emergency injury when the employee or his/her representative shall notify Human Resources as soon as practical following the receipt of emergency attention. 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 to the Department Head or Elected Official and copy to Human Resources. As determined by the Commissioners Court, at the county's expense, an employee may be required to submit to examination by an independent physician.

**Insurance.** The county provides workers' compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, on-the-job, work-related injury for more than one week. (*Exception: Deputies and Jailers receive 100% salary continuation as guaranteed by the State Constitution*). (*Legal reference: Workers' Compensation Act, V.T.C.A. Labor Code, Title 5, Subtitle A.*)

**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

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compensation payments, medical care as reasonably required to cure and 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.

**Exclusion.** Injuries caused by willful intent to harm self or another, intoxication, act of God, or act of a third party for personal reasons are excluded specifically from coverage by on-the-job injury leave with pay (see Labor Code, Section 406.32).

**Initiation of On-The-Job Injury Leave.** An employee who is put on leave for a bona fide, on-the-job, work-related injury will be provided with a copy of the county's policy on "On-the-Job Injuries" prior to or as soon after the beginning of the leave as is feasible. On-The-Job 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 his or her eligibility expires.

**Compensation.** If a full-time employee sustains a bona fide on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, that employee may elect to use accrued sick or vacation leave before receiving weekly workers' compensation payments. (Exception: Deputies and Jailers receive 100% salary continuation).

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

**Continuation of Group Medical Insurance for Employee.** To continue medical insurance for the employee while the employee is on on-the-job injury 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 twelve (12) weeks from the beginning date of Leave Without Pay (LWOP). To continue medical insurance for the employee's dependent(s) during this period, the employee must pay his/her premium for dependent coverage. After the twelve (12) weeks the employee must pay the total premium for himself/herself and dependent(s) to the county on the schedule established by the County Auditor's office in order to maintain coverage.

**Reporting Requirements.** While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment or, at least weekly, he or she must provide a progress report to the Department Head or Elected Official. The Department Head or Elected Official submits the report to the Commissioners Court. Any change in the employee's condition, which might affect his or her entitlement to workers' compensation payments, must also be reported to the Human Resources and the County Auditor's office. In addition, the injured employee must contact his or her supervisor at least weekly to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the Elected

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Official or Department Head may result in revoking the employee's leave and may result in disciplinary action.

**Duration of On-The-Job Injury Leave.** The maximum duration of on-the-job injury leave is forty weeks, unless an extension is expressly authorized by the Commissioners Court. The twelve (12) weeks of FMLA leave runs concurrently with on-the-job injury leave. Requests for extension (without supplemental accrued leave pay) may be authorized after careful review by the Commissioners Court, in no more than three-month increments.

**Termination of On-The-Job Injury Leave.** Income benefits may be terminated at any time without prior notice subject to the regulations that govern Workers' Compensation. Evidence that an employee is able to return to work and has not done so will be submitted to legal and medical advisors prior to terminating the leave.

**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 on-the-job injury leave must report to work after approval of either the employee's attending physician or an independent physician paid by the county. Failure to return to work when directed will result in appropriate disciplinary action, up to and including termination. Written statements must be turned in to Human Resources.

The employee's Department Head or Elected Official must notify Human Resources upon the employee's return to duty so that the county may resume record keeping for purposes of payroll, benefits, leave, and length-of-service accruals.

**Temporary Light Duty Status.** During the course of an on-the-job injury leave, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated to determine whether a position is available in which the county can use the employee's limited services for a temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the physician to return to his or her previous job.

An employee who is able to return to work in light duty status is a temporary employee and 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 light 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 light duty job if the assignment were the result of reorganization. A light duty assignment cannot exceed 30 days. In addition, the employee may be eligible for workers' compensation payments in a reduced amount.

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**Inactive Status.** At the end of the initial six-month period after the injury, an injured employee unable to return to regular duty will be placed on inactive status, unless an extension of on-the-job injury leave is expressly authorized by the Commissioners Court. At the time

that the employee is placed on inactive status, the Department Head is free to hire or promote a temporary replacement.

Temporary replacements may be used for a period of six months. If, at the end of that six-month period, the injured employee remains unable to return to work, the temporary replacement may become a regular employee. The injured employee will remain on the county's records in an "inactive" status (not terminated).

When the injured employee has reached maximum recovery, the county will consider the employee for employment in a capacity for which the employee is qualified, if a position is available.

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

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

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician;
2. Failure to accept a "light duty" assignment if FMLA rights have been exhausted;
3. Failing to follow prescribed treatment, including medical appointments; and
4. Participating in activities, which according to the county's medical and legal advisor, justify termination because they are injurious to recovery or they do not aid in healing.

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

1. Send him or her a certified, return receipt requested, letter;



2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from county employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.

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## **11.00 DRUG AND ALCOHOL ABUSE**

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### **11.01 DRUG-FREE WORKPLACE.**

The following policy has been adopted to implement the county's desire to establish itself as a Drug-Free Workplace. In all instances where reference is made to alcohol, drugs, or other controlled substances, the references include inhalants.

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 both in the workplace of the county and while representing the county off premises. Employees who violate this policy will be subject to immediate disciplinary action up to and including termination.

As a part of discipline and as a condition of continued employment, an employee may be required to obtain substance abuse education, substance abuse counseling, and/or to enter and complete a substance abuse treatment program.

2. The county has established a drug-free awareness program providing:
  - information about the dangers of illegal drug use 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 programs; 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, as well as the county's complete Drug and Alcohol Testing policy. Employees will be asked to sign an acknowledgment form indicating that they have received a copy of the Drug and Alcohol Testing policy.
4. An employee of the county must notify his or her supervisor if taking a prescription drug that may interfere with the employee's ability to perform job duties.

5. All employees of the county will abide by the terms of this policy and will notify their Elected Official or supervisor of any drug statute conviction for a violation occurring in the workplace no later than five days after the conviction.
6. The county will notify any funding agency that requires notification within 10 days after receiving notice from an employee under the above paragraph, or otherwise receiving actual notice of a conviction.
7. Any employee so convicted will be subject to disciplinary action up to and including immediate termination.
8. 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 and its complete Drug and Alcohol Abuse Policy.

*(Legal reference: V.T.C.A. Labor Code, Chapter 411, Subchapter G.)*

## **11.02 DRUG AND ALCOHOL TESTS.**

Employees who operate vehicles or equipment that require possession of a commercial driver's license or who occupy safety sensitive positions (including EMS staff, R&B staff, deputies, investigators, jailers, and dispatchers with the Sheriff's Office) are subject to five types of testing for both drugs and alcohol: pre-employment, post-accident, random, reasonable suspicion, and return to duty. All other county employees are subject to four types of testing: pre-employment, post-accident, reasonable suspicion, and return to duty.

**Pre-Employment Testing.** In addition to performing pre-employment tests after extending an offer of employment, for all new employees in safety-sensitive positions. Forms are available and may be obtained from Human Resources.

**Random Testing.** For vehicle operator positions requiring a commercial driver's license, the county is required to perform unscheduled, random tests of covered employees at a rate of 50 percent of the total number of covered positions per year for drugs and 10% for alcohol. Certain other safety sensitive positions may be subject to random testing.

**Post-accident Testing.** The county will test an employee involved in any accident, no matter how serious, for drug and alcohol use. Forms are available and may be obtained from Human Resources.

**Reasonable Suspicion Testing.** All supervisors of covered employees must undergo two hours of U.S. Department of Transportation-approved training in how to identify the symptoms of drug and alcohol abuse before the supervisor may decide to test an employee based on reasonable suspicion. If a supervisor believes a reasonable suspicion exists that an

employee under his or her supervision is abusing alcohol or drugs, the supervisor must obtain the concurrence of the Department Head or Elected Official, or in both of their absences, of one other department supervisor before sending an employee to be tested. Forms are available and may be obtained from Human Resources.

**Return-to-Duty Testing.** Before an employee is allowed to return to duty after having been sent home or suspended as a result of a drug or alcohol test, he or she must be tested for illegal drugs and alcohol and found to be drug and alcohol free. In addition, an individual randomized drug-testing schedule will be developed for the employee or driver for a time period not to exceed 60 months.

If a covered employee fails a drug or alcohol test, the county may terminate the employee immediately, in which case the county will inform the employee where he/she can obtain help.

(Legal references: U.S. Drug-Free Workplace Act of 1988, as amended; Texas Workers' Compensation Commission Act, V.T.C.A. Labor Code, Chapter 411, Subchapter G; Omnibus Transportation Employee Testing Act of 1991, and U.S. Department of Transportation 49 CFR Part 382.)

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## **12.00 USE OF AND ACCOUNTABILITY FOR COUNTY EQUIPMENT AND PROPERTY**

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### **12.01 GENERAL POLICY ON COUNTY EQUIPMENT AND PROPERTY.**

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

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

County property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations 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 in accordance with county purchasing policies.

County computers and computer software are to be used for county business. No software other than software approved by the county or individual department may be kept on a county computer. This limitation on software is to avoid software that may interfere with the operation of the county's computer systems or may contain computer viruses that could cause operational problems or the loss of county data. (See Section 2.10)

Access to the Internet through county computers is to be used for county and departmental business only.

County property, including facilities, desks, files, lockers, vehicles, and computers, is subject to inspection and removal of illegal or unauthorized items.

If an employee is in doubt about the use of tools or equipment (flash drives, personal laptops being connected to county network, etc.), he or she must check with the supervising Elected Official or Department Head before proceeding. Violations of this policy may result in termination and possible prosecution.

### **12.03 USE OF COUNTY TELEPHONES, ELECTRONIC MAIL, COMPUTERS, AND INTERNET USE.**

County employees and officials may not place personal long-distance telephone calls on county telephone equipment. A call to notify family of county requirements to work unscheduled overtime is a county business call.

It is the policy of Austin County to ensure that the use of computers and electronic communications equipment is consistent with the County's legitimate business interests. Therefore, Austin County reserves and intends to exercise the right to access and monitor the use of such equipment as deemed necessary. Employees shall adhere to the following guidelines when using county owned computers and/or electronic communications equipment:

1. Computers, computer files, software, the E-mail system and the Internet furnished to employees are County property intended for business use only. Any personal use of the Internet is expected to be on the employee own equipment during off duty breaks and lunch hour's and is not to interfere with the employee's job responsibilities.

Employees should not use a password, access a file, or retrieve any stored communication without authorization from the personnel designated by the Commissioners Court. County employees are prohibited from installing any software on County Computers. This includes software on and software upgrades available on the internet. Of specific note are those software products that afford peer to peer connectivity and open up portals which pose a significant security risk to the County's Network. The use of radio station software programs, all of which utilize large amounts of bandwidth, are also expressly prohibited on county machines. Such software (peer to peer and radio stations software) should never be installed on County owned computers or any computer attached to the County's network. Existing installations of such software should be reported to the personnel designated by the Commissioners Court. County employees are prohibited from installing County software on their (non-county) personal computer, unless authorized by an Elected Official. In addition, employees are prohibited from altering the existing hardware or making additions to hardware on County computers without authorization.

2. The County prohibits the use of its computers, the E-mail system or the Internet in ways that are disruptive to others. Inappropriate or offensive messages, images, or documents containing racial or religious slurs or sexually suggestive or explicit language/photographs are prohibited. Employees should also note that E-mail messages and other contents of a computer hard drive are public record and are open to public inspection in accordance with the Public Information Act of the State of Texas.
3. Sensitive information is not to be sent via electronic mail; for example, performance reviews, disciplinary actions, employee terminations, health related information, or type of confidential reporting or any other information protected by law from public disclosure.
4. The County purchases and licenses the use of various types' computer software for business purposes. The County does not own the copyright to this software or its related documentation and unless authorized by the software developer, does not have



the right to reproduce it. Employees shall use the software only in accordance with the license agreement. According to the U.S. Copyright Law, illegal reproduction of software can be subject to civil damages and criminal penalties including fines and imprisonment.

5. The Internet is to be used for County business only and is not to be used for personal purposes. Employees should adhere to the highest professional/ethical standards when using the Internet as they are representatives of the County.
6. Employees having knowledge of the misuse of any county computer equipment, electronic communications equipment or software shall notify their respective Department Head or Elected Official. The Department Head or Elected Official is responsible for notifying Human Resources, the personnel designated by the Commissioners Court and/or the appropriate law enforcement agency when necessary and applicable.
7. Employees in violation of any portion of this policy shall be subject to disciplinary action, up to and including termination. In addition, there are a number of state and federal laws regarding computer crimes. Certain violations may result in a person being charged with an offense or civil action being taken or which criminal or civil administrative penalties may be imposed. In the event that Austin County incurs a cost due to employee negligence or misuse, the employee may be responsible for reimbursement of that cost.
8. Non county employees should never be permitted to use county computer equipment without approval of the Elected Official for specific authorization of county business only.

#### **12.04 VALID DRIVER LICENSE.**

All operators of county vehicles are required to have the valid State of Texas driver license necessary for legal operation of that vehicle, and are required to keep the Department Head or Elected Official informed of any changes in status of the license. 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 dismissal or reassignment. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation.

#### **12.05 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 maintain up-to-date insurance coverage. Failure to do so will result in disciplinary action up to and including termination.

## **12.06 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, or his or her designee, in charge of the department must notify Human Resources and the County Auditor's Office of the accident on the day of the accident if it occurred on a business day, or on the first business day following the accident if it occurred after hours or on a non-workday. Employees involved in accidents may be required to submit to a drug and alcohol test immediately following the accident. Refusal to submit to the drug and 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 County Auditor's Office and Human Resources 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. The County Auditor's Office will provide the Commissioners Court with copies of each accident report.

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## 13.00 DISCIPLINE

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### 13.01 GENERAL DISCIPLINE POLICY.

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

- Insubordination;
- Absence Without Leave or Excessive Absence including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;
- Use of Alcohol or Illegal Drugs while on duty or in a county vehicle;
- Alcohol or Drug Abuse which may affect the performance or safety of the employee or other persons;
- Involvement with Alcohol or Drugs in the workplace in violation of the county’s Drug-Free Workplace Policy;
- Unauthorized Use or Theft of Public Funds or Property;
- Conviction of a felony, or class A or B misdemeanor;
- Conviction of Official Misconduct, oppression, or perjury;
- Falsification of Documents or Records;
- Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- Unauthorized or Abusive Use of Official Authority;
- Violation of the Sexual & General Harassment Policy;
- Incompetence or Neglect of Duty;
- Disruptive Behavior which impairs the performance of others; or

- Other Violation of any of the Requirements of these Personnel Policies or of any departmental policies not in conflict with these policies.
- Numerous driving or safety violations.

### **13.02 PROGRESSIVE DISCIPLINE.**

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

While the disciplinary steps may not occur in this order, the progressive discipline includes, but is not limited to, any or all of the following:

- Oral Warnings, with records of each warning maintained by the supervising Elected Official or Department Head;
- Conference with Elected Official or Appointed Department Head, employee, and supervisor, with a written summary of the conference, prepared by the supervisor, one copy of which is given to the employee, and another copy of which is placed in the employee's personnel file;
- Written Reprimands, which the employee's supervisor must in all cases cause to be transmitted through the Elected Official or Department Head to the employee's personnel file;
- Reduction in Pay without demotion;
- Suspension from duty, with or without pay, for up to 30 days, and renewable after informal review of the circumstances, with the renewal not to exceed a total of 60 days;
- Demotion; and/or
- Separation by involuntary dismissal.

Actions other than oral or written warnings require the advance approval of the supervising Elected Official or Department Head. Decisions made by the Elected Official are final.

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

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## **14.00 SEPARATIONS**

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### **14.01 TYPES OF SEPARATIONS.**

All separations of employees are designated as one of the following types:

1. Resignation;
2. Retirement;
3. Reduction in Force;
4. Dismissal;
5. Disability; or
6. Death.

A change from full-time to part-time status is not considered a separation from employment.

### **14.02 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 supervising Elected Official or Department Head immediately. The employee resigning will need to complete an Exit Interview with Human Resources and the supervisor is responsible for notifying Human Resources.

### **14.03 RETIREMENT.**

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice, usually 30 days, is required to start retirement payments promptly. The employee retiring will need to complete an Exit Interview with Human Resources and the supervisor is responsible for notifying Human Resources.

Contact Human Resources for additional information on retirement.

### **14.04 REDUCTION IN FORCE.**

Austin County endeavors to provide stable employment to all employees. Situations including, but not limited to, financial necessity such as a budget deficit, an emergency declaration, a lack of work, reorganization, or changes in needs or technologies, may require a reduction in the work force to assure the continued quality and efficiency of the County.

A reduction in force may take the form of elimination of jobs (layoff) or a reduction in percent effort. An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

The provisions of this policy may not be used to dismiss an employee for misconduct or lack of satisfactory performance.

Reduction decisions will be made without regard for the employee's race, color, sex, religion, national origin, age, physical or mental disability where reasonable accommodation can be made, veteran's status or any other unlawful reason.

When reductions in force are necessary, decisions on individual separations will be made after considering the relative necessity of each position to the organization and qualifications of the employee.

#### **14.05 DISMISSAL.**

Austin County operates under the legal doctrine of “employment-at-will” and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. These personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The county has the right to change these policies at any time, without prior notice to employees.

#### **14.06 DISABILITY.**

In cases of long-term disability during which an employee is unable to return to work for a period of time that would cause an undue hardship for the county to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the county, the employee will be separated from employment with the county if FMLA leave is expired and no other benefits or leave are available. (*Legal reference: U.S. Americans with Disabilities Act of 1990.*)

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

#### **14.07 DEATH.**

If a county employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death. Human Resources is to be notified of the death of a county employee.



## **14.08 EXIT INTERVIEWS AND RECORDS.**

Reason(s) for a separation are stated in writing, signed by the supervising Elected Official or Department Head, and, except in unusual or emergency circumstances, initialed by the employee on the county's exit interview form. The Elected Official or Department Head of an employee who is separated will discuss with the employee the reason(s) for the separation in an exit interview whenever possible. The Elected Official or Department Head also must sign the exit interview form. The exit interview record is important and may be instrumental in determining the county's liability, or lack of liability, for unemployment insurance costs. The employee being separated will need to complete an Exit Interview with Human Resources and the supervisor is responsible for notifying Human Resources.

## **14.09 CONTINUATION OF GROUP INSURANCE.**

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health insurance, at the individuals' full expense, under specific conditions. The following is a summary of the benefits provided under COBRA.

**Eligible Employee.** To be eligible for continuation coverage, an individual must be an employee of Austin County covered by the county's group health plan or an individual who is otherwise covered under the plan.

**Eligible Circumstance.** An eligible employee has the right to choose continuation coverage if he or she loses group health coverage because of a reduction in his or her hours of employment or the termination of his or her employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee or other worker covered by the county's group health plan has a right to choose continuation coverage if he or she loses coverage under the county's group health plan for any of the following reasons:

1. The death of the employee;
2. A termination of the employee's employment (for reasons other than gross misconduct);
3. Divorce or legal separation from the employee; or
4. The employee applies for and becomes entitled to Medicare.

The dependent child of an employee or other worker covered by the county's group health plan has a right to choose continuation coverage if he or she loses coverage under the county's group health plan for any of the following reasons:

1. The death of a parent;
2. The termination of a parent's employment (for reasons other than gross misconduct), or reduction in a parent's hours of employment with the county;
3. Parents' divorce or legal separation;
4. A parent applies for and becomes entitled to Medicare; or
5. The dependent ceases to be a "dependent child" under the county's group health plan.

**Notice.** Under COBRA, the covered worker or family member has the responsibility to notify the plan administrator of a divorce, legal separation, or a child losing dependent status under the county's group health plan within 60 days of the event or within 60 days of the date on which coverage would be lost because of the event. Austin County has the responsibility to notify the plan administrator of the covered worker's death, termination of employment, reduction in hours, or entitlement to Medicare.

When the plan administrator is notified that one of the above events has occurred, he or she will notify the covered worker or family member that he or she has the right to choose continuation coverage. The covered worker or family member then has at least 60 days from the date on which he or she would otherwise lose coverage to inform the plan administrator that he or she wants continuation coverage. If the covered worker or family member does not choose continuation coverage, group health insurance coverage will end. If the covered worker or family member chooses continuation coverage, Austin County will provide coverage that, as of the time that coverage is being provided, is identical to the coverage provided under the insurance plan to similarly situated employees or family members.

**Limitations and Extensions.** Continuation coverage is limited to 36 months, unless the covered worker or family member lost group health coverage because of a termination of employment or reduction in hours. In that case, the continuation coverage period is 18 months. The 18-month period may be extended to 36 months if other events (e.g., divorce, legal separation, death, or Medicare entitlement) occur during that 18-month period. Moreover, the 18-month period may be extended for an additional 11 months (for a total of 29 months) if an individual is determined to be disabled (under the rules for Social Security disability benefits) and the plan administrator is notified of that determination within 60 days. An individual who receives the extended coverage due to a disability must notify the plan administrator when it is determined (for the purposes of Social Security disability benefits) that the individual is no longer disabled.

Continuation coverage may be cut short of the full coverage for any of the following reasons:

1. Austin County no longer provides group health coverage to any of its employees;
2. The premium for continuation coverage is not paid;
3. The covered worker or family member becomes eligible for Medicare;
4. There has been a final determination that the covered employee or family member is no longer disabled (in the case of beneficiaries who qualified for the extra 11 months of continuation coverage based on their disability at termination); or
5. The covered worker or family member becomes covered under another group health plan that does not contain any provision restricting or limiting coverage of a “preexisting medical condition.”

An individual does not have to show that he or she is insurable to choose continuation coverage. A minimum 30-day “grace period” will be allowed for the covered worker or family to pay regularly scheduled premiums. At the end of the continuation coverage period, the covered worker or family member will be allowed to enroll in an individual conversion health plan provided by the current health plan. (*Legal reference: U.S. C.O.B.R.A. of 1985; Health Insurance Portability Act of 1996; and ERISA Technical Release No. 96-1.*)

Employees can obtain additional information on this subject from the County Auditor’s Office.

#### **14.10 PAY AT SEPARATION.**

Employees who are separated from employment with the county will normally be paid on the next regularly scheduled payday. A regular employee who has completed at least one year of service will be paid for any unused vacation leave, up to the limit for his or her maximum allowable accumulation for that year.

Accumulated, but unused compensatory time and one-half will be paid for at separation.

Accumulated, but unused “other time” will not be paid for at separation.

Payment for such leave balances will be included in the employee’s final paycheck.

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## **15.00 GRIEVANCES**

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### **15.01 GRIEVANCE 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 exercise of the grievance right.

A regular employee may file a grievance on one or more of the following grounds:

1. Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
2. Unfair treatment;
3. Illegal discrimination based on race, religion, color, sex (including sexual and general harassment), age, disability, or national origin;
4. Improper application of fringe benefits; or
5. Improper working conditions.

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

### **15.02 FINAL AUTHORITY.**

Grievances can be appealed through the employee's supervisor to the supervising Elected Official when an Elected Official is the Department Head, the Elected Official's decision is final. If the Department Head is appointed by the Commissioners' Court, the matter may be appealed to the Commissioners' Court, whose decision is final.

If the grievance alleges either discrimination on the basis of race, age, gender, religion, color, disability, or national origin, or sexual and general harassment, and the matter is not resolved to the employee's satisfaction at the Department Head level (whether the Department Head is elected or appointed), the employee is required to notify the Commissioners' Court, providing them with copies of all documentation of the grievance from initial filing through final action by the Elected Official or Department Head.

### **15.03 GRIEVANCE PROCEDURE.**

The following procedures are applicable to all employees. For procedures to be followed in the event of a grievance by an elected county official, see V.T.C.A. Local Government Code, Sec. 152.014 – 152.017.

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

**Formal Grievances.** Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

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

1. Meet with the employee and such other persons as may be necessary to gather the facts;
2. Notify the Elected Official or Department Head;
3. Attempt to resolve the grievance with the employee and, if requested by the employee.
4. Communicate the decision to the employee in writing after receipt of the grievance, sending a copy of the proposed resolution to the Elected Official or Department Head.

If an employee whose supervisor is someone other than the Elected Official or Department Head either receives no written resolution from the supervisor from the date on which 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 or Department Head. The Elected Official or Department Head will review the facts and the file, and will investigate the charges personally, or through a committee, or through a designated person; the person(s) conducting the investigation will meet with the parties involved. The Elected Official or Department Head will respond in writing to the employee of the date on which the appeal was received in the Elected Official's or Department Head's office. The Elected Official's decision is final.

If the Department Head is appointed by the Commissioners' Court, and the employee either receives no written resolution from the Department Head within 10 working days from the date on which 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 10 working days. The Commissioners' Court will then review the facts and the file and conduct

an investigation, if deemed appropriate, before rendering a decision in the matter. The Commissioners' Court's decision is final.

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

**Grievances Relating to Sexual and General Harassment or Discrimination.** Any employee may file a grievance related to alleged sexual or general harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the Elected Official or Department Head or to the District Attorney, as appropriate. In such an instance, to allow adequate time for investigation by the supervising authority, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.

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

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

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## **16.00 PERSONNEL FILES**

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### **16.01 GENERAL PERSONNEL FILE POLICY.**

The County Auditor maintains personnel records. Medical records are filed in a confidential file maintained by the County Auditor or his or her designee.

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

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 Human Resources. (Legal reference: Public Information Act, V.T.C.A. Government Code, Sec. 552.024.)

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. An employee may not remove anything from his or her personnel file.

When a supervisor requires access to the personnel file of an employee under his or her supervision for the handling of personnel matters, the supervisor must obtain authorization from the supervising Elected Official or Department Head.

Employees must inform Human Resources of any changes in or corrections to information recorded in their individual personnel files such as home address, name change, telephone number, person to be notified in case of emergency, or other pertinent information.

### **16.02 PERSONNEL ACTION FORM.**

The Personnel Action Form is the official document for recording and transmitting each personnel action to the personnel file. The form is approved by the Commissioners' Court as a matter of record and remitted to Human Resources, which sends a copy to the County Auditor. This form is used to promote uniformity in matters affecting:

- Employment Category;
- Position Title;

- Salary or Hourly Rate; and
- 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; a copy is given to the employee each time an action occurs.

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

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

- An employment record form summarizing the employee's history with the county;
- I-9 form;
- W-4 form;
- A copy of the employee's application for employment;
- A copy of the court order for appointees;
- Signed copies of the employee's acknowledgment(s) of having received a copy of the Personnel Policies Manual and any other policy-related materials;
- Employee's job description(s) and acknowledgment of having received a copy of the job description;
- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- Personnel Action Forms;
- Retirement application;
- Records of any citations for excellence, awards for good performance, or job-related training/education;
- Records of any disciplinary action(s);
- 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 does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug or alcohol testing. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the County Auditor has routine access to employee medical records. (Legal reference: U.S. Americans with Disabilities Act of 1990.)

#### **16.04 LEAVE RECORDS.**

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the County Auditor's Office or by his or her designee in the employee's personnel file. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. It is the responsibility of each Department Head or supervising Elected Official to provide this information to the County Auditor's Office, which sends a copy to Human Resources.

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## **17.00 TRAVEL/EXPENSE REIMBURSEMENT**

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### **17.01 GENERAL TRAVEL/EXPENSE REIMBURSEMENT POLICY.**

The policy of the county is that employees are to be reimbursed, within budgetary limitations, for necessary and reasonable job-related expenses incurred in the authorized conduct of county business, including business-related travel. Except in cases involving in-county use of a personal vehicle, employees must receive prior approval from the supervising Elected Official or Department Head before initiating travel that involves reimbursable expenses. The request should include an estimate of costs to be incurred. All travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget. Whenever possible, the county will prepay such expenses as registration fees and hotel costs directly to the entity involved.

Employees should be conscientious in their use of county funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses. Employees are expected to use the least expensive means of travel for the county, including avoiding unnecessary overtime whenever possible.

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

The County Auditor provides an "Account for Travel Expense" form for the purpose of requesting reimbursement.

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

Travel by county employees outside the county in which the employee is stationed is permissible, provided that it is authorized in advance by the supervising Elected Official or Department Head and does not exceed budgetary limitations. Reimbursement for travel is based upon the most economical conveyance that is reasonably available. When private automobiles are used for travel, reimbursement is allowed on the basis of actual mileage traveled or tourist class airfare, whichever is less. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is not an allowable expense.

County employees will not be reimbursed for lodging on the night previous to a meeting or seminar if the meeting or seminar starts at 10:00 a.m. or later and is in a location that is within 110 miles of the Austin County courthouse or any county facility where the employee is assigned.

When county Elected Officials, Department Heads, and employees travel outside the county on authorized official business, the county will reimburse meal expenses according to the amount set by Commissioners' Court each fiscal year.

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

### **17.03 OTHER EXPENSES.**

Within the limits of approved departmental budgets, employees engaged in necessary and authorized travel in the conduct of county business will be reimbursed for actual costs of reasonable and documented expenses, necessary to conduct the business for the county. Reimbursable subsistence expenses will generally be for registration, lodging, official telephone calls, parking, and tolls. Receipts or other documentation acceptable to the County Auditor must accompany any request for reimbursement.

### **17.04 PERSONAL VEHICLE.**

Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official county business, reimbursement will be at the most current rate established for automobile mileage expense by the U.S. Internal Revenue Service. Employees are expected to report the shortest distance between points of departure and destinations for all travel. Travel between an employee's residence and county offices is not eligible for reimbursement.

### **17.05 PROHIBITED EXPENDITURES.**

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

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