

# *Fayette County Personnel Policy Manual*



[www.co.fayette.tx.us](http://www.co.fayette.tx.us)

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**FAYETTE COUNTY**  
**PERSONNEL POLICY**

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Welcome to Fayette County!

We are excited to have you as an employee of Fayette County. You were hired because the elected official, appointed official or department head believes you can contribute to the success of Fayette County, and share our commitment to serving the public and our constituents with excellence.

Fayette County is committed to providing excellent service to the public in all of our county offices. As part of the team, we hope you will discover that the pursuit of excellence is a rewarding aspect of your career here.

This Personnel policy manual contains some key policies, benefits, and expectations of Fayette County, and other information you will need. Each elected or appointed official may have detailed policy and procedures for their office.

Your job is essential to fulfilling our mission of serving our county constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Fayette County employee. You should use this manual as a ready reference as you pursue your career with Fayette County. Please consult with your elected official, appointed official or department head regarding questions you may have concerning this personnel policy manual.

Welcome aboard!

Sincerely,

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County Judge

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Commissioner Pct. 1

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Commissioner Pct. 2

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Commissioner Pct. 3

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Commissioner Pct. 4

## FAYETTE COUNTY PERSONNEL POLICY ACKNOWLEDGEMENT

I have received a copy of the Fayette County Personnel Policy Manual that outlines my benefits and obligations as a County employee. There will always be the most up-to-date manual available on the Fayette County website, <https://www.co.fayette.tx.us/>. I understand that I am responsible for reading and familiarizing myself with the information in this personnel policy manual and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this manual, I will contact my immediate supervisor.

I further understand that the Fayette County Personnel Policy Manual is not a contract of employment. I understand that I am an at-will employee and that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice.

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

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

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

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

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

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Printed Name of Employee

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Signature of Employee

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Date Signed

# FAYETTE COUNTY NON-DISCLOSURE PUBLIC ACCESS OPTION FORM

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Employee Printed Name

The Public Information Act allows each employee, official, and each former employee and official of Fayette County to elect whether to keep certain information about them confidential.

I hereby choose and elect to close public access to information held by Fayette County that relates to and concerns my home address, home telephone number, emergency contact information, social security number, or information that reveals whether I have family members. I hereby choose and elect that the above information be closed to public access and remain confidential during my entire employment with Fayette County and also after the end of my employment with Fayette County. This is my request in writing that the main personnel officer of Fayette County close public access to the above information while I am employed by Fayette County and also after the end of my employment with Fayette County.

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Signature

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Date

# FAYETTE COUNTY COMMISSIONERS COURT ORDER

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

WHEREAS the Fayette County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Fayette County Commissioners Court and hereby approve, and adopt, the FAYETTE COUNTY PERSONNEL POLICY MANUAL.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
County Judge

\_\_\_\_\_  
Commissioner Pct. 1

\_\_\_\_\_  
Commissioner Pct. 2

\_\_\_\_\_  
Commissioner Pct. 3

\_\_\_\_\_  
Commissioner Pct. 4

Witnessed and Attested By:

\_\_\_\_\_  
County Clerk



## ELECTED OFFICIAL ACKNOWLEDGEMENT FOR FAYETTE COUNTY

I the undersigned have read the Fayette County Personnel Manual that the Fayette County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Fayette County, I endorse and approve the Personnel Policy Manual. I approve the document as it reflects my commitment to Fayette County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Fayette County Personnel Policy Manual, as witnessed by my signatures below.

\_\_\_\_\_  
Printed Name of Elected Official

\_\_\_\_\_  
Office of Elected Official

\_\_\_\_\_  
Signature of Elected Official

\_\_\_\_\_  
Date Signed

# SECTION 1: GENERAL POLICIES

## **A. COUNTY EMPLOYMENT**

### **1A-1 EMPLOYMENT AT-WILL**

All employment with Fayette County shall be considered “at will” employment. No contract of employment shall exist between any individual and Fayette County for any duration, either specified or unspecified. No provision of this personnel policy manual shall be construed as modifying your employment at will status.

Fayette County shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time either with or without notice.

Fayette County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. Employees of Fayette County shall have the right to leave their employment with the County at any time, with or without notice.

### **1A-2 COUNTY CHAIN OF COMMAND**

As a Fayette County employee you are to work under the Elected Official who is over the department. The Elected Official may choose to appoint a supervisor over a department or departments that are under the control of the Elected Official.

The departments listed below will be under the supervision and control of the Commissioner’s Court. The Commissioner’s Court will appoint a member of the Court to be a supervisor or liaison of the department or position. This supervisor or liaison will not have hiring or terminating capabilities for the department they are assigned to. In the event there is no supervisor or liaison appointed by the Commissioner’s Court, the County Judge will become the default supervisor or liaison.

- a. 9-1-1 Coordinator/Rural Addressing
- b. Airport Manager
- c. Elections Administrator
- d. E.M.S. Director
- e. Grant Specialist
- f. IT
- g. County Inspector
- h. Prescription Assistance Coordinator
- i. Recycling Director
- j. Veterans Service Officer

### **1A-3 EMPLOYEE STATUS POLICY**

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. The status of an employee cannot be changed without the approval of the Commissioners Court. This policy defines both health insurance and retirement benefits. Full time employees will be eligible for health insurance. All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

**Full Time:** A full time employee shall be any employee in a position who has a normal work schedule of 40 hours per week or 80 hours in a 2-week period. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Fayette County makes exempt status determination based on the Fair Labor Standards Act.

**Part Time:** A part time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week. The 30 hours per week are measured by an average of their weekly total during a 12 month measurement period. All part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week.

**Exempt:** The job duties of the following Fayette County Positions have been determined by the Fayette County Commissioners' Court to cause the employee that is in the Position and who performs the job duties of the Position to be exempt from minimum wage and overtime pay provisions of the Fair Labor Standards Act: Chief Deputy Sheriff, Chief Juvenile Probation Officer, Emergency Management Coordinator, E.M.S. Director, E.M.S. Assistant Director, Court Reporter, Grant Specialist and Assistant County Attorneys. All exempt employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits.

**Temporary Seasonal:** A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. Seasonal employees can be either part time or full time, and they may qualify for health insurance through the county under the Affordable Care Act depending on the number of hours worked per week, and the length of employment. Temporary seasonal employees are not eligible for retirement benefits under TCDRS.

**Temporary Part Time:** A temporary short term part time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time

status. Temporary short term part time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS.

**Temporary Full Time:** A temporary short term full time employee shall be any employee who is expected to work for thirty (30) or more hours each week in a position that is expected to last for a specific period of time or until a specific program is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular full time status. Temporary short term full time employees are not eligible for retirement benefits under TCDRS. Temporary full time employees will be eligible under the Affordable Care Act for county health benefits.

#### **1A-4 INTRODUCTORY PERIOD**

An introductory period of 60 consecutive days from the first day of employment is established in order for the new employee to become familiar with the job and for the department head to assess the employee's capabilities.

During the first 60 days, the employee may resign, or the department head on behalf of the County, may decide not to continue the employment with no fault on either party's behalf.

The employee will be evaluated and the continuation of employment is determined prior to or by the end of the 60 day introductory period.

#### **1A-5 EQUAL EMPLOYMENT OPPORTUNITY**

Fayette County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, including lesbian, gay, bi-sexual or transgender status, age, genetic information, pregnancy, veteran status, disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, department head or the county attorney.

#### **1A-6 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

The Americans with Disabilities Act Amendments Act (ADAAA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of Fayette County to comply with all Federal and state laws and applicable amendments thereto concerning the employment of persons with disabilities. It is the County policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.

Fayette County will reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of a job. An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The Fayette County Auditor's Office is responsible for implementing this policy in coordination with department heads, including resolution of reasonable accommodation, safety, and undue hardship issues.

### **DEFINITIONS**

As used in the policy, the following terms have the indicated meaning and will be adhered to in relation to this policy.

**Disability** refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such impairment, has a record of such impairment, or is regarded as having such impairment is a "disabled individual."

**Direct threat to safety** means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

A **qualified individual with a disability** means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

**Reasonable accommodation** means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.

**Undue hardship** means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial

resources of the County; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire County; and (8) the relationship of the particular facility to the County. These are not all of the factors but merely examples.

**Essential job functions** refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.

### **1A-7 APPLICATION FOR EMPLOYMENT**

Announcements may be made for job openings with Fayette County and may include, but are not limited to, advertisements in local newspapers, registration with the Texas Workforce Commission, postings on Fayette County Courthouse bulletin boards, Fayette County websites and/or any social media network. Each official or department head having a job opening shall be responsible for determining how that opening may be announced. Each job opening must be posted for a minimum of 7 days.

### **HIRING**

Before an applicant shall be hired as an employee, said applicant must have correctly completed and delivered to the County Auditor the application form and complete all appropriate human resource and payroll forms required by the County Auditor.

Before being employed by Fayette County and after a conditional offer of employment is extended, certain pre-selected positions must have passed the pre-employment physical. These positions include, but are not limited to: Road and Bridge Department, Sheriff's Officers, Building Maintenance, Jailers, EMS Field Employees and Recycling Department. The physical will measure the ability to perform the essential functions of the job with or without reasonable accommodation. All potential new employees must pass a drug screening prior to offer of employment. The prospective employee must also sign a release form in regard to the pre-employment drug screen.

### **SELECTION**

Each elected/appointed official, department head or his/her designee, shall be responsible for selecting the applicant who he/she feels best meets the qualifications for an open position in his/her department.

### **DISQUALIFICATION**

Reasons for which an applicant shall be disqualified for consideration for employment shall include, but not be limited to, the following:

- a. The applicant does not meet the minimum qualifications necessary to perform the functions of the position for which he/she is applying
- b. The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process

- c. The applicant has committed or attempted to commit a fraudulent act at any stage of the application process
- d. The applicant is not legally permitted to hold the position
- e. The applicant is not legally authorized to work in the United States
- f. The applicant does not pass the pre-employment drug screen test.
- g. The applicant, through the pre-employment physical, is deemed by a medical provider to be unable to perform the essential functions of the job either with or without a reasonable accommodation.

### **1A-8 PERSONNEL FILES**

The Fayette County Auditor's Office will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, drug screen, insurance elections, w4, direct deposit, as well as, records concerning performance, discipline and compensation.

It is important that the personnel records of Fayette County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Fayette County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether the employee has family members confidential. Employees may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after their first day of employment.

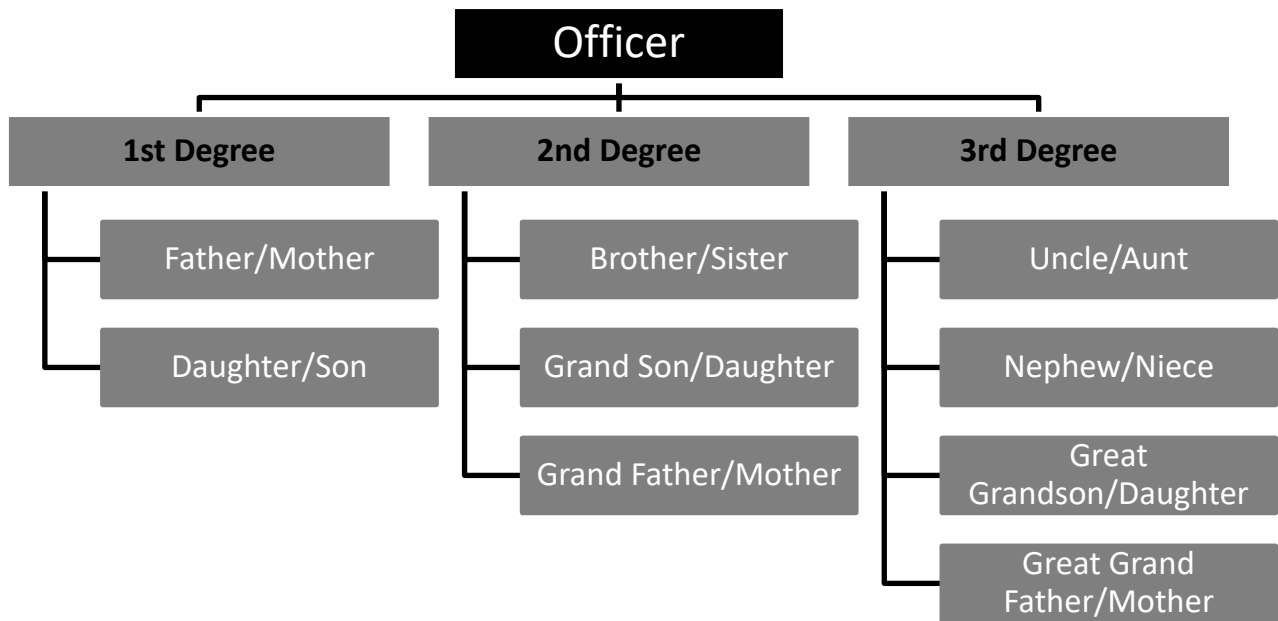
### **1A-9 NEPOTISM**

Texas Government Code Chapter 573, a Public Official of Fayette County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over.

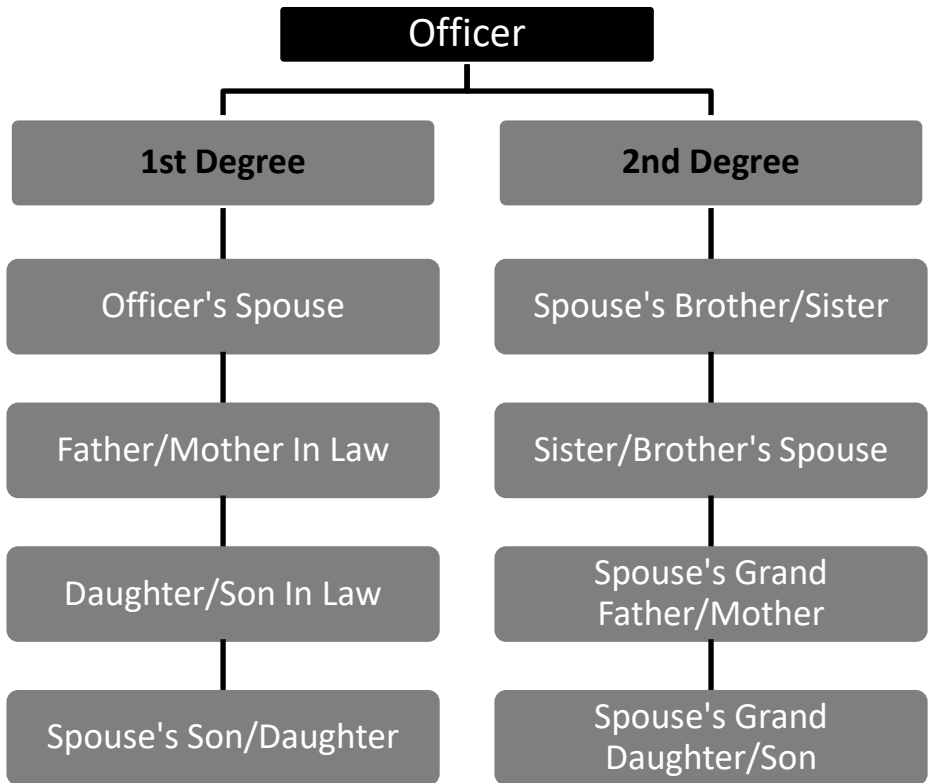
A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)



**CONSANGUINITY KINSHIP CHART**  
(Relationship by Blood)



**AFFINITY KINSHIP CHART**  
(Relationship by Marriage)



## **B. WORK RULES AND EMPLOYEE RESPONSIBILITY**

### **1B-1 ATTENDANCE**

As a Fayette County employee you are expected to be punctual and demonstrate consistent attendance.

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor unless prior approval for absence is given by the supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee. If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor as soon as it is reasonably practicable.

Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.

Each supervisor is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness. Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

An employee who does not report for work for their scheduled work day, and who fails to notify his/her supervisor, shall be considered to have resigned his/her position by abandonment and the employee will be terminated.

### **1B-2 DRESS CODE**

Fayette County expects all employees to be well groomed, clean, and neat at all times. (Sheriff's deputies who are serving as undercover officers, or as narcotics agents, or are serving as similar officers, are exempt from and excused from this policy). Each official or department head will determine the type of attire that is acceptable. Employees are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service. A violation of this policy on employee conduct and appearance by an employee shall subject the employee to disciplinary action up to and including possible termination from employment.

### **1B-3 TOBACCO/SMOKE FREE WORKPLACE**

Fayette County endeavors to provide a healthy environment. Therefore, any form of tobacco or vaping consumed in county buildings and county vehicles is strictly prohibited. Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways.

#### **1B-4 CONFLICT OF INTEREST**

Employees of Fayette County shall not engage in any employment, relationship, or activity which could be viewed as a conflict of interest because of the potential or appearance of affecting the employee's job efficiency, or which would reduce their ability to make objective decisions in regard to their work and responsibility as a Fayette County employee.

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination and these actions may have criminal consequences for employees.

Activities which constitute a conflict of interest shall include but not be limited to:

- a. Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance
- b. Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties
- c. Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County
- d. Making any personnel investment that might reasonably be expected to create a substantial conflict between the employee's private interest and their duties for the County
- e. Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

Fayette county employees are expected to give their full and undivided attention to their job duties. They shall not use Fayette County facilities, equipment, or their association with Fayette County to carry on a private business or profession. Fayette County employees shall not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Fayette County that interferes with the employee's assigned duties with Fayette County.

#### **1B-5 HARASSMENT**

It is the policy of Fayette County to treat all employees with respect and dignity and not to discriminate against any employee. Fayette County strictly prohibits any form of harassment.

Fayette County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, including lesbian, gay, bi-sexual or transgender status, sexual orientation or gender identity, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

Harassment is strictly prohibited by Fayette County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business.

Employees who feel they have been harassed should immediately report the situation to the elected official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Remedial action will be taken in accordance with the circumstances when the county determines unlawful harassment or retaliation has occurred, up to and including termination

### **1B-6 SEXUAL HARASSMENT**

Sexual harassment is strictly prohibited by Fayette County, whether committed by an elected official, an appointed official, a department head, a co-worker or a non-employee the county does business with. It is the policy of Fayette County to provide a work place free from sexual

harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

Employees who feel they have been sexually harassed should immediately report the situation to the elected official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.

Use the following procedures so that your complaint maybe resolved quickly and fairly.

- a. When practical, confront the harasser and ask them to stop the unwanted behavior.
- b. Record the time, place and specifics of each incident, including any witnesses.
- c. Report continuing sexual harassment to the Elected Official, Appointed Official, or Department Head who is responsible for your department or to the County Judge or the County Attorney.
- d. If a thorough investigation reveals that unlawful sexual harassment has occurred, Fayette County will take effective remedial action in accordance with the circumstances, up to and including termination.

Retaliation against an employee who reports sexual harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official or department head that is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Reporting or failing to report claims in accordance with the procedure given in this policy shall not limit other legal recourse an employee may have in regard to sexual harassment charges.

### **1B-7 POLITICAL ACTIVITY**

Employees of Fayette County shall have the right to support candidates of their choice and to engage in political activity during their personnel time.

County employees shall not:

- a. Use their official authority or influence to interfere with or affect the result of any election or nomination for office, while physically working for Fayette County.
- b. Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason.
- c. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.
- d. Any employee campaigning for public office shall take vacation leave to attend any campaign related activities during any on duty normal business hours, as they otherwise are required to for any personal leave as provided in this handbook.

In the event that an employee chooses to run against an incumbent for an elected position, said incumbent being the head or supervisor of the County office or department in which said employee works, said employee who chooses to run must resign from employment with the County at the time said employee files for any primary election, on the date of filing of a write-in petition, or at the time said employee accepts a nomination for the sought-after elected position, whichever comes first.

## **1B-8 OUTSIDE EMPLOYMENT**

Fayette County employees are expected to give their full and undivided attention to their job duties. They should not use Fayette County facilities or equipment or their association with Fayette County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor, county employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Fayette County that interferes with the employee's assigned duties with Fayette County.

## **1B-9 BREAKS**

### **NURSING MOTHERS' BREAKS**

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

Fayette County will provide reasonable paid breaks for a nursing mother to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

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

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

### **REST BREAK**

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

## **1B-10 GRIEVANCES**

Any employee having a grievance related to their job should discuss the grievance with their immediate supervisor.

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.

If the employee's job related grievance is with the elected or appointed official over the employee's department, and therefore it would be impracticable to report the employee's grievance to the elected or appointed official, then the employee may go directly to the County Judge with his/her grievance.

If the employee's grievance is with his/her supervisor, who is the County Judge, and therefore it would be impracticable to report the employee's grievance to the County Judge, then the employee may go directly to the County Attorney with his/her grievance.

The final decision for a grievance will be made by the elected or appointed official, or if that is impracticable as stated above, then the final decision for a grievance will be made by the County Judge, or if the grievance is with the County Judge, then the final decision on the grievance will be made by the County Attorney.

## **1B-11 PROGRESSIVE DISCIPLINE**

### **APPLICATION**

This discipline policy applies to all Fayette County employees. All elected officials, temporary, and contract employees are excluded from this policy.

### **INTRODUCTION**

Fayette County's philosophy is that Department Heads and supervisors should use progressive discipline as a corrective tool. Disciplinary action of a corrective nature generally precedes discharge, except in the case of a major act of misconduct or unacceptable work performance. A series of progressive disciplinary actions will usually be taken so that discharge, if it occurs, will come with due notice to the employee. When disciplining employees, Department Heads will consider the nature and gravity of the offense, and the past record of the employee.

- a. For violation of any rules, policies or failure to meet performance expectations, Department Heads may employ any of the following disciplinary actions: verbal warning, written reprimand, suspension, or discharge. The following are examples of actions which may result in progressive disciplinary steps, however, these examples should not be considered all inclusive:
  - Unsatisfactory job performance
  - Misuse or abuse of work time
  - Misuse or abuse of Fayette County property or equipment
  - Unfit for work



- Use of profane or abusive language
- Absenteeism or tardiness
- Inattention to safety

### **DETERMINING APPROPRIATE DISCIPLINE MEASURES**

Any or a combination of the counseling/disciplinary measures outlined below may be taken depending on the:

- Severity or degree of the problem with work performance.
- Type and severity of the misconduct offense.
- Employee's work record.
- Circumstances surrounding these situations.

### **PROGRESSIVE DISCIPLINARY PROCEDURES**

In implementing the steps of the discipline policy, the Department Head may consult Human Resources for advice and counsel.

- a. Fayette County encourages department heads or supervisors to use the following outline of the progressive disciplinary process for improving an employee's performance, for correcting inappropriate behavior in the workplace and for addressing policy infractions:
  1. **Formal Counseling:** If an employee fails to perform satisfactorily or to comply with Fayette County policies or departmental rules, the Department Head has the responsibility to discuss the matter with the employee privately to remedy the situation. The facts of the case should be determined, including consideration of any special circumstances. The Department Head should review the requirements of the job to make sure that they are understood or point out the rule or policy violated. Recommendations should be made on how the employee is expected to handle similar incidents in the future. All verbal warnings should include a written record of the date and content of the discussion. A copy should be maintained by the supervisor and the employee.
  2. **Written Reprimand:** For continued problems requiring further action beyond a verbal warning or for more serious infractions, a formal notice will be issued by the Department Head. The notice involves both discussion with the employee and an official written document. The written notice, which should be issued within 48 hours after the discussion, should include the facts of the situation, the expectations for future performance or conduct, and the possible effect on the employee should their performance or conduct fail to improve. The written notice should include the signature and date of the employee, indicating that he/she has received the warning. The employee is permitted and encouraged to submit in writing, any

mitigating facts in response to this action. A copy is then sent to Human Resources for filing in the individual's personnel file.

3. **Suspension**: If the problem continues and further action is necessary, it may (but need not) take the form of a disciplinary suspension. A suspension may vary from one to five days, depending upon the circumstances. Before such action is taken, the Department Head should discuss the situation with the Human Resources Department. As in the prior official written notice, the facts of the case, expectations, and the probable effect on the employee's employment should be included. The employee is again asked to sign and date an acknowledgment. The employee is permitted and encouraged to submit in writing any mitigating facts in response to this action. A copy is then sent to Human Resources for filing in the individual's personnel file.
  - a) Suspension without prior disciplinary warnings may take place in the case of major acts of misconduct.
  - b) Suspension without pay may also be used during the investigative period when discharge or disciplinary suspension would be the alternative, or when reasons for discharge are being reviewed. In this case, the employee is interviewed regarding the infraction, and then released without pay for a "suspension pending investigation." (NOTE: An exempt employee 1s loss of pay is only in full-day increments.)
  - c) The supervisor should confirm with the employee when a disciplinary decision will be finalized and should secure the employee 1s ID, departmental keys, equipment, or documents before sending him/her home. It is expected that within the next three to five working days, the investigation should be complete and a written decision rendered. In the event a decision is made not to impose a suspension or discharge, the appropriate action will be taken immediately to compensate the employee for any work time lost.

#### 4. **Termination**

### **1B-12 LICENSE AND CERTIFICATIONS**

Fayette County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses a license or certification, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

## **1B-13 WEATHER CLOSINGS AND EMERGENCIES**

Fayette County Commissioners' Court has adopted the following emergency closing procedures:

- a. Whenever a Fayette County Commissioner, the County Judge, or Emergency Management Coordinator has reason to believe that an emergency situation exists (or is imminent) necessitating closure of County facilities, if time permits, an emergency meeting of the Fayette County Commissioners' Court shall be held to consider official action. The Commissioners' Court will do their best to work with the La Grange ISD, and/or other school districts, as may apply depending on the circumstances, if possible, to coordinate closures.
- b. If, in the opinion of the County Judge, or in his/her absence, of the County Judge Pro Tem, insufficient time exists to hold an emergency meeting of the Commissioners' Court, then that individual shall, based on concern over safety of County employees and other citizens as well as interest in the availability of governmental services, determine whether to close buildings in whole or in part. The County Judge, or in his/her absence, the County Judge Pro Tem, will do his/her best to work with the La Grange ISD and/or other school districts, as may apply depending on the circumstances, if possible, to coordinate closures.
- c. Once a decision has been made to close any governmental building, the County Judge or County Commissioner making the decision or his/her staff shall make every attempt to notify local media to inform citizens of such closure. Affected County department heads will also be notified of the closure.
- d. In the event that an emergency closing is ordered by the County Judge, the County Judge Pro Tem, or the Commissioners' Court, full-time employees, who were scheduled to work during the time of the emergency closing, will be paid their regular wage per closed day, or for the specified closed hour(s). For those full-time employees who were scheduled to work during the time of the emergency closing, this specified time of emergency closing will be treated as if the time was "physically" worked.

If an employee is called to work during the time of the emergency closing, they will be compensated for both the time of the emergency closing and the actual hours the employee worked during the emergency closing. In a week which includes an emergency closing, all physically worked hours and hours that count as physically worked hours [i.e. hours of the emergency closing, other mandatory time, as defined in 2A-13 Overtime Definition (6), and holiday time] will be considered in determining overtime:

- e. Any employee who is scheduled to be off on vacation, holiday, compensatory time, sick leave, FMLA, or leave without pay during a period of emergency closure shall have their leave recorded as scheduled. However, if an employee was not scheduled to be off on vacation, holiday, using compensatory time, sick leave, FMLA, or leave without pay, and is unable to work or come to work for a time greater than the approved emergency closing time because of the emergency situation, then with their department head's approval, their recorded work would reflect both the emergency closure time granted to all employees, and they will be allowed to utilize vacation, holiday, compensatory time, sick leave (if applicable), FMLA (if applicable), or leave without pay to address the additional hours they are unable to work or come to work due to the emergency situation.
- f. An elected/appointed official may choose to close his or her office as a result of inclement weather, repairs, or other emergency situations, which have not warranted an officially ordered emergency closing. Employees of said office shall be paid their regular wages during such time. This specified closed employee time will be treated as if the time was "physically" worked.
- g. Full-time non-exempt employees who have no available accrued leave and would otherwise be required to use leave without pay as a result of inclement weather, other emergency situations, or emergency closures County-wide or department-wide, should be encouraged to make up that time during that work week, or if the employee elects and informs the County Auditor's office in writing (i.e. email or written document given to the County Auditor's Office), the employee may be allowed to make up that time in the following work week X. In the following work week X, any overtime (1.5 hours per time over 40 hours) worked may be paid out in cash, in the paycheck for work week X, to compensate up to the exact total hour(s) for which the employee would otherwise be required to use leave without pay during the prior week. Any additional overtime hours earned by the employee in the following work week X, over and above the amount that was required to complete the prior week's 40 hours, will be compensated to the employee according to Policy 2A-3, 2A-11, 2A-12, or 2A-13.
- h. E.M.S. field employees and Law Enforcement employees who are Sheriff's deputies and jailers are expected to work their scheduled shifts during inclement weather, other emergency situations, or emergency closures County-wide or department-wide.

### **1B-14 CONFIDENTIALITY**

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

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

### **1B-15 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a Fayette County Policy or federal or state law to their supervisor, department head, or County Judge, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to County Attorney or the appropriate Law Enforcement authority. The county will investigate the reported activity.

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

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

An employee who, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact the County Attorney or the appropriate Law Enforcement authority.

An employee with a question regarding this policy should contact the County Attorney's Office.

## **C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **1C-1 COUNTY PROPERTY USAGE**

Each county employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to them. County employees shall only use equipment, tools, and other County property that they are authorized to use. Personal use of county equipment, supplies, tools, and any other county property is not permitted and may result in discipline up to and including termination. Improper use may subject employees to criminal prosecution.

#### **PERSONAL USE**

Personal use of County vehicles, equipment, supplies, tools, and any other County property is not permitted and may result in discipline up to and including termination. Such personal use may subject the employee to criminal prosecution. With department head approval, an employee may take a County vehicle to and from their home if it is in the best interest of the County (for example, 24 hour on-call duty) and they live within a 10 mile limit of the County.

### **1C-2 COUNTY VEHICLE USAGE**

Some employees may be required to use county vehicles as a part of their job. Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

If personal use of a county vehicle is permitted the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations.

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If they have any change in status of their license they must immediately notify their supervisor. An employee whose job involves operation of a vehicle requiring a license for its legal operation shall be subject to possible job change, demotion or termination if that license is suspended or revoked.

Insurability will be confirmed by a driver's license check prior to a new employee being hired if he/she will be required or allowed to operate a County-owned vehicle. If an employee transfers

from a non-driving job to a driving job, insurability must be confirmed before the transfer is made. An employee who is deemed uninsurable by the County's vehicle insurance carrier even though the employee's license has not be revoked or suspended, will not be allowed to operate any County-owned motor vehicles.

### **ACCIDENT**

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to their supervisor and to the proper law enforcement or other authority immediately. The Department Head is then responsible for reporting the accident to the County Auditor's Office. All employees are subject to post-accident drug and alcohol testing. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Auditor.

### **ALCOHOL AND TOBACCO**

No alcohol may be consumed by the employee while operating or using a County vehicle or other motorized equipment owned by the County. The employee shall prevent the use of alcohol by anyone occupying a County vehicle.

No tobacco product of any kind may be used by an employee while operating or using a County vehicle, motorized equipment owned by the County, or while in County buildings, or while on duty for the County. The employee shall prevent the use of tobacco products of any kind by anyone occupying a County vehicle, unless otherwise approved by the Department Head. Use of tobacco products in a County pooled vehicle is prohibited.

### **SAFETY BELTS**

Safety belts are required to be used by all occupants in County vehicles and in all personal vehicles while conducting County business, at all times in accordance with and as required by State Law. No one may ride in a County vehicle without a proper restraint, for any reason.

### **1C-3 USE OF PERSONAL VEHICLE FOR COUNTY BUSINESS**

Employees who use personal vehicles for Fayette County business will be reimbursed in an amount determined by using the length of the travel (city to city) for County business purposes as determined by information from the Rand McNally Company at [www.randmcnally.com](http://www.randmcnally.com), or if Rand McNally is not available, from other accurate and reputable sources, and by using the Standard Mileage Rates published by the Internal Revenue Service at [www.irs.gov](http://www.irs.gov) to determine the rate of reimbursement per mile for business travel, such rate being that in effect at the time of the travel for County business purposes. Prior approval by the department head or

supervisor is required for all reimbursable travel. Travel out of the County to attend conventions, seminars, and schools require prior approval by the Commissioners' Court. Reimbursement for personal mileage is only payable when a County vehicle is not available.

## **1C-4 REIMBURSEMENT OF EXPENDITURES FOR COUNTY BUSINESS AND TRAVEL**

### **GENERAL EXPENSE REIMBURSEMENT POLICY**

The policy of Fayette County is that County employees, County elected officials, and County department heads who make expenditures from their personal funds for items and services concerning official County business (including meetings, conferences, and seminars) are to be reimbursed, within budgetary limitations for such expenditures upon following the procedures herein and upon submission to the County Auditor of the appropriate detailed receipts and substantiation along with a signed, completed travel, meal, and expenditure claim form. Employees must include itemized receipts and a copy of the agenda for all training, seminars, conferences, etc. Employees must receive prior approval from the supervising elected official or department head, and, if applicable as further discussed below, from the Fayette County Commissioners' Court, before incurring expenditures that involve reimbursable expenses. The employee must inform the supervising elected official or department head of the approximate costs to be incurred. All expenditures are subject to requirements of proper 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 that department's budget. Whenever possible, the County will pre-pay expenses such as registration fees and hotel costs directly to the entity involved. All travel claim requests for reimbursements need to be submitted to the County Auditor within 30 day of returning from meetings, conferences, and seminars.

Employees should be conscientious in their use of County funds. In all cases, expenditures should be limited to those that are reasonable and necessary for County business. 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 using a County Vehicle if available, rather than using a personal vehicle, and including avoiding unnecessary overtime whenever possible.

### **CONFERENCE AND SEMINAR FEES**

Conference and seminar registration fees should be requested in advance from the Fayette County Commissioners' Court to allow the County to pay the fee by check directly to the sponsor of the conference or seminar. If this is not possible, a copy of the registration and original receipt showing the employee's payment must be submitted with a request for reimbursement. The employee should provide a copy of the conference, seminar or training program or agenda. If the conference or seminar is within the county, the employee must



receive prior approval from the supervising elected official or department head. If the conference or seminar is out of the county, the employee must additionally receive prior approval from Commissioners' Court. In the event of being unable to attend a conference, seminar or training the employee is responsible for requesting a reimbursement for the conference, seminar or training.

### **TRANSPORTATION AND TRAVEL**

The County encourages the use of County Vehicles for travel whenever possible, practical, and more economical than other modes of travel. The County will reimburse for the use of a personal vehicle for travel within or out of the county on official County business at the rate set by the State in effect at the time the expense was incurred. Employees are expected to report the shortest distance between points of departure and destination for all travel. The County Auditor may use the Fayette County policy to determine the mileage for reimbursement. Travel between an employee's residence and that employee's assigned County office is not eligible for reimbursement. If an employee is required to report to a site other than the normal in-county work site, including attending training, seminars, conferences, etc., the travel time is considered "hours worked", except for meal periods.

### **OUT OF COUNTY TRAVEL, LODGING, AND MEALS**

Travel by County employees outside of the County 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 vehicles are used for travel, reimbursement is allowed using the state's mileage distance calculations 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.

The maximum reimbursement for hotel accommodations shall not exceed the host hotel's room or overflow hotel rate per night, plus applicable taxes. If not staying at the host hotel, verification of the host hotel's room rate is required. An itemized hotel receipt is required for reimbursement. When making reservations for meetings, conferences, seminars, and hotels, the employee should always request the Government Rate. Additionally, when two employees are traveling to the same location for the same purpose, if possible, they should share a hotel room.

County employees will not be reimbursed for lodging on the night previous to a meeting, conference or seminar if the meeting, conference or seminar starts at 10:00 a.m. or later and is in a location that is within 75 miles of the Fayette County Courthouse. If the employee spends the night after the meeting, conference or seminar has concluded, it will be at the employee's own expense, depending upon the distance and the time the conference or seminar concludes. If the meeting, conference, seminar or County business is more than 75 miles from the Fayette County Courthouse and ends after 4:30 p.m., lodging for the night after the meeting will be approved.

When County elected officials, department heads, and County employees travel outside Fayette County on authorized official business, including authorized non-overnight travel (travel outside of Fayette County to attend conferences, trainings, seminars, or meetings without an overnight stay), the county will reimburse meal expenses up to ten dollars (\$10.00) for breakfast, up to fifteen dollars (\$15.00) for the noon meal, and up to twenty dollars (\$20.00) for an evening meal, each maximum amount including a gratuity of up to fifteen percent (15%), for a total maximum allowable of forty-five dollars (\$45.00) per day, including gratuity. Reimbursement for alcoholic beverages will not be allowed. Reimbursement for any meal when the meal was provided by the conference, seminar or hotel or the cost of such meal was included in the registration fee will not be allowed whether the travel was overnight or non-overnight. A detailed receipt must accompany the request for reimbursement. The receipt must not contain alcohol, must not be a split ticket and will need to be turned in to and reviewed by the Department Head.

Expenditures for meals and/or lodging incurred for business within Fayette County are not reimbursable. Personal telephone calls will not be reimbursed but reasonable documented calls to the County offices will be approved.

#### **OTHER EXPENSES**

Within the limits of approved department 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 expenses will generally be for registration, lodging, official telephone calls, parking, and necessary toll road charges. Receipts or other documentation acceptable to the County Auditor must accompany any request for reimbursement.

#### **FUNDS FROM OTHER SOURCES**

If funds are available from any other source for reimbursement of travel expenses, the County will only reimburse the difference between the other source's rate and the County's rates. A copy of other source's Travel Expense Report is required.

#### **PROHIBITED EXPENDITURES**

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

It shall be the responsibility of each supervising elected official or department head to see to the strict enforcement of this policy. By signing the Travel Expense Report, both the employee and the supervising elected official or department head are certifying that the travel expense for which reimbursement is being sought was properly authorized and that the request and accompanying receipts have been examined and are reasonable.

### **1C-5 CELL PHONE USAGE**

Fayette County determines on a case by case basis the need for county provided cell phones. County cell phones are to be used for business purposes only.

Fayette County strongly discourages the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Fayette County bans all employees from texting while operating any county owned vehicle. County employees who are driving their own personal vehicle are also banned from texting while driving on county business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of CDL.

Employees in possession of a Fayette County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

Each department may set their own rules and regulations regarding personal cell phone usage while at work.

### **1C-6 COMPUTER AND INTERNET USAGE**

This policy applies to all Electronic Equipment, Media, and Services including, but not limited to, the use of computers, computer files, software, e-mail, telephones, cellular phones, voicemail, fax machines, copiers, radios, wireless devices, wire services, on-line services, and the Internet that are:

- a. Fayette County property
- b. Accessed using County computer equipment and/or County electronic or other County equipment via County-paid access methods
- c. Used in a manner that identifies the individual as an employee or agent of Fayette County.

It is the policy of Fayette County to ensure that the use of Fayette County Electronic Equipment, Media, and Services is consistent with the County's legitimate business interests. Therefore, Fayette County and the Fayette County Information Technology Department (IT), as an authorized representative of Fayette County, reserves and intends to exercise the right to access and monitor the use of such equipment as deemed necessary. Fayette County also reserves the right to monitor electronic mail messages on Fayette County Electronic Equipment, Media, and Services (including personal/private/instant messaging systems, Facebook, Twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to view, or access e-mail and internet content. Employees must be aware that the electronic mail messages sent and received using County equipment are not private and, with

few exceptions, are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Fayette County monitors its entire informational systems and employees are subject to discipline up to and including possible termination for violation of this policy. Employees shall adhere to this policy and the following guidelines when using computer and Electronic Equipment, Media, and Services:

Fayette County Electronic Equipment, Media, and Services: including computers, computer files, software, e-mail, telephones, cellular phones, voicemail, fax machines, copiers, radios, wireless devices, wire services, on-line services, and the Internet furnished to employees are County property intended for County business use only. Limited, incidental, brief, and occasional personal use of the Internet, Electronic Equipment, Media, and Services is allowed. However, employees are reminded that use of any and all Fayette County property is for the use and purpose of County-related business. Any incidental personal use of the Internet, Electronic Equipment, Media, and Services is expected to be on the user's own time, such as on lunch or other breaks; is not to interfere with the person's job responsibilities, and is not to be used to access a website with offensive content, and is not to result in any expense to the County. Employees are expected to repay or reimburse Fayette County for any identifiable fees or costs incurred by Fayette County resulting from an employee's personal use of the County's Electronic Equipment, Media, and Services.

Employees should not use another person's password, access a file, or retrieve any stored communication without authorization. County employees are prohibited from installing any software on County computers without the prior approval of the Fayette County IT Department. This includes software and software upgrades available on the Internet. The use of radio station software programs, all of which utilize large amounts of bandwidth, are also prohibited on County machines, unless otherwise authorized, as the use of these programs interferes with the operation of the County's network. 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 Fayette County IT Department so that it may be removed immediately. County employees are prohibited from installing County software on their (non-county) personal computer, unless otherwise specifically authorized by the Fayette County IT Department. Employees should not connect personal computers, or other personal privately owned electronic devices and equipment, to Fayette County electronic systems. In addition, employees, other than employees of the IT Department, are prohibited from altering the existing hardware or making additions to hardware on County computers.

The County prohibits the use of Electronic Equipment, Media, and Services the e-mail system or the Internet in ways that are disruptive to others. Foul, inappropriate, or offensive messages, or documents containing profanity, racial, or religious slurs or sexually explicit language/photographs are strictly prohibited, except as may be required for Law Enforcement by members of the Sheriff's department, other Law Enforcement personnel, or civil legal work related. Electronic communication should not distract, intimidate, harass co-workers or third

parties, or disrupt the workplace. Employees should also note that e-mail messages, files, documents, information, and other contents of a County-owned computer hard drive are public record with few exceptions, and are open to public inspection in accordance with the Open Records Act of the State of Texas, unless an exception exists.

Sensitive information is to be only sent via secure electronic mail; for example, performance reviews, disciplinary actions, employee terminations, or any type of confidential reporting.

The County purchases and licenses the use of various types of computer software for County-related 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. Employees should note that, pursuant to the U.S. Copyright Law, illegal reproduction of software can subject the employee to possible civil damages and criminal penalties including fines and imprisonment.

The use and/or dissemination of Electronic Equipment, Media, and Services are subject to State and Federal laws, statutes, rules and regulations, as well as being subject to this Policy.

Department heads are responsible for monitoring compliance of this Policy.

Employees have no expectation of privacy in their work-related conduct or the use of Fayette County-owned or County-provided Electronic Equipment, Media, and Services with the exception of medical records, Social Security, driver license numbers, and attorney work product privileged information. Employees should not expect privacy in the use or content of Electronic Equipment, Media, and Services with the exception of medical records, Social Security, driver license numbers, and attorney work product privileged information.

To the extent allowed by law, County officials, department heads, and /or their designees are permitted to review a Fayette County employee's electronic files, messages, and usage to ensure that the County's Electronic Equipment, Media, and Services are being used in compliance with the law and with this Policy.

Violation of this Policy on Electronic Equipment, Media, and Services, or of any of its provisions, may result in disciplinary action, up to and including possible immediate termination of employment.

Cyber Security training will be mandatory annually for anyone who uses a County computer.

### **1C-7 CREDIT CARD POLICY**

One credit card (VISA or MasterCard), for each of the following departments, bearing the following names, respectively, to be maintained by the elected official or department head:

Fayette County Sheriff's Department, Fayette County Juvenile Probation Department, Fayette County Emergency Medical Services

Four duplicate credit cards (VISA or MasterCard), bearing the following name, to be maintained in the possession of the Fayette County Auditor's Office and available for checkout, on an as-needed basis, to a Fayette County elected official or department head:

#### CONDITIONS FOR ALL CARDS

- a. Cards are to be used for official County business only.
- b. Cards are to be used only for lodging and other approved expenses only when it is absolutely necessary.
- c. Credit cards are to have a low credit limit.
- d. Fayette County, Texas credit cards checked out to an elected official or department head are to be promptly returned to the Auditor's Office.
- e. Arrangements for funds for official County business are to be made whenever possible using the County's policy and procedure for reimbursement of expenditures for County business and travel.
- f. The elected official or department head must approve the charge incurred by an employee, before the charge is paid by the Auditor's Office.
- g. The employee using the credit card must retain credit card receipts and must provide the receipts and a County purchase order to the Auditor's Office.
- h. Credit card charges paid by the Auditor's Office are to come out of the budget of the department which incurred the charge.
- i. Billings for the Fayette County, Texas cards are to be mailed to the Auditor's Office and billings for the other credit cards are to be mailed to the respective elected official or department head.

## **D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY**

### **1D-1 WORKERS' COMPENSATION**

All Fayette County employees are covered by workers' compensation insurance while on duty for the County. Workers' compensation insurance pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job. Workers' compensation also pays a partial salary continuation benefit that the employee is entitled to by statute for time lost from work in excess of seven days as the result of eligible work related injuries or illnesses. Deputies and jailers who are injured in the course and scope of their duties will receive 100% salary continuation while incapacitated as guaranteed by the Texas State Constitution from the first day of injury. All other employees will need to use, in the following order, sick leave, vacation, compensatory time, holiday time, or leave of absence without pay, for all workers' compensation time off less than (8) eight days. An employee who is out on Workers' Compensation will accrue vacation time and sick leave while on Workers' Compensation leave, but vacation time will not be placed in their vacation time bank, or respectively, their sick leave bank, until the employee physically returns to work. If the employee does not return to work, the employee will be paid for their vacation time, up to the allowable limit, but will not be paid for their accrued sick time. An employee will also not be paid for or accrue any holiday time while out on Workers' Compensation leave.

### **ACCIDENT REPORTING**

Any employee who suffers a job related illness or injury shall be required to notify his/her supervisor and the County Auditor's office so the proper paperwork can be completed as soon as possible.

Failure to promptly report job related injuries or illnesses to his/her supervisor and the County Auditor's office, may affect an employee's eligibility for benefits or delay benefit payments which are due.

### **PHYSICIAN'S RELEASE**

An employee who has lost time because of a work related accident or illness shall be required to provide a release from the attending physician before being allowed to return to work.

### **CONTRIBUTORY FACTORS**

An employee's workers' compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay. If there is reasonable suspicion of the influence of alcohol or drugs, at the time of injury or illness, a drug test may be ordered by the department head.

### **COORDINATION WITH FAMILY MEDICAL LEAVE ACT**

Fayette County counts an employee's leave due to a work-related injury or illness toward the employee's 12-week leave entitlement under the Family Medical Leave Act. An employee's workers' compensation leave runs concurrently with the employee's FMLA leave. Because

workers' compensation leave is designated as FMLA leave, benefits are governed by the applicable provisions of the FMLA policy contained herein.

### **INSURANCE**

When an employee who is out on Workers' Compensation is not eligible for leave entitlement under the Family Medical Leave Act, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work, for up to a maximum of twelve (12) weeks.

The employee will be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay. Payment(s) for coverage under this section of this policy are due to the County no later than 30 days after the due date which the County sets or the coverage will be discontinued without further notification.

At the end of the twelve (12) weeks, if an employee is unable to return to work, the employee will be offered COBRA.

### **1D-2 WORKERS' COMPENSATION RETURN-TO-WORK**

This policy covers employees who are on leave due to a workers' compensation injury or workers' compensation illness. Because employees are our most valuable resource, Fayette County attempts to help employees return to work as soon as possible after their physician certifies their fitness to do so.

### **COORDINATION WITH ATTENDING PHYSICIAN**

An employee on leave due to a work-related disability can return to work only when Fayette County receives the attending physician's written medical release authorizing such return. The County Auditor's Office, in conjunction with the employee's supervisor, is responsible for providing the physician with a copy of the employee's job description, copies of job descriptions for potential light-duty assignments, and written information explaining the County's return-to-work program.

### **JOB DESCRIPTIONS**

Each elected official is responsible for working with supervisors to ensure that job descriptions accurately and completely describe the essential functions of each position. Each elected official will work with the County Auditor's Office and workers' compensation adjusters to analyze any new light-duty position and develop a job description describing the essential functions of that position.

### **RETURN-TO-WORK OPTIONS**

Arrangements to facilitate an employee's early return to work are made in consultation with the employee's attending physician and/or other qualified medical professionals retained by the County or its insurance carrier. The following options are explored:

Return to prior position. An employee is provided the opportunity to return to his or her prior position if the attending physician certifies that the employee can perform the essential



functions of the job with or without reasonable accommodations. The County Auditor's Office is responsible for working with the employee's supervisor, the elected official, and attending physician (and third-party consultants, as necessary) to provide any reasonable accommodations.

Light duty. Any employees who are not yet able to return to their former duties are offered a temporary light-duty assignment that has been approved by the employee's attending physician. It is the responsibility for the employee's supervisor, the elected/appointed official, and the employee's attending physician to develop and implement the light-duty assignment. The assignment can consist of the employee's regular job with reduced working hours and/or activities, or an alternative light-duty position.

### **RESTRICTIONS ON LIGHT-DUTY ASSIGNMENTS**

The following restrictions apply to light-duty assignments:

**No guarantee of work.** Fayette County endeavors to return employees to active employment as soon as possible by exploring possible light-duty assignments. However, the County does not guarantee the availability of light-duty work.

**Pay rates and workers' compensation benefits.** Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time they sustained their work-related injury or illness. (Exception: Deputies and jailers are guaranteed 100% salary continuation as guaranteed by the State Constitution). The pay rate for a light-duty assignment is based on the knowledge, skills, and abilities required for the job, as well as general market conditions. Employees, who return to work in light-duty positions, before they have reached maximum medical improvement, are eligible for temporary partial disability benefits under Texas' Workers' Compensation Program, if they earn less than they earned in the position held at the time they sustained the work-related accident or illness. Employees in light-duty positions are not permitted to supplement their workers' compensation benefits by using their earned sick leave, vacation, compensatory, and holiday time.

**8-Week limit.** Light-duty assignments are temporary arrangements intended to complement and facilitate the healing process. Light-duty assignments cannot exceed 8 weeks without approval from the County elected/appointed officials, department heads, or their assigned designees.

### **EMPLOYEE REFUSAL OF WORK/TRAINING**

In the event that an employee refuses to return to regular or light duties in response to a written outlined description of the regular or light duties that will be required of the employee when they return to work, which may be sent via certified mail by the County, the employee is separated from the County and his/her position will be filled permanently (NOTE: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA leave). A written outlined description of the regular or light duties that will be required of the employee when they return to work must clearly state:

- a. The name of the position and the duties of the position;
- b. The County's acknowledgement and approval of any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work;
- c. The job's essential functions, and
- d. The job's wage, working hours, and location.

### **PERMANENT DISABILITIES**

When reaching maximum medical improvement, an employee can have a permanent disability that impairs the employee's ability, with or without reasonable accommodations, to return to his or her regular position. Fayette County, in consultation with the employee's attending physician and workers' compensation carrier, must evaluate the following options:

- a. Securing vocational rehabilitation services from the Texas Department of Assistive and Rehabilitative Services can include assessment and testing, counseling, and training.
- b. Finding a position at the County that is commensurate with the employee's knowledge, skills, and abilities, and with the approval of the elected official, department head or person with the authority to hire.

Employees with permanent disabilities are paid partial or total permanent disability benefits as required under Texas' Workers' Compensation Program. Permanent disability payments may also be available through TCDRS.

### **MEDICAL INFORMATION**

All employee medical information is held in strict confidence in accordance with the Americans with Disabilities Act Amendments Act, as amended. Medical inquiries are limited to those permitted under workers' compensation statutes and applicable federal law.

### **COORDINATION WITH FMLA**

Nothing in this policy should be construed as denying employees their rights under the Family and Medical Leave Act or any other federal or state law.

It is the County's policy to designate an employee's leave due to a work-related injury or illness as FMLA leave. To the extent permitted by the FMLA, the County counts the period of an employee's light-duty assignment toward the employee's FMLA entitlement.

Employees entitled to FMLA leave can voluntarily accept light-duty assignments while they are recuperating, but they cannot be required to do so. (Note: This refusal can result in the loss of workers' compensation income benefits.) Employees who lose their workers' compensation benefits as a result of declining a light-duty assignment are required to substitute any available paid leave for unpaid FMLA leave.

Until employees have exhausted their 12-week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job, provided that they are able to perform the job's essential functions.

### **1D-3 EMPLOYEE SAFETY**

Each Fayette County employee shall be required to adhere to and follow the general safety standards established for all employees and to all additional safety standards for their job or the department in which he/she works. Your supervisor will provide you with specific information pertaining to your position or department. Employees are required as a condition of employment, to exercise care in the completion of work. Department heads will consider safety records in evaluating performance. To prevent or minimize injuries to oneself and to co-workers and others, and to protect and conserve County equipment, employees are required to:

- a. Obey all safety rules and follow work instructions.
- b. Keep work areas clean and orderly at all times.
- c. Report immediately all accidents to the department head and County Auditor's Office.
- d. Seize all activity immediately until cleared by E.M.S.
- e. Operate only machines or equipment that they are authorized to use.
- f. Use safety belts by all occupants in County vehicles and in all personal vehicles while conducting County business, at all times in accordance with and as required by State Law, unless a written notification is provided by a physician stating otherwise.
- g. Use safety belts by all occupants in/on County machine/equipment equipped with rollover protection system while conducting County business, at all times in accordance with and as required by State Law, unless a written notification is provided by a physician stating otherwise.
- h. Refrain from cell phone and other electronic device usage.
- i. Be aware of moving vehicles and equipment at all time.

### **VIOLATIONS**

Failure to follow the safety standards and work instructions set by the County shall make an employee subject to disciplinary action, up to and including termination.

An employee causing an accident resulting in major injury or death because of failure to follow safety standards or instructions shall be subject to disciplinary action up to and including termination.

## **REPORTING**

Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head.

## **1D-4 DRUG AND ALCOHOL- ALL EMPLOYEES**

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

This policy applies to all employees of Fayette County regardless of rank or position and shall include full time, part time and temporary employees. The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business not on County property.

An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.

An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County in a manner other than that intended by the manufacturer or prescribed by a physician.

An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do their job safely and effectively. An employee must keep prescription medications used at work in their original container.

An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of their job duties.

If the use of a medication could compromise an employee's ability to do their job or the safety of the employee, fellow employees or the public, the employee must report the condition to their supervisor at the start of the workday or used appropriate personnel procedures (e.g., call in sick, use leave, request change of duty).

A supervisor must treat any information related to an employee's authorized use of prescription medications and any other medical information provided by the employee as confidential information.

An employee having problems with drugs or alcohol is encouraged to seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problems provided by the County's health plan program is available in the employee's health plan booklet or from the County Auditor's Office.

Any employee who violates this policy shall be subject to disciplinary measures up to and including termination. An employee, who refuses to take a required alcohol test, and/or a required drug test, and/or a required controlled substance test, will be terminated.

An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee will be terminated.

Fayette County will drug test employees who ARE NOT CDL license holders under the following conditions:

**Pre-employment drug testing:**

Fayette County has a pre-employment drug testing requirement that must be passed post offer before an employee starts their first day of work. All offers of employment are conditional upon passing a drug and alcohol test. The employee will sign a consent waiver. All those with a positive test result will not be hired.

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

- a. Abnormally dilated or constricted pupils

- b. Glazed stare – redness of eyes (sclera)
- c. Flushed face
- d. Change of speech (faster, slower, slurred)
- e. Constant sniffing
- f. Increased absences
- g. Redness under nose
- h. Sudden weight loss
- i. Needle Marks
- j. Change in personality (i.e. paranoia)
- k. Increased appetite for sweets
- l. Forgetfulness, performance faltering, poor concentration
- m. Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- n. Constant fatigue or hyperactivity
- o. Smell of alcohol
- p. Difficulty walking
- q. Excessive, unexplained absences
- r. Dulled mental processes
- s. Slow reaction rate

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

- a. Confront the employee involved and keep them under direct observation until the situation is resolved. Inform the employee of the problem with their job performance and specific violations of the County Policy.
- b. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit to testing for any reason, the employee may be terminated.
- c. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of the elected official or supervisor as well as the employee.
- d. The elected official or supervisor will **remove** the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.

- e. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the County Auditor's Office for filing.

**Post-Accident Testing:**

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment may be required to be tested. This will be at the discretion of their elected official or supervisor.

Testing Procedures –

- a. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
- b. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
- c. If the employee desires another test to be given, they may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Fayette County.
- d. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to their residence.
- e. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

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

The only exception to this policy shall be the possession of controlled substances by Law Enforcement personnel as part of their Law Enforcement duties, and EMS field employees in possession of approved medications.

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

**1D-5 DRUG AND ALCOHOL- CDL EMPLOYEES**

CDL Drivers are an extremely valuable resource for Fayette County's business. Their health and

safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

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

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

It is the policy of Fayette County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. Fayette County will conduct both electronic queries and traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA’s drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

A detailed policy and procedure is available at the County Auditor’s office.

## **1D-6 WORKPLACE VIOLENCE**

Fayette County provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

### **PROHIBITED CONTROL**

Fayette County does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats, direct, indirect, or as “a joke”, and are prohibited from engaging in violent activities.

This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:

- a. Causing physical injury to another.



- b. Making threatening remarks.
- c. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- d. Intentionally damaging employer property or property of another employee.
- e. Possession of a weapon, unless legally authorized, while in county buildings or vehicles.
- f. Committing acts motivated by, or related to, sexual harassment or violence.

### **REPORTING PROCEDURES**

Any known potentially dangerous situations must be reported immediately to a supervisor or the County Judge. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be knowingly disclosed to others only on a need-to-know basis. All parties involved in a situation will be counseled and the results of investigations will be discussed with them. The County will actively intervene at any known indication of a possibly hostile or violent situation.

### **RISK REDUCTION MEASURES**

**Hiring:** The department hiring a prospective employee must take reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.

**Individual Situations:** Employees are expected to exercise good judgement and to inform the department head or supervisor if any employee exhibits behavior which the employee believes to be a sign of a potentially dangerous situation. Such behavior includes, but is not limited to:

- a. Discussing weapons or bringing them to the workplace.
- b. Displaying overt signs of extreme stress, resentment, hostility, or anger.
- c. Making threatening remarks.
- d. Sudden or significant deterioration of performance.
- e. Displaying irrational or inappropriate behavior.

### **DANGEROUS/EMERGENCY SITUATIONS**

Employees (other than employees who are Law Enforcement officers) who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact, and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering

the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

### **ENFORCEMENT**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including possible termination. Non-employees engaged in violent acts on the employer's premises will be reported to the proper authorities and fully prosecuted.

### **1D-7 SOCIAL MEDIA**

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Snapchat, and Instagram, etc. Fayette County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Fayette County among the community at large. Fayette County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

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

- a. If your posts on social media mention Fayette County make clear that you are an employee of Fayette County and that the views posted are yours alone and do not represent the views of Fayette County.
- b. Do not mention Fayette County supervisors, employees, customers or vendors without their express consent.
- c. Do not pick fights. If you see a misrepresentation about Fayette County, respond respectfully with factual information, not inflammatory comments.
- d. Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.

- e. Employees may not use Fayette County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Fayette County monitors its computers to ensure compliance with this restriction.
- f. You must comply with copyright laws, and cite or reference sources accurately.
- g. Do not link to Fayette County's website or post Fayette County material on a social media site without written permission from your supervisor.
- h. All Fayette County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- i. Any confidential information that you obtained through your position at Fayette County must be kept confidential and should not be discussed through social media forum.
- j. Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

# **SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS**

## A. EMPLOYEE PAYROLL

### 2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

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

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

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

It is a violation of Fayette County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee too incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to: (1) a supervisor in your department's chain of command, if it is appropriate; (2) the County Attorney's Office; and (3) the County Auditor's office.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform. For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security,

retirement; or, voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons:

- a. Absence from work for one or more full days for personal reasons, other than sickness or disability
- b. Full day disciplinary suspensions for infractions of our written policies and procedures.
- c. Full day for violating safety rules of a major significance.
- d. Family and Medical Leave or Military Leave absences.
- e. To offset amounts received as payment for jury and witness fees or military pay.
- f. The first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- a. Partial day absences for personal reasons, sickness or disability.
- b. Your absence because the facility is closed on a scheduled work day.
- c. Your absence because of the County's operating requirements.
- d. Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- e. Any other deductions prohibited by state or federal law.

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

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to County Auditor's office. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney at the Fayette County Courthouse or 979-968-8402. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who

cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

#### **2A-2 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS**

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

#### **2A-3 COMPENSATION**

Fayette County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law.

Fayette County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners Court has adopted this exemption. *(See Policy Below)*

All non-exempt County employees shall be paid an hourly wage.

Temporary employees shall be paid hourly at least the minimum wage established by the Fair Labor Standards Act, as amended.

In the event of a major disaster where the County Judge has issued a disaster declaration and it has been extended by the Commissioners' Court, in order for the County to be reimbursed by FEMA, all salaried employees will be calculated in the same manner as hourly employees for the duration of the disaster incident and the disaster declaration is rescinded or allowed to expire.

#### **2A-4 PAYROLL DEDUCTIONS**

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law.

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deductions authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.

### **2A-5 DIRECT DEPOSIT**

Direct deposit of pay check is mandated for all County employees. New employees may receive a manual check for the 1<sup>st</sup> pay period.

### **2A-6 TIMESHEETS**

Each employee must fill out a paper time sheet or electronic time card to be turned in to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. Employees will have 30 days after they receive their pay to correct errors on their time sheet. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record is a criminal offense. Employees shall only use appropriate available leave to account for their regular weekly work schedule.

Each employee, and only the employee, with the approval of the department head or the department head's designee, shall determine what available and applicable leave (i.e. vacation, sick, holiday, compensatory, and FMLA) they enter on their timesheets. Employees will only be allowed to use leave without pay once all other leave benefits have been exhausted. Note: FMLA is approved according to the applicable statutory requirements.

### **2A-7 WORK WEEKS AND WORK PERIODS**

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the work week for Fayette County shall begin at 12:01 a.m. on each Sunday and end seven (7) consecutive days later (40 hours). Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and 86 hours as established by the Fayette County Commissioners Court.

### **2A-8 PAY PERIODS**

The pay period for Fayette County shall be a bi-weekly pay period with the pay period dates established by the Commissioners' Court. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

### **2A-9 WORK SCHEDULES**

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Each official or department head shall determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.



## **2A-10 HOURS WORKED**

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

## **2A-11 LAW ENFORCEMENT PAY AND OVERTIME**

The annual salary of jailers and sheriff's deputies is intended to compensate the employee for twenty-six (26) 14-day work periods during the year. This salary is based on the employee working up to 86 hours in each work period, and the full salary will be paid if the employee works at least 80 hours in a 14-day work period.

Fayette County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for Law Enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days, and compensatory time will accrue after 86 hours are actually worked. This compensatory time will accrue at a rate of 1.5 hours to every hour actually worked. These accrued hours will be placed in their compensatory time bank, to be used with prior approval by their supervisor; or be paid out if they exceed 480 hours in their bank. Law Enforcement employees' salary covers all hours up to and includes the 86th hour.

Sick leave, leave without pay, compensatory time and vacation days shall not be counted in determining overtime.

In addition, any employee who works over 80 hours but no more than 86 hours in a work period will receive straight, hour-for-hour, "other" time for all hours worked after the 80th hour and up to and including the 86th hour (hours 81 through and including the 86th hour). This is considered to be "other" time as defined in the regulations governing the Fair Labor Standards Act (29 CFR, Section 553.28), and this time is "other" time.

## **USAGE**

Jailers and deputies may use their accrued compensatory and "other" time, with their supervisor's approval, to reach 80 hour minimum for salary pay. This is in addition to the employee's ability to use vacation or sick leave (if applicable) to reach the 80 hour minimum for salary pay, with the supervisor's approval.

Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

## **ADDITIONAL "HOLIDAY" POLICY**

The Fayette County Sheriff shall determine which date will be a "holiday" for all deputies and jailers, whether they are on light-duty or not (with the exception of any floating holiday that may apply and is addressed below). The number of "holiday" days determined by the Sheriff for deputies and jailers will be exactly equivalent to the total number of holiday days annually

approved by Commissioners' Court in the Fayette County Holiday Schedule. An employee will be considered to have worked on a "holiday", if the employee works during all or part of their scheduled pre-determined "holiday".

Deputies and jailers will receive 8 physically worked hours as a holiday benefit whether they work on a "holiday" or do not work on a "holiday", per section 2.03 of this Policy Manual.

Additionally, employees under this section who work any hours on a "holiday" will receive, as a benefit, time and a half for every hour worked on the "holiday". The employee will be paid for the hours worked on that "holiday" in their regular paycheck, and the half time earned will be placed in their "other" time category. The maximum accrual benefit of the half time earned on that "holiday" is capped at 6 hours. This half time earned will not be counted as physically worked hours.

### **SEPARATION OF EMPLOYMENT**

In the event of a separation of employment, the compensatory and "other" time accrual will be paid to the separating employee according to the rate of pay at the time of separation of employment, or the average rate based on the last three years of pay, whichever is higher, up to 480 hours of compensatory time.

### **2A-12 "OVERTIME" AND "HOLIDAY TIME" FOR FULL-TIME E.M.S. EMPLOYEES**

Fayette County's E.M.S. non-exempt field employees, working as full-time Emergency Medical Technicians and/or Paramedics, will be compensated in pay for overtime hours worked at a rate of one and one-half (1 ½) times the amount of overtime worked, in accordance with Department of Labor regulations for overtime hours worked in a work week.

The E.M.S. director shall determine which shift will be a "holiday shift" for all E.M.S. full-time non-exempt field employees, whether they are on light-duty or not (with the exception of any floating holiday that may apply and is addressed below). The number of E.M.S. determined "holiday shifts" will be exactly equivalent to the total number of holiday days the County approves for all other employees. An employee will be considered to have worked on a holiday, if the employee works during all or part of their scheduled pre-determined "holiday shift". This "holiday shift" scheduled employee shall accrue one holiday hour in addition to their regular pay for every hour worked during the employee's "holiday shift". Those additional holiday hour(s) will be placed in a "holiday time account" and accrue up to 24 hours per holiday shift. The maximum amount of holiday time an employee to which this section applies shall be allowed to have in their "holiday time account", at any time, is 240 hours. After the maximum of 240 hours is in an E.M.S. employee's holiday time account, the employee will be paid for any additional time over the 240 hours in their "holiday time account". An E.M.S. full-time non-exempt employee that does not work on the "holiday shift" shall not receive, accrue, or be paid

holiday hour(s). Part-time, variable part-time, and part-time temporary employees do not qualify for this benefit.

For any given year in which the County approves a “floating holiday” benefit, all E.M.S. full-time non-exempt employees will have 8 hours put into their holiday time accounts on January 1st of the year for which the County approved the “floating holiday.”

Special consideration for scheduling purposes shall be given to an employee requesting time off for religious or other special observances.

### **2A-13 OVERTIME CALCULATIONS AND RULES**

Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for E.M.S. non-exempt field employees and Law Enforcement employees.

Overtime shall include all time physically worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on “Law Enforcement Pay and Overtime”), and E.M.S. non-exempt field employees (See policy on “E.M.S. overtime”).

Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours for all employees other than Law Enforcement. Law Enforcement, deputies and jailers, maximum amount of unused compensatory time allowed at any one time is 480 hours. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee’s regular rate of pay until compensatory time has been used to bring the balance below the maximum.

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee’s absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with supervisor approval. Fayette County shall have the right to require employees to use earned compensatory time at the convenience of the county.

If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, they shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

Fayette County shall retain the right to “buy back” all or part of an employee’s unused compensatory time by paying the employee for that time at the employee’s current regular rate. Fayette County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 ½) the employee’s regular rate of pay.

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

#### **2A-14 DEMOTIONS**

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials or department heads may choose to demote or re-assign any employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee’s salary may be adjusted downward.

#### **2A-15 TRANSFERS**

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary.

Elected officials, appointed officials or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

#### **2A-16 PROMOTIONS**

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary.

Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-17 SEPARATIONS**

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Fayette County shall be designated as one of the following types:

- a. Resignation
- b. Retirement
- c. Dismissal
- d. Reduction in force
- e. Death.

A resignation shall be classified as any situation in which an employee voluntarily leaves their employment with Fayette County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to their supervisor.

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify their supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Fayette County is an "at will" employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

An employee shall be separated from employment because of a reduction in force when their position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the County, their legally designated beneficiary or estate shall receive all earned pay and payable benefits.

As soon as a supervisor becomes aware of separation from employment, or the intent to separate employment, by an employee, the supervisor shall be responsible for immediately notifying the County Auditor.

## **2A-18 TERMINATION PAY**

If any employee leaves the service of the County his/her final pay check shall include:

- a. Pay for all hours worked but for which payment has not been received including, where applicable, time and one-half for overtime worked.
- b. Where applicable, pay for compensatory time which has been earned but not yet used.
- c. Pay for any leave time for which payment is due under the provisions of the Fayette County Personal Policy.
- d. Deductions for any payroll deductions needed to complete payment for voluntary benefits through the date they will be cancelled due to the termination (typically the end of the current month).
- e. Deduction for any indebtedness to the County which the employee may have incurred but which has not been paid. This will include deductions for any County-owned equipment or property (such as keys, uniforms, safety equipment etc.) which has not been returned by the employee in operable condition.

## **2A-19 RETIREE REHIRES**

Retired employees shall be eligible to apply for open positions with Fayette County as long as the following provisions are met:

- a. The retiree has been retired for at least 1 calendar month.
- b. No prior arrangement or agreement was made between Fayette County and the retiree for re-employment.
- c. Strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of 1 calendar month. A bona fide separation means there is no prior agreement or understanding between Fayette County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

Newly elected officials who have recently retired from the county cannot draw their retirement because they have an arrangement to return to work for the county. Employees also cannot retire with an agreement to go work in a different department or different position. Changing

employee status does not matter when determining if someone is still working for the county. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

#### **2A-20 FORMER EMPLOYEE REHIRE**

If a former Fayette County employee wishes to return to work for Fayette County they must have a minimum break in service of one full calendar month from their date of termination. An employee returning to work that terminated voluntarily and withdrew his or her TCDRS funds shall be eligible to start a new TCDRS account upon rehire. If the break in service is greater than 6 months a drug screen and physical maybe required.

## **B. EMPLOYEE BENEFITS**

#### **2B-1 RETIREMENT**

Full-time and part-time employees shall be eligible for the retirement benefit through the Texas County and District Retirement System (TCDRS). All full-time and part-time employees must become members of TCDRS. TCDRS has a “proportionate retirement program” with other systems. Employees who have worked under any other system should check with TCDRS concerning the “proportionate retirement program”.

Eligible employees shall make contributions to the retirement program through a system of payroll deduction of 7% of gross salary. Contributions earn interest each year and are available to the employee upon retirement, as determined by the TCDRS. Contributions are deducted before income taxes are withheld.

Fayette County shall make a contribution to each eligible employee’s retirement account equal to, or greater than, the contribution of the employee. To be eligible for this contribution, you must be eligible for service retirement.

Basic information on the retirement program may be obtained at the County Auditor's Office during the normal working hours for that office. Employees should carefully read the TCDRS booklet that describes the retirement plan. For more detailed information the employee may contact TCDRS at 1-800-823-7782 or visit their website at: [www.tcdrs.org](http://www.tcdrs.org).

### **RETIREMENT**

To be eligible for retirement benefits under TCDRS, employees must meet one of the following conditions:

- a. 30 years of creditable service.
- b. creditable service plus age equals 75.
- c. 8 years of creditable service and age of 60.

### **DISABILITY**

If an employee has to retire due to a mental or physical incapacity, employees may be eligible for disability retirement benefits based on specific criteria determined by the TCDRS. For further questions or for more information, contact TCDRS.

## **2B-2 SOCIAL SECURITY/MEDICARE**

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck.

## **2B-3 HEALTH, DENTAL, LIFE, AND SUPPLEMENTAL INSURANCES ELIGIBILITY**

All full-time employees of Fayette County shall be eligible for the group medical and dental insurance benefits. Employees are given a booklet describing the health and dental insurance coverage. The effective date of health and dental insurance coverage is determined by the waiting period the insurance provider designates. Questions on specific items may be answered by the County Auditor's Office.

A portion of the cost of health and dental insurance is paid for by the County. The employee's share is determined yearly by the Commissioners' Court and is also based on the plan selected by the employee. The employee's monthly cost will be given to all employees annually at open enrollment and to new hires during their new hire orientation.

### **DEPENDENT COVERAGE**

The County Auditor's Office will inform employees of the dependent cost for health and dental insurance.



Deductions for health and dental insurance coverage shall be made through payroll deduction from the employee's paycheck each pay period.

### **LIFE INSURANCE**

The County pays for a basic life insurance policy for the employee. Dependent coverage may be purchased through payroll deduction. This policy is subject to change from year to year. Employees should review their insurance certificate yearly for the changes.

### **VOLUNTARY LIFE INSURANCE**

Employees may choose to purchase additional life insurance through payroll deduction at the time of hire and at specific dates such as an open enrollment period throughout employment.

### **SUPPLEMENTAL PRODUCTS**

Employees may purchase additional insurance products through payroll deduction at the time of hire and at specific dates such as an open enrollment period throughout employment. Questions on specific items may be answered by the County Auditor's Office.

## **2B-4 NOTICE ON CONTINUATION OF INSURANCE BENEFITS**

If a qualifying event occurs that causes an employee or employee's spouse or dependent children to lose coverage under Fayette County's group health care plan, employees and covered dependents have a legal right under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to purchase a temporary extension of health coverage (herein called continuation coverage) at group rates, plus 2%. The notice below is intended to inform covered persons, in a summary fashion, of their rights and obligations under COBRA. Both the employee and employee's spouse should take the time to read this policy.

Employees or other individuals covered by the County's group health care plan can elect continuing coverage if one of the following qualifying events occurs:

- a. Voluntary or involuntary termination of employment for reasons other than gross misconduct.
- b. Voluntary or involuntary reduction of work hours below the level required for participation in the group health plan.

The spouse of an employee or other individual covered by the County's group health care plan can elect continuing coverage if one of the following qualifying events occurs:

- a. The death of the employee or other covered individual.

- b. A termination of the employee's employment for reasons other than gross misconduct, or a reduction in the employee's hours of work below the level required for participation in the group health plan.
- c. A divorce or legal separation from the employee.
- d. A retired employee's enrollment in Medicare.

The dependent child of an employee or other individual covered by the County's group health care plan can elect continuing coverage if one of the following qualifying events occurs:

- a. The death of the parent employee or other covered individual.
- b. The termination of employment or reduction of work hours of the parent employee.
- c. The divorce or legal separation of the parents, if this causes the dependent child to lose coverage under the County's group health plan.
- d. The enrollment in Medicare of the retired parent or employee.
- e. The child's loss of dependent status due to attainment of the maximum age for coverage under the group health plan.

The employee or other covered individual or family member has the responsibility to inform the County by contacting the County Auditor's Office in writing concerning a divorce, legal separation, or a child's loss of dependent status within 60 days of the qualifying event or the date on which group coverage would be lost because of the event. If the employee or other qualified covered person fails to provide the proper notice within 60 days, continuation coverage might not be available.

When a qualifying event occurs, you will receive notice within 14 days of your right to elect continuation coverage at that time. You will have 60 days to decide if you want continuation coverage. If you do not choose continuation coverage, your group health insurance coverage will end. If you choose continuation coverage, you will be offered coverage that is identical to the coverage provided to similarly-situated active employees and family members, and you will have the right to elect this identical coverage. If you had family coverage at the time of the qualifying event, you can elect family coverage or a less broad category of coverage.

Continuation coverage is available for up to 18 months if the qualifying event is the termination or reduction in work hours of the employee. If an employee or family member is disabled under the rules for Social Security disability benefits, the worker and family members are eligible for an additional 11 months of continuation coverage, for a total of 29 months. For other qualifying events, the spouse or dependent children are eligible for up to 36 months of continuation coverage. The 18-month period for termination or reduced work hours can be extended to 36

months for family members if a second qualifying event – for example, divorce, death, Medicare entitlement – occurs during the 18-month period.

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

- a. The County no longer provides group health coverage to any employees.
- b. The premium for continuation coverage is not paid in a timely fashion.
- c. You become covered under another group health plan that does not penalize or subject you to restricted or limited coverage due to a pre-existing condition.
- d. You become entitled to Medicare.
- e. The disabled individual is no longer defined as disabled under Social Security rules during the 11 months of extended continuation coverage.

You do not have to show that you are insurable to choose continuation coverage. However, you have to pay for the coverage and are allowed a 30-day grace period for timely payments. At the end of your 18, 29, or 36 months of continuation coverage, you are allowed to enroll in an individual conversion health plan provided under the County’s group health plan.

If you have any questions about your rights under COBRA, please contact the County Auditor’s Office. The employee is to inform the County Auditor’s Office in writing concerning any change in marital status or change of address for you or your spouse.

## **2B-5 RETIREE HEALTH INSURANCE**

A retiree from Fayette County who is eligible for a service retirement annuity under TCDRS guidelines by virtue of their employment with Fayette County and who has been employed by Fayette County for at least eight continuous years of full-time employment, shall have the right to elect, at the time of their retirement and not thereafter, to remain covered and to retain coverage for their spouse and eligible dependents under the group health plan maintained by Fayette County or any successor plan which hereafter may be adopted. A retiree who elected at the time of their retirement from employment with Fayette County to remain covered under the group health plan may, during subsequent “open enrollment” of the County, cancel coverage for their spouse and/or eligible dependents.

Upon a covered retiree, covered spouse, or covered dependent becomes Medicare eligible, the coverage shall terminate.

## **PREMIUMS**

The retiree will pay their premium and covered dependents premium in advance of any given month of coverage, to Fayette County, in care of the County Auditor, prior to the first calendar

day of the month. If the payment is not made in the amount and time specified, the insurance coverage shall terminate in accordance with the terms of the policy and law, without the obligation of any notice or grace period on the part of Fayette County.

### **TERMINATION OF BENEFITS**

If the retiree becomes Medicare eligible or dies, and his/her spouse and eligible dependents have current coverage under the plan at that time, the spouse and covered dependents can choose to continue the coverage under the COBRA guidelines. (See COBRA policy).

Retiree insurance is subject to be changed, modified or terminated annually, per the Fayette County Commissioners' Court.

## **2B-6 SPECIAL BENEFITS**

### **FLEX ONE PLAN**

Employees may choose to pay for their insurance premiums with pre-tax dollars by enrolling in the Flex One plan in accordance with Section 125 of the IRS Code. This plan allows dependent insurance premiums an employee pays to be deducted before any taxes are computed. This calculation will result in lower Federal Withholding tax, Social Security tax and Medicare tax and will result in higher take-home pay.

Elections to be enrolled or not be enrolled in the plan are irrevocable outside of their original new-hire election and each year at open enrollment, except for changes in family status.

### **DEFERRED COMPENSATION**

Employees may choose to supplement their retirement benefit by making contributions to the deferred compensation plan. This plan has been designed in accordance with Section 457 of the IRS Code. The plan may be a good way to build supplemental retirement dollars and save tax dollars in the present.

Fayette County does not match your contribution. Federal restrictions apply, limiting contribution amounts and early withdrawals of money. The plan is administered in accordance with IRS regulations. For more information, contact the County Auditor's Office.

## **2B-7 VACATION**

All full-time employees are eligible for vacation benefits.

Part-time and temporary part-time employees are not eligible for vacation benefits.

### **ACCRUAL RATE**

Employees earn their first vacation on the 1<sup>st</sup> of the month proceeding 6 (six) months of continuous service. In subsequent years, employees earn vacation every January 1. Employees earn vacation according to the following schedule:

6 months – 40 hours

- 1 year – 40 hours
- 1 – 9 years of service: 80 hours
- 10 – 19 years of service: 120 hours
- 20 and more years of service: 160 hours

If an employee is on leave without pay for any reason approved by the County, vacation leave will continue to accrue, but the hours will not be added to the employee's leave bank during the time of absence. If the employee does not return to work, either voluntarily and or involuntarily, their accrued vacation time will be paid out.

### **CARRY-OVER PROVISION**

Employees are encouraged to rest from work by using their vacation time. However, an employee may carry over up to 40 hours of unused vacation time into the following calendar year only. All vacation time must be scheduled and approved by the department head. Any exceptions to this rule will be considered on a case-by-case basis by the department head or the department head's designee.

### **HOLIDAY DURING VACATION**

If a holiday falls during and employee's vacation, the holiday shall be charged in accordance with the Policy on Holidays and the employee's time away from work shall not be charged against employee's vacation balance.

### **PAY AT TERMINATION**

If an employee's employment with the County terminates after one year of service, any unused vacation time will be paid.

### **RECORD KEEPING**

Each full-time employee and each exempt employee shall be responsible for accurately recording all vacation leave time used on his or her time sheet. Department heads or their assigned designees are also responsible for the accurate recording of vacation leave on employees' time sheets. If the auditor finds a discrepancy on a time sheet, the County Auditor or his or her designee will address that issue directly with the department head or their assigned designee.

## **2B-8 SICK**

All full-time employees shall be eligible for the sick leave benefits after completing two full calendar months of employment (employment from the 1<sup>st</sup> day of a month to the last day of that month), according to the following schedule.

### **ACCRUAL RATE**

Sick leave will begin accruing after the employee has completed two full calendar months of employment. On the first day of the third full calendar month of employment, employees will

receive 10 hours of sick leave. The employee will continue to accrue 10 hours of sick leave on the first of each month, up to an accumulated total of 360 hours of unused sick leave. Beginning January 1<sup>st</sup> of each year following completion of the 5<sup>th</sup> year of service as a full-time employee, sick leave hours are no longer granted on a calendar month basis. Upon completion of the 5<sup>th</sup> year of service as a full-time employee with Fayette County, the employee will be granted 120 hours (i.e., 15 8-hour days) of sick leave on January 1<sup>st</sup> of each year following completion of the 5<sup>th</sup> year of service, up to an accumulated total of 360 hours of unused sick leave.

If an employee is on leave without pay for any reason approved by the County sick leave will continue to accrue, but there will not be sick leave hours added to their leave bank during the time of absence. If the employee does not return to work, either voluntarily or involuntarily, their accrued sick time will not be paid out or used.

### **USE OF SICK LEAVE**

Sick leave shall be granted when a full-time employee is absent from work due to: The employee attending a medical, dental, and other qualified health professional appointment, and/or who has a personal illness or injury; OR the employee attending a medical, dental, and/or other qualified health professional appointment, and/or who is needed to care or assist with a personal illness or injury to an immediate family member of the employee. The employee's "immediate family member" is defined as the spouse, child, parent, brother, sister, grandparents, or grandchild of the employee or of the employee's spouse. Any additional use of sick leave will be allowed on a case-by-case basis at the department head's or assigned designee's discretion.

Use of sick leave by an employee is prohibited after that employee gives notice that they are leaving employment with Fayette County, or are going from full-time status to part-time status.

### **NOTIFICATION**

Where sick leave is to be used for medical appointments, an employee is required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee shall notify his/her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or injury or the illness or injury of an immediate family member.

Employees are not allowed to borrow sick leave against future accruals.

Employees will not be paid for unused sick leave at the termination of employment.

Sick leave may not be used as vacation or for any other reason not addressed in this policy.

## **TRANSFERS**

Sick leave cannot be transferred or traded to another employee. However, an employee may voluntarily transfer unused sick leave time earned by him/her to the County Sick Leave Pool in accordance with the County Sick Leave Pool Policy.

## **PAY AT TERMINATION**

Employees shall not be paid for unused sick leave at the termination of employment. Sick leave is a benefit of County employment. No payment will be made to an employee for unused sick leave. However, an employee who is terminated or who resigns or retires may donate earned sick leave time in accordance with the County Sick Leave Pool Policy.

## **RECORD KEEPING**

Each full-time employee and each exempt employee shall be responsible for accurately recording all sick leave time used on his or her time sheet. Department heads or their assigned designees are also responsible for the accurate recording of sick leave on employees' time sheets. If the auditor finds a discrepancy on a time sheet, the County Auditor or his or her designee will address that issue directly with the department head or their assigned designee.

## **2B-9 SICK LEAVE POOL POLICY**

Pursuant to Sec. 157.072, Local Government Code, the Commissioners Court of Fayette County has established a Voluntary Sick Leave Pool Policy (the "Pool Policy") for employees who have a catastrophic illness or injury.

## **CONTRIBUTION**

An employee may voluntarily transfer unused sick leave time earned by him/her to a County Sick Leave Pool (the "Pool"). To contribute sick leave to the County Sick Leave Pool, an employee must submit the application to contribute to the County Auditor, who is designated by the Fayette County Commissioners Court to be the Administrator of the County's Sick Leave Pool Program. The Administrator shall first verify that the employee has sick leave to give. Then the employee may transfer to the Sick Leave Pool not less than eight (8) hours or more than forty (40) hours each calendar year in the month of January, to remain eligible to participate in the Pool by using the time that has been contributed to the Pool. The Administrator shall then credit the Pool with the amount of time contributed by the employee and shall deduct the same amount from the employee's accrued sick leave. If the time available in the County Sick Leave Pool drops to approximately eight hundred (800) hours, the Administrator may declare an additional period during which employees may contribute to the Pool. Additionally, when a new employee acquires eligibility status prior to the month of January in which the employee is eligible to elect to participate as a member of the Pool, that employee may elect to participate in the Pool. The new employee shall have 30 calendar days after becoming eligible to participate in the Pool to register for the Pool.

An employee who is terminated or who resigns or retires may donate up to eighty (80) hours of their remaining balance of sick leave.

### **ELIGIBILITY**

A full-time employee with one year of continuous full-time employment shall be eligible to use time contributed to the County Sick Leave Pool if the employee requesting sick leave from the Pool has previously transferred, during the current or previous calendar year and during the times allowed by this Pool policy, at least eight (8) hours of his/her sick leave time to the Pool and if, because of catastrophic illness or injury (as described in section 6 below), the employee has exhausted all earned sick leave, vacation, compensatory time and holiday time, to which the employee is otherwise entitled.

### **DURATION**

Eligible employees may not use time from the Sick Leave Pool in an amount that exceeds one-third (1/3) of the total amount of time in the Pool, or one thousand four hundred forty (1,440) hours, whichever is less. However, if an eligible employee applies for and uses time from the Sick Leave Pool as a result of a serious health condition (as described in section 6 below) of a child of the employee, which the Commissioners Court hereby specifically allows to be done concerning the child (as defined in section 6 below) of the employee, such employee may not use time from the Sick Leave Pool in an amount that exceeds one hundred and twenty (120) hours, or the length of inpatient treatment of the child, whichever is greater, and, once the child is released from inpatient care and if the parent must personally care for the child at home, such employee may not use additional time from the Sick Leave Pool in an amount that exceeds one hundred and twenty (120) hours, and in any event, such employee may not use an amount greater than one-third (1/3) of the total amount of time in the Pool, or nine hundred and sixty (960) hours total, whichever is less. Additionally, however, if an eligible employee applies for and uses time from the Sick Leave Pool as a result of a serious health condition (as described in section 6 below) of the spouse of the employee, which the Commissioners Court hereby specifically allows to be done concerning the spouse of the employee, such employee may not use an amount greater than one-third (1/3) of the total amount of time in the Pool, or nine hundred and sixty (960) hours total, whichever is less. One thousand four hundred forty (1,440) hours of time from the Sick Leave Pool used by an employee is the lifetime maximum total number of hours allowed to an employee from the Sick Leave Pool.

### **QUALIFYING CONDITIONS FOR WITHDRAWAL FROM SICK LEAVE POOL**

The employee must have a serious health condition, defined as a catastrophic illness or injury that requires care of continuing treatment by a licensed physician, and that condition makes the employee unable to perform his/her job functions; or, the employee's child related by first degree of consanguinity or affinity has a serious health condition, defined as a catastrophic illness or injury that requires care of continuing treatment by a licensed physician; or, the employee's spouse has a serious health condition, defined as a catastrophic illness or injury that requires care of continuing treatment by a licensed physician.



The Commissioners Court has determined that the following medical conditions are a catastrophic illness or injury and are a serious health condition:

- a. Heart Attack
- b. Stroke
- c. Cancer
- d. Disabling Accident
- e. Aneurysm
- f. Multiple Sclerosis
- g. Parkinson's Disease
- h. Muscular Dystrophy

Any other health conditions not listed above must be presented for approval to Commissioners Court in a closed, executive session regarding the individual's Medical Records per the Texas Open Meetings Act, Government Code, Section 551.0785.

### **REQUEST FOR LEAVE**

#### **Advanced Notice**

The employee must submit to the Auditor their application to use time from the Pool 30 days in advance when possible, otherwise, as soon as is practical.

#### **Certification**

The employee must provide the Auditor the medical information provided by a licensed physician, supporting the request for leave, and, if the request for leave is for a catastrophic illness or injury of the employee, must provide a Certification signed by a licensed physician stating that the employee is unable to return to work and is unable to perform their job functions. The employee must provide to the Auditor a current signed Certification, and medical information, from a licensed physician as described above for each month the employee is absent from work while using time from the Pool. In all events resulting in the employee being absent from work while using time from the Sick Leave Pool, the employee must provide to the Administrator medical information provided by a licensed physician supporting the request for leave for each month the employee is absent from work while using time from the Pool.

### **STATUS OF BENEFITS**

Any time away from work for a "catastrophic illness or injury" granted under the terms of the County's Sick Leave Pool Policy will also be designated as FMLA Leave, if applicable, which will run concurrent with the time away from work granted under the County's Sick Leave Pool Policy. An employee absent on sick leave assigned from the County Sick Leave Pool is treated for all purposes as if the employee were absent on earned sick leave. Any credited sick leave not used shall be returned to the County Sick Leave Pool.

The estate of a deceased employee is not entitled to payment for any unused sick leave acquired by that employee from the County Sick Leave Pool.

## **2B-10 HOLIDAY**

All full-time employees shall be eligible for a paid holiday benefit under this section 2B-10, with the exception of E.M.S. non-exempt field employees, whose holiday benefit is governed by section 2A-12 of this Policy Manual.

### **HOLIDAYS**

The Fayette County holidays for the following calendar year shall be determined by the Fayette County Commissioners' Court late in the previous year.

Holiday time is considered 8 "physically" worked hours.

An employee who is out on Workers' Compensation will not earn or be paid for any holiday time occurring during the period they are not at work.

An employee, who is out on leave without pay for any reason which was approved by the County, will have holiday time accrue during their absence from work. They will not be paid for the holiday during their time away from work. The accrued holiday time will be placed into their holiday "other" time bank upon their return to work. If the employee does not return to work and either voluntarily or involuntarily is no longer with the County, their accrued holiday time will be paid out.

### **HOLIDAY DURING VACATION**

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance.

### **SPECIAL OBSERVANCES**

Special consideration shall be given to an employee requesting time off for religious or other special observances which are not designated by the County as paid holidays.

### **FLOATING HOLIDAY**

For any given year in which the County approves a "floating holiday" benefit, all full-time employees will have 8 hours put into their compensatory time accounts on January 1<sup>st</sup> of the year for which the County approved the "floating holiday."

## **2B-11 JURY DUTY**

All employees of Fayette County who are called for jury duty shall receive their regular pay for the period they are called for jury duty, which includes both the jury selection process and, if selected, the time they actually serve on the jury.

Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

Any fees paid for jury selection may be kept by the employee.

### **OFFICIAL COURT ATTENDANCE**

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as their court attendance may require.

### **PRIVATE LITIGATION**

If an employee is absent from work to appear in private litigation in which they are a principal party, the time shall be charged to compensatory time, holiday time, vacation, or leave without pay.

### **2B-12 FAMILY FUNERAL LEAVE**

All employees shall be allowed up to 24 hours of leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse and the child, foster child, parent, brother, sister, grandparents, and grandchild of the employee or the employee's spouse.

### **ADDITIONAL LEAVE**

If leave is needed for immediate family beyond the three days (up to 24 hour) limit set in this policy, the employee may, with the department head's approval, use additional leave available from any compensatory time, holiday time, sick leave (if applicable), or vacation time still at their disposal, or with department head's approval, they may take a leave of absence without pay.

### **OTHER LEAVE**

Employee may be allowed time off with department head's approval using compensatory time, holiday time, sick leave (if applicable), vacation leave, or absence without pay to attend the funeral of a relative who is not a member of the immediate family or to attend the funeral of a friend.

### **EXTRAORDINARY CIRCUMSTANCES**

Department heads or their designees will consider extraordinary circumstances in approving any exceptions outside of this section 2B-8 Fayette County Policy on Funeral Leave, on a case-by-case basis. The Department head can approve up to one day of the employee's regularly scheduled work day for funeral leave.

### **2B-13 ADMINISTRATIVE LEAVE**

Department heads or their designees may grant administrative leave on a case by case basis. This leave will be considered physically worked hours and used in determining overtime.

### **2B-14 LEAVE WITHOUT PAY**

An employee who is requesting leave without pay will be required to have exhausted all of his/her accrued personal leave prior to moving into unpaid status. The approval of leave without pay is a matter of supervisory discretion.

### **2B-15 MILITARY LEAVE (STATE LAW)**

All Fayette County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal year with pay for active duty or to attend active or inactive authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use vacation leave, earned compensatory time, or leave without pay if they must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen-day maximum.

Any Fayette County employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to 7 days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

An employee going on military leave shall provide their supervisor with a set of orders within two (2) business days after receiving them.

Upon request of the employee, Fayette County will provide a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays left for use during the fiscal year.

Fayette County employees who leave their positions because of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be eligible for re-employment in accordance with state and federal laws in effect at the time of their release from duty.

## **2B-16 MILITARY LEAVE – UNIFORMED SERVICES EMPLOYMENT AND RE-EMPLOYMENT ACT**

### **ELIGIBILITY**

All Fayette County employees who are members of the United States Army, Navy, Marine Corps, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard, Air National Guard, the commissioned corps of the Public Health Service, or any category of persons designated by the President in time of war or emergency are eligible for military leave for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, or absence to determine the employee's fitness to serve in the Armed Forces.

### **LEAVE OF ABSENCE**

Employees must provide advance written or verbal notice to his/her immediate supervisor that the employee will be leaving the job for military service or training. Notice may also be provided by an appropriate officer of the uniformed service in which military service is performed.

### **EXTENT OF LEAVE**

Employees will be granted leave as required to fulfill their military obligations. In general, military leave shall be limited to a cumulative period of five (5) years, which may be extended as required by law.

### **HEALTH BENEFITS WHILE ON LEAVE**

Employees on leave for military service are eligible for continued coverage for themselves and their dependents under Fayette County's health plan for up to 24 months. This continuation coverage will be discontinued if the employee fails to apply for or return to employment. The employee must pay the premiums for this coverage if he/she chooses to continue coverage under Fayette County's group health plan while on military leave.

If the employee is in military service for less than 31 days, he/she is only required to pay the same employee share of the premium that he/she paid as an active employee. If the employee is in military service for more than 31 days, he/she must pay 102 percent of the full premium under the plan, the same premium that would be paid for COBRA coverage.

### **OTHER BENEFITS WHILE ON LEAVE**

An employee who is absent for military service is entitled to participate in any rights or benefits, not based on seniority, which are provided to other Fayette County employees on paid or unpaid leave-of-absence. The returning employee shall be entitled not only to non-seniority rights and benefits available at the time he/she left for military service, but also to those that became effective during his/her military service.

Employees must pay the employee cost of benefits provided while he/she is on military leave to the same extent that other employees on leave-of-absence are required to pay. Employees who fail to pay the employees cost may not be provided with benefits.

### **RETURN FROM MILITARY SERVICE**

Fayette County will restore an employee who returns from military leave to the position he/she would have attained if continuously employed or a position of like seniority, status, and pay, the duties of which the employee is qualified to perform, provided the employee receives a satisfactory discharge and returns to or reapplies for work within the time period required by law.

For periods of military leave of less than 31 days, the employee must report for work at the beginning of the first full, regularly-scheduled shift on the first full calendar day following his/her completion of military service and expiration of time for safe transportation back to his/her residence plus eight hours.

If the period of military service is more than 30 days but less than 180 days, the employee must submit an application for re-employment no later than 14 days following completion of military service, or as soon as possible, if the failure to make timely application is through no fault of the returning employee.

If the period of military service was for more than 181 days, the employee must submit an application for re-employment not later than 90 days after the completion of military service.

All of the above limits must be extended by a period of up to two years if an employee is hospitalized or convalescing from an illness or injury incurred in, or aggravated during, the performance of military service.

### **BENEFITS ON RE-EMPLOYMENT**

Upon re-employment, an employee is entitled to the seniority and other benefits determined by seniority that the employee would have attained had he/she remained continuously employed.

### **FORFEITURE OF RIGHTS**

Sec. 4316 (b) (2) (A) (ii), USERRA. If prior to leaving for military service an employee knowingly provides clear written notice of intent not to return to work after military service, the employee waives entitlement to leave-of-absence rights and benefits not based on seniority. Notice of intent waives all leave-of-absence rights and benefits. They cannot surrender other rights and benefits that an employee would be entitled to under USERRA, particularly employment rights.

## **2B-17 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

### **ELIGIBILITY**

To be eligible for benefits under this policy, an employee must:

- a. Have worked for Fayette County at least 12 months (it is not required that these 12 months be consecutive; however, any previous employment with Fayette County prior to a continuous break in service of 7 years or more will not be counted toward the 12 months).
- b. Have physically worked at least 1250 hours during the previous 12 months.

### **QUALIFYING EVENTS**

Family or medical leave under this policy may be taken for the following situations:

- a. The birth of a child and in order to care for that child.
- b. The placement of a child in the employee's home for adoption or foster care.
- c. To care for a spouse, child (under the age of 18, or if over 18 incapable of self-care due to a disability), or parent with a serious health condition.
- d. The serious health condition of the employee that makes the employee unable to perform the essential functions of their job.
- e. A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of any component of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country.
- f. To care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent, or next of kin (nearest blood relative) of the service member.
- g. To care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of five (5) years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

### **SERIOUS HEALTH CONDITION**

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

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

### **CONTINUING TREATMENT**

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

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

### **QUALIFYING EXIGENCY LEAVE**

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave:

- a. Leave may be taken to address any issue that arises because the covered military member was given seven or less days' notice for active duty deployment in support of a contingency operation. Eligible employees may take up to 7 days beginning on the date the covered military member receives the call or order to active duty.
- b. Leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member.



- c. Leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member.
- d. Leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty, or call to active duty status of a covered military member.
- e. Leave may be taken to make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active duty status in a foreign country.
- f. Leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging, or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status.
- g. Leave may be taken to attend counseling provided by someone other than a health care provider for the employee, for the covered military member, or covered child provided the need for counseling arises from the active duty status, or call to active duty status in a foreign country, of a covered military member.
- h. Leave may be taken to spend time with a covered military member who is on a short-term temporary rest and recuperation leave, during their period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation.
- i. Leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status.
- j. Leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country.
- k. Certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty.
- l. Leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country

provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

### **LEAVE AMOUNT**

Up to 12 weeks leave per 12-month period may be used under this policy. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. All leave taken under this policy during the prior 12-month period shall be subtracted from the employee's 12-week leave eligibility and the balance is the leave the employee is entitled to take at that time. An eligible employee is entitled up to 26 work weeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period.

- a. The single 12-month period begins on the first day the eligible employee takes FMLA to care for covered service member, or covered veteran and ends 12 months after that date.
- b. If an eligible employee does not take all of their 26 work weeks during this 12-month period, the remaining part of the 26 work weeks of leave entitlement to care for the covered service member or covered veteran is forfeited.
- c. This leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 work weeks of leave if the leave is to care for different covered service members or covered veteran or to care for the same covered service member or covered veteran with a subsequent serious illness or injury, except that no more than 26 work weeks may be taken within any single 12-month period.

### **PAID AND UNPAID LEAVE**

If an employee has accrued paid leave, the employee shall be allowed to use said accrued paid leave while on any approved FMLA leave. After accrued paid leave is exhausted, any remaining FMLA leave shall be deemed leave without pay, with or without their department head approval.

The maximum amount of paid and unpaid leave that may be used under this policy in any 12-month period is 12 weeks, except for qualifying leave to care for a covered military member or covered veteran with a serious injury or illness with the maximum leave being 26 weeks in a single 12-month period.

### **INSURANCE**

While on leave under this policy, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued.

Payment for coverage shall be made through regular payroll deduction while the employee is on paid leave.

While on unpaid leave, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets, or the coverage shall be discontinued.

At the end of the 12-week FMLA leave in a single 12-month period, all eligible employees may, if applicable, be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of the 26-weeks FMLA leave in a single 12-month period.

### **INTERMITTENT LEAVE AND REDUCED SCHEDULE**

Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or covered veteran.

A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or covered veteran.

All work time missed as a result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12-week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness, the time will be deducted from the employee's 26-week leave eligibility in a single 12-month period.

### **CERTIFICATION REQUIREMENTS**

The County shall have the right to ask for certification by a physician of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy.

The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied. Certification by a physician of the serious health condition of the employee shall include:

- a. The date the condition began.
- b. Its expected duration.
- c. The diagnosis of the condition.
- d. A brief statement of the treatment.
- e. A statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification by a physician of the serious health condition of an eligible family member shall include:

- a. The date the condition began.
- b. Its expected duration.
- c. The diagnosis of the condition.
- d. A brief statement of treatment.
- e. A statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

Certification for leave taken because of a qualifying exigency shall include:

- a. A copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in a foreign country.
- b. The dates of the covered military member's active duty service.
- c. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave.
- d. The approximate date on which the qualifying exigency will start and end.
- e. If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency.
- f. If the qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title, organization, address, telephone number, fax number, e-mail address, and a brief description of the purpose of the meeting.

Certification by a physician for leave taken for a serious injury or illness of a covered military member and covered veteran shall include:

- a. If the injury or illness was incurred in the line of duty while on active duty.
- b. The approximate date on which the illness or injury occurred and the probable duration.

- c. A description of the medical facts regarding the covered military member's or covered veteran's health condition, sufficient to support the need for care.
- d. If the covered military member is a current member of the Regular Armed Forces, the National Guard, or Reserves and the covered military member's branch, rank and unit currently assigned to.
- e. The relationship of the employee and the covered military service member or covered veteran.
- f. In lieu of certification, an ITO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for an eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the covered family relationship to the seriously injured or ill covered military member or covered veteran.

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an ITO or ITA. If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from a health care practitioner agreed upon by both the employee and the County, and this third opinion shall be considered final.

**REQUESTING LEAVE**

Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his or her immediate supervisor.

Where practical, an employee should give his or her immediate supervisor at least 30 days' notice before beginning leave under this policy.

Where it is not reasonably practical to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practical.

If an employee fails to provide 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

**REINSTATEMENT**

Employees returning from FMLA leave under this policy, and who have not exceeded the 12-week maximum allowed under this policy, shall be returned to the same job or job equivalent

to the job the employee held prior to going on leave. Employees who have not exceeded the 26-week maximum, in a single 12-month period, allowed to care for a seriously ill or injured covered military member or covered veteran, shall be returned to the same job or a job equivalent to the job they held prior to going on leave.

Where an employee is placed in another position, it will be one which has equivalent status, pay, benefits, and other employment terms and one which entails substantially equivalent skill, effort, responsibility, and authority.

The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum weeks of leave allowed under this policy, or who does not return to work after using the maximum FMLA leave. This includes employees who may still have sick leave, vacation, compensatory time, and/or holiday time still available.

### **REPAYMENT OF PREMIUMS**

Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member or other situations beyond the control of the employee, an employee who does not return to work after using the maximum FMLA leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave of absence without pay.

### **OTHER ISSUES**

Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it.

The County may send out to an employee, who has been out for 3 or more days, a Medical Certification to determine the employee's FMLA eligibility. The employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA.

Employees who have been on FMLA may be required to provide a Fitness-for-Duty certification by a physician prior to returning to work at the discretion of the Department Head or Human Resources Department.

### **2B-18 QUARANTINE LEAVE**

Paid Quarantine Leave for Peace Officers, Detention Officers, and Emergency Medical Technicians

Fayette County shall provide paid quarantine leave for peace officers, detention officers, and emergency medical technicians employed by Fayette County and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

Under this policy an eligible employee is defined as:

**Detention officer**: means an individual appointed or employed by a county as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county jail.

**Emergency medical technician**: means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code; and employed by the county.

**Peace officer**: means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the county.

Eligible employees who are on paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, shall be reimbursed for reasonable costs related to the quarantine, including lodging, medical, and transportation.

Quarantine leave may be ordered by the Emergency Medical Services Director whom shall consult with a medical professional or the county's local health authority.