

# FRIO COUNTY, TEXAS

## EMPLOYEE HANDBOOK

Effective Date: January 17, 2014

## **Frio County, Texas**

Welcome Employees of Frio County!

On behalf of Frio County, as your employer, we welcome you and wish you success during your tenure with us.

We firmly believe that each employee, given the opportunity, can contribute significantly to Frio County's growth and success. We sincerely hope you will take full advantage of all opportunities afforded you during your tenure with us so that you will fully contribute, your time, efforts, and talents to our organization.

The purpose of this handbook is to provide our employees with a written compilation of our policies, programs, and benefits. In addition, we hope that it yields an insight into the expectations from both, we, as the employer and you, as the employee.

Employees have the responsibility to familiarize themselves with the contents of this handbook as soon as possible.

We hope that your experience here will be challenging, enjoyable, and rewarding.

Again, welcome!

**Frio County Commissioners Court**

## **INTRODUCTORY STATEMENT**

This handbook is designed to acquaint our employees with Frio County and provide them with information about working conditions, employee benefits, and some of the policies affecting their employment. Employees should read, understand, and comply with all provisions of this handbook. It describes employee responsibilities and outlines the programs developed by Frio County to benefit them. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As Frio County continues to grow, the need may arise and Frio County reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or Frio County to end our relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

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## **100 GENERAL EMPLOYMENT POLICIES**

COUNTY OF FRIO  
COMMISSIONERS COURT ORDER

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

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

THEREFORE, BE IT RESOLVED that the Frio County Commissioners Court and hereby approve, and adopt, the Frio COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS 17 DAY OF Jan, 2014

Carlos A. Daren  
County Judge

Jason Salas  
Commissioner Pct. 1

Dolly  
Commissioner Pct. 2

Absent  
Commissioner Pct. 3

Absent  
Commissioner Pct. 4

Witnessed and Attested By:

Theresa A. Alvarado  
County Clerk



## **RESOLUTION FOR FRIO COUNTY ELECTED OFFICIALS**

**I the undersigned have read the Frio County Employee Handbook that the Frio County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Frio County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Frio 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 Frio County Employee Handbook, as witnessed by my signatures below.**

\_\_\_\_\_  
**Elected Official Title**

\_\_\_\_\_  
**Elected Official Signature**

**EACH ELECTED OFFICIAL WILL NEED TO HAVE THEIR OWN RESOLUTION PAGE SIGNED.**

## **101.00 NATURE OF EMPLOYMENT**

All employment with Frio County shall be considered "at-will" employment. No contract of employment shall exist between any individual and Frio County for any duration, either specified or unspecified. No provision of this employee handbook shall be construed as modifying your employment at-will status.

Frio 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.

Frio 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 Frio County shall have the right to leave their employment with the County at any time, with or without notice.

*The provisions of the handbook have been developed at the discretion of the Commissioners Court and, except for its policy of employment-at-will, may be amended or cancelled at any time, at Frio County's sole discretion.*

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Commissioners Court of Frio County.

## **102.00 EQUAL EMPLOYMENT OPPORTUNITY**

Frio County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, age, genetic information, pregnancy, veteran status, and 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 Human Resources Department.

## **103.00 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

It is the policy of Frio County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the county attorney. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

It is Frio County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the county. In accordance with the Americans with Disabilities Act, as amended (ADA), reasonable

accommodations may be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your elected official, appointed official, department head or the Human Resources Department.

## **104.00 EMPLOYEE RELATIONS**

Frio County believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other county government employers in this area. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that Frio County amply demonstrates its commitment to employees by responding effectively to employee concerns.

## **105.00 NEPOTISM**

Texas Government Code Chapter 573, a Public Official of Frio County is prohibited from hiring a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over.

Pursuant to Texas Government Code Chapter 573, a Public Official of Frio County, either elected or appointed, is prohibited from hiring a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over. Furthermore, a public official may not vote on or hire an individual who is related to the official within the first, second or third degree by consanguinity (relationship by blood). Such relationship occur if the official and the potential hire share either a common ancestry or where one is the descendant of the other. The following relatives of a public official would fall within prohibited first, second or third degree of consanguinity and affinity:

**Relationship by consanguinity (blood).** The following relatives of a public official would fall within the prohibited first, second, or third degree of consanguinity:

- Relatives related within the first degree by consanguinity include a public official's mother, father, sons and daughters.
- Relatives related within the second degree by consanguinity include a public official's brothers, sisters, grandmothers, grandfathers, grandsons and granddaughters.

- Relatives related within the third degree by consanguinity include a public official's great-grandfather, great-grandmothers, aunts, uncles, nephews, nieces, great-grandsons and great-granddaughters.
- Adopted child is considered to be the child of the public official under the nepotism laws.

**Relationships by affinity (marriage).** The following are related to the official within the first or second degree by affinity (marriage).

- Relatives related within the first degree by affinity include a public official's husband, wife, and father-in-law, mother-in-law, sons-in-law, and daughters-in-law, stepsons and stepdaughters.
- Relatives related within the second degree by affinity include a public official's sister-in-law (brother's spouse or spouse's sister), brothers-in-law (sister's spouse or spouse's brother), spouse's grandmothers, spouse's grandfathers, spouse's grandmothers and spouses' grandsons.

An elected official of Frio County is an official elected to represent the people of Frio County in an election, such as but not limited to the Frio County Judge, County Attorney, County Clerk, District Clerk, Treasurer, Tax Assessor-Collector, or Justice of the Peace. An appointed official is an official who has been appointed by the Commissioner's Court or District Judge such as the Frio County Engineer, Frio County Road and Bridge Administrator, Frio County Human Resources Director or the Frio County Auditor. The prohibition against these nepotistic acts does not apply to any situation outlined in Texas Government Code Sections §§ 573.061-062.

What action is recommended by the Attorney General office that a public official take if he or she has a nepotism conflict: If a governing body member has a nepotism conflict, neither the government body nor its member may employ or contract with a close relative of that member, unless there is specific statutory exception allowing such action.

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Relatives of persons currently employed by Frio County may be hired only if they do not fall within prohibited first, second or third degree of consanguinity or affinity and will not be directly working for or supervising a relative. Frio County employees cannot be transferred into such a reporting relationship.

If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, commissioner's court will decide.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

## **106.00 EMPLOYEE MEDICAL EXAMINATIONS**

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After an offer has been made to an applicant entering a designated job category, and a medical examination is required it will be performed at Frio County's expense. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam if required.

Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at Frio County's expense. Road and Bridge employee that are required to have a CDL License to perform their function may be required to take and pass a DOT physical at the counties expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to the departments elected official, appointed official and Human Resources. Such exams are strictly regulated by the Americans with Disabilities Act and Health Information Privacy Act (**HIPA**) in accordance with the HIPA regulations.

## **107.00 CONFLICTS OF INTEREST**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Frio County must operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Legal Counsel for Frio County Commissioners Court for more information or questions about conflicts of interest.

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 and/or elected officials. If a violation of law has occurred the Legal Counsel for Frio County Commissioners court will pursue the appropriate action.

Activities which constitute a conflict of interest shall include but not be limited to:  
(1) 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;

(2) 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; (3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County; (4) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the County; or (5) 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.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Legal Counsel for Frio County Commissioners Court as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

#### **108. 00 POLITICAL ACTIVITY**

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

County employees shall not: (1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; (2) 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; or (3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

#### **109.00 OUTSIDE EMPLOYMENT**

Frio County employees are expected to give their full and undivided attention to their job duties. Full-time staff members' outside employment must not compete, conflict with or compromise, either in substance or appearance, the County's interests or adversely affect job performance and the ability to fulfill all responsibilities to the County. Full time staff employees may not use County resources, including without limitation computer or email, or County confidential information, in the performance of outside employment. Full-time staff members will direct telephone calls, visitors, meetings and correspondence to their home or outside work address.

Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work additional hours or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued, and, if necessary Frio County can end the employment relationship.

## **110.00 CONFIDENTIALITY**

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

## **111.00 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a Frio County Policy or federal or state law to his or her supervisor, department head, or Elected Official, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the Human Resources Director (may want to include county attorney, district attorney, or sheriff). 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 wrong doing may be subject to discipline up to and including termination.

An employee who, in good faith, believes he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources Director (maybe county attorney, district attorney, county judge).

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

## **112.00 DRESS CODE**

Frio County expects all employees to be well groomed, clean, and neat at all times. Each department head will determine the type of attire that is acceptable.

You 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.

## **200 EMPLOYMENT STATUS AND RECORDS**

## **201.00 EMPLOYMENT CATEGORIES**

It is the intent of Frio County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and Frio County.

Each employee is designated as either **NONEXEMPT** or **EXEMPT** from federal and state wage and hour laws. **NONEXEMPT** employees are entitled to overtime hours **and/or compensatory time off** in accordance with **Section 306.00** of this manual and in accordance with the specific provisions of federal and state laws. **EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws. An employee's **EXEMPT** or **NONEXEMPT** classification may be changed only upon written notification by Frio County Human Resources Department.

In addition to the above categories, each employee will belong to one or other employment category:

**REGULAR FULL-TIME:** A full time employee shall be any employee in a position which has a normal work schedule of at least 30 hours per week. Employees are those who are not in temporary or introductory status and who are regularly scheduled to work Frio County's full-time schedule. Generally, they are eligible for Frio County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**REGULAR PART-TIME:** A part time employee shall be any employee in a position which has a normal work schedule of less than or equal to 29 hours per week. Part time employees are not eligible for Frio county benefits. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week.

**INTRODUCTORY** period is strictly for benefit purposes.

**TEMPORARY** employee are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period unless and until notified of a change. All legally mandated benefits (such as Social Security and workers compensation insurance) are provided to temporary employees. Temporary employees are not eligible for benefits other than mandated benefits.

## **202.00 EMPLOYMENT APPLICATIONS**

Frio County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in Frio County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. All positions are required to be posted for 7 days to the public. All new hires need to be presented with an offer letter of employment prepared by the Human Resources Department.

## **203.00 INTRODUCTORY EMPLOYMENT PERIOD**

The introductory employment period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Frio County uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or Frio County may end the employment relationship at will at any time during or after the introductory employment period, with or without cause.

All new and rehired employees work on an introductory basis for the first 90 calendar days after their date of hire. Upon satisfactory completion of the introductory period, employees enter the "*regular*" employment classification.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers compensation insurance and Social Security. After becoming regular employees, they may also be eligible for other Frio County-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

## **204.00 ACCESS TO PERSONAL FILES**

Frio County maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of Frio County, and access to the information they contain is restricted. Generally, only the employee's immediate supervisor and/or Human Resources personnel of Frio County who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact the *Frio County Human Resources Department*. With reasonable advance notice, employees may review their

own personnel files in the Human Resources Department and in the presence of the Human Resources Director or its designee.

#### **205.00 PERSONAL DATA CHANGES**

It is the responsibility of each employee to promptly notify Frio County of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed notify the Human Resources Department.

## **300 EMPLOYEE BENEFITS PROGRAMS**

### **301.00 EMPLOYEE BENEFITS**

Eligible employees at Frio County are provided a wide range of benefits after 90 calendar days from date of hire. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible employees:

- Auto Mileage on County Business Travel**  
**(Other than home to work or work to home travel)**
- Bereavement Leave**
- Credit Union**
- Deferred Compensation Plan**
- Dental Insurance**
- Family Leave**
- Holidays**
- Jury Duty Leave**
- Life Insurance**
- Health Insurance**
- Medical Leave**
- Pension Plan**
- Personal Leave**
- Sick Leave Benefits**
- Travel Allowances**
- Vacation Benefits**
- Voting Time Off**

Some benefit programs require contributions from the employee, but most are fully paid by Frio County.

### **302.00 HEALTH AND DENTAL PLANS**

All full time regular employees of Frio County shall be eligible for the group medical plan, vision and dental plan benefits, after 90 days of service.

Premiums for the HMO plan for eligible employees shall be paid entirely by the County. Premiums for the other plan coverage for eligible employees shall be paid by the employee.

Eligible employees may cover their qualified dependents by paying the required premium for their dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

Details of coverage under the group medical insurance plan and dental plan are available in the County Human Resources Office and may be obtained during the normal working hours for that office.

### **303.00 OTHER PLANS – LIFE, SUPPLEMENTAL**

Frio County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Frio County provides supplemental insurance coverage under a selected vendor. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from Human Resources.

### **304.00 VACATION REGULAR FULL-TIME EMPLOYEES**

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule.

#### **VACATION EARNINGS SCHEDULE**

<b>Years of Eligible Service</b>	<b>Vacation Days Earned Monthly</b>	<b>Vacation Days Earned Annually</b>
<b>0 – 1 year</b>	<b>.4167</b>	<b>5 days</b>
<b>After 1 year</b>	<b>.8334</b>	<b>10 days</b>
<b>After 10 years</b>	<b>1.250</b>	<b>15 days</b>

The length of eligible service is calculated on the basis of a "*benefit year*." This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information).

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. However, before vacation time can be used, a waiting period of **90** calendar days must be completed. After that time, employees can request use of earned vacation time including that accrued during the waiting period.

Paid vacation time can be used in minimum increments of **(1/2 day)**.

To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

Even though employees may be paid the equivalent of eight hours of regular pay for each day of vacation, those hours of vacation are not counted for the purposes of accumulating hours worked for overtime purposes.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry up to 5 days of unused vacation time forward to the next benefit year.

**As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the year, employees may carry up to 10 days of unused vacation time forward to the next benefit year.**

### **305.00 HOLIDAYS**

Frio County will grant holiday time off to all eligible employees on the holidays established and approved by the Commissioners Court and posted and distributed annually. Approved holidays for 2015 are as follows:

#### **January**

- 1<sup>st</sup> – New Years Day,
- 19<sup>th</sup>- Monday – Martin Luther King Jr Day

#### **February**

- 16- Monday – Presidents' Day

#### **April**

- 3rd - Good Friday

#### **May**

- 25<sup>th</sup>- Monday – Memorial Day

#### **July**

- 3rd – Independence Day

#### **September**

- 7<sup>th</sup>- Monday – Labor Day

#### **October**

- 12<sup>th</sup> Monday – Columbus Day

#### **November**

- 11<sup>th</sup> – Veteran's Day
- 27<sup>th</sup>- Thursday – Thanksgiving Day
- 28<sup>th</sup>- Friday after Thanksgiving

#### **December**

- 23<sup>th</sup> – Day before Christmas Eve
- 24<sup>th</sup> – Christmas Eve,
- 25<sup>th</sup> – Christmas Day,                      31<sup>st</sup> – New Year's Eve

**Early pay days for 2015 will be November 25<sup>th</sup> and December 22<sup>nd</sup>.**

Holiday pay will be calculated based on the employee's straight- time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. For purposes of this section and for determining the normal work-week, law enforcement employees will be on a 14 day pay period and 86 hours of work. Eligible employee classification(s):

### **306.00 REGULAR FULL-TIME EMPLOYEES**

Full-time employees are eligible for holiday pay. To be eligible for holiday pay, full-time employees must be active on the payroll system and received a payroll check the week prior to the holiday and have work hours, vacation, sick, or compensatory hours the week of the holiday. Part-time employees are not eligible for holiday pay.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday fall during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive their holiday hours to be used at a later date. Holiday time cannot cause an employee to exceed 40 hours in a work week or 86 hours in a 14 day period for Sheriff's Department Employees (Deputy, Jailer and Sergeant). **Employee will not lose holiday time/hours but will be credited with the holiday time/hours to be used at a later date.** The employee will be paid hours worked as per policy for their position.

### **307.00 WORKERS COMPENSATION INSURANCE**

Frio County provides a comprehensive workers compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor and the Frio County Auditor immediately and no later than the following county work day. No matter how minor an on-the-job injury may appear, it is important that it be reported. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither Frio County nor the insurance carrier will be liable for the payment of workers compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Frio

County. Any employee who reports an on-the-job injury or who files a workers compensation claim will not be retaliated against by anyone in management. Any employee who feels they are being treated differently or otherwise retaliated against because they reported an on-the-job injury or filed a workers compensation claim should report that matter to management immediately so that an investigation can be conducted and the matter can be resolved.

### **308.00 SICK LEAVE BENEFITS**

Frio County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illness or injuries. Eligible employee classification(s):

**Regular full-time employees**  
**Introductory employees**  
**Temporary employees**

Eligible employees will accrue sick leave benefits at the rate of 12 days per year (1 day for every full month of service). Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins when the employee starts to earn sick leave benefits.

Employees can request use of paid sick leave after completing a waiting period of 90 days calendar days from the date they become eligible to accrue sick leave benefits. Paid sick leave can be used in minimum increments of (1/2 day). Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of a family member who resides in the employee's household.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday. The direct supervisor must also be contacted on each additional day of absence.

If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the need for leave and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Before returning to work from a sick leave absence of five calendar days or more, an employee must provide a physician's verification that he or she may safely return to work. **If an employee needs work accommodation to return to work they will need to pick up an FMLA form from Human Resources and have their doctor complete the form.**

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers compensation and benefits, such as workers compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance workers compensation of Frio County-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of sixty (60) calendar days of sick leave benefits or 480 hours. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees with they are employed or upon termination of employment.

### **309.00 OVERTIME HOURS AND COMPENSATORY TIME OFF**

Frio County does not provide for monetary compensation to county employees for hours in excess of the normal 40 hour week, also defined as "overtime hours." Vacation, sick time, compensatory and holiday hours cannot increase a work week to exceed the normal scheduled hours.

Frio County, however, does provide non-monetary compensation to county employees for hours **in excess of the normal 40 hour work week or 86 hours for sheriff department (Deputies, Jailers and Sergeants)**. In this instance employees are given compensatory time. Which is any hours over 40 hours worked in a work week and time off can be scheduled off in the future. Employees who receive prior approval from their department head to work overtime and earn compensatory time will be entitled to accrue it, provided that accrued compensatory time does not exceed 240 hours for non-emergency activities or 480 hours for public safety or emergency response activities. Use of compensatory time must have prior written approval of the department head. Employees must make every effort to timely use their compensatory time. Employees will be paid overtime in the event they exceed the maximum accrued compensatory hours. The accrued compensatory hours will only be paid out at the time the employees separates from county employment.

Overtime hours can be paid as monetary compensation with Commissioners Court **prior approval** only if meets one of the following extraordinary circumstance as determined by Commissioner's Court:

1. Meet federal or state deadline or compliance issue
2. Meet a critical project deadline
3. Value to the county justifies the approval.

### 310.00 TIME OFF TO VOTE

Frio County encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, Frio County will grant up to two hours of paid time off.

Every employee should request time off to vote from their supervisor at least two working days prior to Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

### 311.00 BEREAVEMENT LEAVE

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Up to five days of paid bereavement leave in **a calendar year** will be provided to eligible employees in the following classification(s):

#### **Regular full-time employees**

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off necessary. **Please ensure you complete a leave form and note bereavement leave.**

Frio County defines "*immediate family*" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, sibling; the employee's child's spouse; grandparents or grandchildren.

### 312.00 JURY DUTY

Frio County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees who have completed a minimum of 180 calendar days of service in an eligible classification may request up to two weeks paid jury duty leave over any on year period.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

**Regular full-time employees**  
**Introductory employees**  
**Temporary employees**

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either Frio County or the employee may request an excuse from jury duty if, in Frio County's judgment, the employee's absence would create serious operational difficulties.

Frio County will continue to provide health insurance benefits for the full term of the jury duty absence. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during unpaid jury duty leave and will resume upon return to active employment.

### **313.00 BENEFITS CONTINUATION (COBRA)**

The federal Consolidation Omnibus Budget Reconciliation Act (**COBRA**) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under Frio County's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under **COBRA**, the employee or beneficiary pays the full cost of coverage at Frio County's group rates plus an administration fee. Frio County provides each eligible employee with a written notice describing rights granted under **COBRA** when the employee becomes eligible for coverage under Frio County's health insurance plan. The notice contains important information about the employee's rights and obligations.

Any employee or qualified beneficiary who participates in the continued coverage shall be subject to any and all changes in the health plan being offered to current Frio County employees. Also, any employee or qualified beneficiary electing to participate in the continued coverage shall be required to pay all premiums and costs of continued coverage. For more information, contact your immediate supervisor.

## **400 PAYROLL SYSTEM**

## 401.00 FAIR LABOR STANDARDS ACT SAFE HARBOR

Frio County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to management attention, Frio 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 and are correct is correct. Your time sheet or time in the time clock must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time sheet or approve your time in the clock 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 or time clock. 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 Frio County policy for any employee to falsify a time worked or to alter another employee's time card or time in clock. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee too incorrectly or falsely reported hours worked, or to alter another employee's time worked 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 your manager or Human Resources. Falsification of time worked is a serious violation (inappropriate use of county funds) and employee will face severe disciplinary action up to and including termination and/or prosecution.

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

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

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

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

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the County Treasurer. 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 Human Resources Department. 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.

## **402.00 COMPENSATION**

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

Frio 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.

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

Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month.

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

## **403.00 TIMESHEETS**

Each employee must fill out a time sheet or punch in/out in a time system in order to turn in accurate time in to their immediate supervisor on the last day of each pay period. Failure to complete a timesheet or approving an employee incomplete time record may result in an employee only receiving minimum wage payment until the proper time sheet has been completed or approved on a time system and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet or time record on a time system 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 and time records on line are official county documents and as such require accurate and truthful information. Falsifying a time sheet, or a time record which is considered a county record is grounds for server disciplinary action up to and including termination and is a criminal offense.

## **404.00 TIMEKEEPING**

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require Frio County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Nonexempt employees should report to work no more than 15 minutes after their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

It is the employees' responsibility to sign/approve their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record or recording in the time and attendance system.

#### **405.00 PAY PERIODS AND PAYDAYS**

Frio County has moved to Bi-weekly Pay Periods to ensure hours are tracked and compensatory time is recorded in the pay period earned. Paydays for employees will be paid on a 26 Bi-weekly pay periods based on a Calendar year. The Payroll Department will prepare employee payroll checks and have them ready for distribution by 4:30 p.m. on payday. Paychecks will include earnings for all hours worked, recorded and approved by Elected Officials on the Time Clock System. *There will be a 7 day interval between the end of a pay period and the date upon which wages are paid.*

In the event that a regularly scheduled payday falls on a day off such as a holiday, if possible, employees will be paid on the last day of work before the regularly scheduled payday. If employees are unable to be paid prior to the holiday, the county will make all available efforts to ensure that paycheck will either be direct deposited into the appropriate account after the holiday, if that employee has agreed to participate in the direct deposit program, or in the alternative be available upon the employee's return from holiday.

If a regular payday falls during an employee's vacation, and the employee has not enlisted in the direct deposit program, employee's paycheck will be available upon the employee's return from vacation.

## **406.00 EMPLOYMENT TERMINATION**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

**RESIGNATION** – voluntary employment termination initiated by an employee.

**DISCHARGE** – involuntary employment termination initiated by Frio County.

**LAYOFF** – involuntary employment termination initiated by Frio County for non-disciplinary reasons

**RETIREMENT** – voluntary employment termination initiated by the employee.

Frio County will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to Frio County, or return of Frio County-owned property. Suggestions, complaints, and questions can also be voiced.

Since employment with Frio County is based on mutual consent, both the employee and Frio County have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law.

The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

## **407.00 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.

#### **408.00 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.

#### **409.00 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.

#### **410.00 PAY ADVANCES**

Frio County does not provide pay advances on unearned wages to employees.

#### **411.00 ADMINISTRATIVE PAY CORRECTIONS**

Frio County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

Each employee is to review carefully their timesheet/timecard to make sure the hours reflected are accurate. If the hours reflected are inaccurate, employees are instructed to immediately speak to their supervisor or to the payroll department to correct the problem. If the hours reflected in the timesheet/timecard are correct, employees are to initial their timesheets/timecards each week before they are turned in to the payroll department. Likewise, employees are encouraged to carefully review their paychecks to make sure that the pay and the hours reflected are accurate. If they are not they are to speak to their supervisor or the payroll department immediately before cashing the paycheck.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the *Frio County Treasurer's Office* so that corrections can be made as quickly as possible.

#### **412.00 PAY DEDUCTIONS AND SET OFFS**

The law requires that Frio County make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. Frio County also must deduct Social Security "wage base." Frio County matches the amount of Social Security taxes paid by each employee. Frio County offers programs and benefits

beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by Frio County, usually to help pay off a debt or obligation to Frio County or others.

Generally, your wages are exempt from garnishment. The only exceptions are the collection of unpaid income taxes, delinquent student loan payments, and court ordered child support payments. Frio County will abide by any valid court order setting out a wage withholding requirements.

If you have questions concerning why deductions were made from your pay check or how they were calculated, your supervisor can assist in having your questions answered.

#### **413.00 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 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.

#### **415.00 Sheriff Department 86 Hour Bi-weekly Pay Period.**

This is to announce that, effective October 26, 2014 and in accordance with Section 207(k) of the federal Fair Labor Standards Act and 29 C.F.R. Part 553, we will be adopting a 14 consecutive-day work period. There by changing the maximum hours worked before overtime accrues from 80 to 86. As provided by Section 207 (k) only "non-exempt" law enforcement personnel who are assigned to the following jobs: Deputy Sheriff, Jailer, and Sergaret.

Exempt jobs are so-called "white collar" jobs that the incumbents of which are not eligible for overtime regardless of the maximum hours worked.

For those employees who will be affected by this policy change, overtime (or compensatory time, as applicable) will no longer be calculated based on a maximum of 40 hours worked in a workweek. Rather, as provided by law their overtime will be based on a 14 consecutive-day work period maximum of 86 hours. In other words, all hours worked by those employees more than the maximum of 86 hours in a 14 consecutive-day work period will accrue to them as overtime (or compensatory time, as applicable).

The new work period will not change the pay dates. That is, those employees will continue to be paid on a bi-weekly basis, on every other Friday.

## **416.00 Frio County Salary Administration Program**

### **Introduction**

1. Frio County salary administration program includes guidelines to assist Human Resources Management in determining individual salaries for a variety of personnel situations, such as: new hire, promotion, demotion, transfer, reclassification, in-range adjustment, and equity adjustment. The Frio County Commissioners court must approve any salary adjustment and should make decisions regarding employee pay based on objective job-related criteria, in a consistent, non-discriminatory manner.
2. Principles applicable to all salary decisions:
  - a. Equal pay without regard to age, color, disability, ethnicity, gender, marital status, national origin, race, religion, sexual orientation, or veteran status
  - b. Emphasis on internal equity within an Frio County
  - c. Determinants of all salary decisions include:
    - The employee's job-related qualifications and performance
    - Pay of other employees performing similar work (Similar Positions) in Frio County
    - Frio County's fiscal status
    - External market considerations for similar work in the relevant labor market segment based on Texas Counties of similar population (local, state, or regional)
  - d. Documentation required to substantiate primary determining factors may include:
    - Verification of job-related credentials related to education, licenses, certificates, work experience, etc.
    - Internal equity comparisons
    - Position within pay grade assigned
    - External salary survey market data
  - e. Availability of funds
  - f. Required approvals obtained prior to communicating salary offers or changes,

### **B. New Hire Starting Salaries**

1. Candidates who meet minimum job-related qualifications should receive at least the minimum of the associated salary range and/or the budget salary amount for the position if they meet all required qualification and experience.
2. In determining starting salary, department heads and elected officials should consider all of the following:
  - a. The candidate's job-related qualifications and experience
  - b. The pay of other employees performing similar work in the County

- c. The budget salary for the position cannot be exceeded without Commissioner Court Approval
  - d. Any Department of Labor (DOL) minimum salary that would apply to certain visa holders
  - e. The unit's fiscal resources
3. Any salary outside above guidelines and/or the approved budget will need to be approved by Commissioners Court
  4. The department head should approve the starting salary, before the offer is made.

### **C. Salary Decisions as the Result of a Promotion**

1. A promotion occurs when an employee is selected to fill another position that is assigned to a higher pay grade in the same or different job family.
2. A promotion may not necessarily result in a salary increase (example of dependencies include equity with other employees in the County and the County's fiscal affairs).
3. In determining the salary, departments should consider all of the following:
  - a. The candidate's job-related qualifications and performance
  - b. The pay of other employees performing similar work in the assigned position/pay grade
  - c. The budget salary for the position and salary range of the new position
  - d. The unit's fiscal resources
4. A salary that creates an internal inequity should be carefully considered, including a strategy for remedying the inequity with other employees.
5. The elected official or department head should approve the new salary. Commissioner Court must approve the new salary before the offer/or change in salary is made if the promotion is not to an unfilled position that was not already created in the current fiscal year's budget, or to a salary in excess of the confines of the current fiscal year's budget.
6. Employees who meet the minimum job qualifications should receive at least the minimum of the salary range.

### **D. Equity Adjustments**

1. An equity adjustment may be appropriate under exceptional circumstances in order to establish salary equity among individuals performing similar work or when there is a significant discrepancy in pay as compared to other similar positions or with the external market. A type of equity consideration is to respond to an internal issue where two similar positions with the same duties and years of experience have a large discrepancy in pay.
2. In determining any salary adjustment, the department should consider:
  - a. Employee must be below average of all employees' salaries assigned to the same position. Human Resources to do analysis and make determination.
  - b. Employee must have greater than one year of service.

- c. The employee's job-related qualifications and performance must be acceptable
- d. Years of experience compared to other performing similar duties
- e. To qualify for an equity increase the following test must be met:
  - 1. The employee salary must be below the 1 quartile of the pay grade assigned. Example (pay grade 3 minimum 13.22, midpoint 15.63, first quartile = 14.425)
  - 2. Years of service must be comparable to average years of service of all existing employees in that position (+ or – 2 years).
- f. Support by Elected Official or Department head.
- g. If applicable, external considerations with the relevant labor market.
- h. The unit's ability to fund increase.
- i. Commissioner court approval
- 3. The rationale for an equity adjustment requires written substantiation and analysis of the pay discrepancy and the internal or external market conditions that led to the discrepancy if applicable.
- 4. Equity adjustments are generally an exception to Frio County salary structure set by Commissioners Court and as such require specific analysis and review by the Director of Human Resources and Commissioners Court approval.

Any pay adjustments to include salary increase without justification, bonus, and salary supplements are not allowed under this policy and must be approved by Commissioners Court or supported by Texas State Law or Federal Law.

## **500 WORK CONDITIONS**

## **501.00 SAFETY**

To assist in providing a safe and healthful work environment for employees, customers, and visitors, Frio County has established a workplace safety program. This program is a top priority for Frio County. The Commissioner's Court-appointed **Safety Officer** has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

Frio County provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the ***Frio County Commissioners Court***. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear or reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. An employee must immediately report any unsafe condition to the appropriate supervisor. An employee who violates safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately, not to exceed 7 calendar days notify the appropriate supervisor and the Frio County Auditor. Such reports are necessary to comply with laws and initiate insurance and workers compensation benefits procedures.

## **502.00 USE OF PHONE AND MAIL SYSTEMS**

Personal use of telephones for long-distance and toll calls is not permitted. Employees should practice discretion in using Frio County telephones when making local personal calls and may be required to reimburse Frio County for any charges resulting from their personal use of the telephone. As a condition of their at-will employment, employees agree to timely pay any telephone charges attributed to them for personal use, and in the event that timely payment is not made, the Frio County has the right of offset under *Section 406.00* of this policy manual.

The use of Frio County-paid postage for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

### **503.00 USE OF EQUIPMENT AND VEHICLES**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use of operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. Improper use may subject you to criminal prosecution.

### **504.00 BUSINESS TRAVEL EXPENSES**

Frio County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the department manager.

Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual cost of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by Frio County. Employees are expected to limit expenses to reasonable amounts.

#### **A. Mileage Reimbursement Expenses**

All County officials and employees not receiving a fixed travel allowance, who use their private vehicles for travel on legitimate County business, shall be entitled to be reimbursed for miles actually traveled at the IRS approved rate for the current year. The mileage will be based on the mileage shown online by the Texas Mileage Guide and calculated using mileage rate allowed by the Internal Revenue Service at the time of the travel. Payment of such reimbursement shall be conditioned on the employee's or official's submitting the required forms and documentation to the County Auditor's Office for approval and payment.

B. Policy on Travel

To the extent the departmental budgets provide funding for expenses, County Officials and employees may receive a per diem allowance approved by Commissioners Court per day and/or per half day as reimbursement for meals while traveling outside Frio County for the reasons set forth above. Any additional expenses will require receipts and may or may not be approved.

C. Registration Fees

Travel/conference registration fees will be paid in advance by the County. A completed registration form along with an agenda as received must be submitted to the County Auditor's Office for fees to be paid. If a request for prepaid fees is not received in the Auditors Office in time for regular processing, then the registration fees will be paid by the County Official or employee and reimbursed by the County.

D. Expense Reimbursement

Within ten (10) days of the event, individuals must submit the "Out of County Travel Reimbursement Request" form with all appropriate substantiating documents to the County Auditor's office for final accounting and auditing. The request form must account for all expense related to the trip and be completely filled out, front and back.

The following documents should be attached to the request form:

- ☐ Original itemized hotel bill
- ☐ Copy of form submitted for any reimbursement received from another source
- ☐ Original receipts for other expenses such as tolls/parking (if possible)
- ☐ Copy of conference material containing agenda (including dates, times, and any meals included) and list of hotels (host hotel and any overflow hotels)

E. Expenses That Generally Will Be Reimbursed Include The Following:

- ☐ Airfare or train fare for travel in coach or economy class or the lowest available fare
- ☐ Car rental fees, only for compact or mid-sized cars

- ☐ Fares for shuttle or airport bus service, where available; cost of public transportation for other ground travel.
- ☐ Taxi fares, only when there is no less expensive transportation is not available.
- ☐ Mileage costs for use of personal cars, only when less expensive transportation is not available
- ☐ Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
- ☐ Cost of meals, no more lavish than would be eaten at the employee's own expense.
- ☐ Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare.
- ☐ Charges for telephone calls, fax, and similar services required for business purposes.
- ☐ Charges for one personal telephone call each day.
- ☐ Charges for laundry and valet services, only on trips of five or more days.

F. Items that are not reimbursed

Personal entertainment and personal care items are not reimbursed.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by Frio County may not be used for personal use without prior approval.

Cash and/or other prepaid expense advances to cover reasonable anticipated travel expenses may be made to employees, but only after travel has been approved by the department head. Employees should submit a written request to their supervisor when travel advances are needed. Should any travel advances exceed employee travel expenses, Frio County reserves the right to offset such travel advances against employee's wages.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advancements, expense reports, reimbursement for specific expenses, or any other business travel. Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

## **505.00 COMPUTER AND E-MAIL USAGE**

Computers, computer files, the E-mail system, and software furnished to employees are Frio County property intended for county use only. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer systems and E-mail usage may be monitored. Therefore, all Frio County employees acknowledge that their immediate supervisor, Human Resources or County Auditor may access a file, at any time, on any Frio County computer without advance notice or permission from the employee.

Personal use of computer will be limited to internet or e-mail system should be limited to non-work time should not interfere or distract from work performance. Storage of personal documents in on-line files should be extremely limited. Again, employees are reminded that management may review these files at any time without notice. Forgery or attempted forgery of e-mail messages is strictly prohibited and attempts to read, copy, or delete e-mail messages of other users is prohibited, unless it is done for a legitimate business purpose. Creating or maintaining encrypted files, files which are inaccessible to management, is strictly prohibited.

Frio County strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, Frio County prohibits the use of computers and the E-mail system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

Frio County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Frio County does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks on multiple machines according to the software license agreement. Frio County prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate supervisor, the *Frio County Sheriff, Human Resources* or the *Frio County Attorney* upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

## **506.00 CELL PHONE USAGE**

Frio 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.

Frio 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.

Frio 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 Frio 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.

### **506.1A PERSONAL CELL PHONES POLICY**

This policy applies to all County Employees in the workplace. For purposes of this policy, the term cell phone is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data messages without cable connection (including, but not limited to, cellular phones, digital wireless phones, radio-phones/walkie-talkies, telephone pagers, PDA (personal digital assistants with wireless communications capabilities).

While at work, employees are expected to exercise discretion in using personal cellular phones. Personal calls during the work hours, regardless of the phone used can interfere with employee productivity, safety and may be distracting to our customers the residents of Frio County. Elected Officials and Department Management need to manage employee use of personal cell phones to ensure a productive work environment.

Frio County understands that at times employees need to answer cell phone calls due to emergencies during work time. Employees are encouraged to make personal calls during breaks and/or lunch and to ensure that friends and family members are aware of Frio

County policy. (The County will not be liable for the loss of personal cellular phones brought into the workplace. Cellular telephones may not be used to defame, harass, intimidate, or threaten any other person). Employees are prohibited from using their cell phones in any illegal, illicit or offensive manner. The County reserves the right to modify or update these policies at any time.

## **600 LEAVES OF ABSENCE**

## **601.00 FAMILY/MEDICAL LEAVE OF ABSENCE**

The federal Family & Medical Leave Act of 1993 (FMLA) as amended in 2009 requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Family and Medical Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

Employees are eligible for FMLA leave if they: (1) Have worked for the county for at least 12 months in the last 7 years; (2) Have worked at least 1,250 hours for the county during the 12 calendar months immediately preceding the request for leave; and (3) Are employed at a work site that has 50 or more employees within a 75-mile radius.

Employees with any questions about their eligibility for FMLA leave should contact Human Resources for more information.

For FMLA, employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons: (1) to care for the employee's son or daughter during the first 12 months following birth; (2) to care for a child during the first 12 months following placement with the employee for adoption or foster care; (3) to care for a spouse, son, daughter, or parent ("covered relation") with a serious health condition; (4) for incapacity due to the employee's pregnancy, prenatal medical or child birth; or (5) because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

If you are married and both work for Frio County then each of you together may take a combined total of 12 weeks' leave during any 12-month period for reasons unless it is your own serious health condition.

Under the MFL, there are two types of leave available: (1) a qualifying exigency leave; and (2) leave to care for a covered service member.

Employees meeting the eligibility requirements described above may be entitled to use up to 12 weeks of their FMLA Leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, son, or daughter, in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active duty status in a foreign country. Qualifying exigencies may include: (1) short-notice deployment (up to 7 days of leave); (2) attending certain military events; (3) arranging for alternative childcare; (4) addressing certain financial and legal arrangements; (5) periods of rest and recuperation for the covered military member (up to 5 days of leave); (6) attending certain counseling sessions (7) Attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active duty status); (8) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee.

There is also a special leave entitlement that permits employees who meet the eligibility requirements for FMLA leave to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces (Regular, Reserve or National Guard) who has been rendered medically unfit to perform his or her duties due to a serious injury or illness incurred in the line of duty while on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. This also includes a 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 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations.

Military Family Leave due to qualifying exigencies may also be taken on an intermittent basis. Leave may not be taken on an intermittent basis when used to care for the employee's own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption, unless both the employer and employee agree to such intermittent leave.

Frio County requires substitution of paid leave for all FMLA or MFL events. Employees must follow the vacation and sick policy guidelines. Employees also must use all of the earned compensatory time for FMLA or MFL events prior to using accrued vacation or sick. The balance of Family medical leave is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including worker's compensation leave.

During an approved family medical leave, the county will maintain the employee's health benefits as if the employee continued to be actively employed. If paid leave is substituted for unpaid family medical leave, the county will deduct the employee's portion of the health plan premium as a regular payroll deduction. If leave is unpaid, the employee must pay his or her portion of the premium through personal check paid the County Treasurer. An employee's healthcare coverage will cease if the employee's premium payment is more than 30 days late. If the employee elects not to return to work at the end of the leave period, the employee will be required to reimburse the county for the cost of the premiums paid by the county for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or other circumstances beyond the employee's control.

During FMLA leave, the employer will maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

Upon return from FMLA leave, most employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

If the need to use FMLA leave is foreseeable, the employee must give the county at least 30 days' prior notice of the need to take leave. When 30 days' notice is not possible, the employee must give notice as soon as practicable (within 1 or 2 business days of learning of the need for leave except in extraordinary circumstances). Failure to provide such notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to the Elected or appointed official in their department. When submitting a request for leave, the employee must provide sufficient information for the county to determine if the leave might qualify as FMLA leave, and also provide information on the anticipated date when the leave would start as well as the duration of the leave.

Sufficient information may include that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a healthcare provider; or the circumstances supporting the need for military family leave. Employees also must inform the county if the requested leave is for a reason for which FMLA leave was previously taken or certified.

Employees also will be required to provide a certification and periodic recertification supporting the need for leave.

When an employee requests leave, Frio County will inform the employee whether they are eligible under the FMLA. If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide. If the employee is not eligible under the FMLA, the county will provide the employee with a written notice indicating the reason for ineligibility. If leave will be designated as FMLA or FML protected, the county will inform the employee in writing and provide information on the amount of leave that will be counted against the employee's 12 or 26 week entitlement.

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the relevant healthcare provider must supply appropriate medical certification. Employees may obtain Medical Certification forms from Human Resources. When the employee requests leave, the county will notify the employee of the requirement for medical certification and when it is due (no more than 15 days after the employee requests leave).

If the employee provides at least 30 days' notice of medical leave, they should also provide the medical certification before leave begins. Failure to provide requested medical certification in a timely manner may result in denial of leave until it is provided. The county, at its expense, may require an examination by a second healthcare provider designated by the county, if it reasonably doubts the medical certification initially

provided. If the second healthcare provider's opinion conflicts with the original medical certification, the county, at its expense, may require a third, mutually agreeable, healthcare provider to conduct an examination and provide a final and binding opinion.

The county may require subsequent medical recertification. Failure to provide requested certification within 15 days, except in extraordinary circumstances, may result in the delay of further leave until it is provided.

If an employee takes leave because of the employee's own serious health condition or to care for a covered relation, the employee must contact the county each month regarding the status of the condition and his or her intention to return to work. In addition, the employee must give notice as soon as practicable (within 2 business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

Leave because of a serious health condition, or either type of family military leave may be taken intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If leave is unpaid, the county will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the county may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

## **602.00 PERSONAL LEAVE**

Frio County provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:

**Regular full-time employees**  
**Introductory employees**  
**Part time employees**

Eligible employees may request personal leave only after having completed 180 calendar days of service. As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their supervisor.

Personal leave may be granted for a period of up to 15 working days each benefit year. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than five working days. With the supervisor's approval, an employee may take any available sick leave or vacation leave as part of the approved period of leave.

Requests for personal leave will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by Frio County until the end of the month in which the approved personal leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from personal leave, benefits will again be provided by Frio County according to the applicable plan requirements.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, Frio County cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, Frio County will assume the employee has resigned.

### **603.00 EDUCATIONAL LEAVE**

Frio County provides educational leaves of absence without pay to eligible employees who wish to take time off from work duties to pursue course work that is applicable to their job duties with Frio County. Employees in the following employment classification(s) are eligible to request educational leave as described in this policy:

#### **Regular full-time employees**

Eligible employees who have completed 180 calendar days of service may request educational leave for a period of up to 3 months every one year. Requests will be evaluated based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by Frio County until the end of the month in which the approved educational leave begins. At the time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from educational leave, benefits will again be provided by Frio County according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When an educational leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, Frio County cannot guarantee reinstatement in all cases.

If an employee fails to report to work at the end of the approved leave period, Frio County will assume that the employee has resigned.

#### **604.00 MILITARY LEAVE**

A military leave absence will be granted to employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. armed services.

The leave will be unpaid. However, employees may use any available paid time off for the absence.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by Frio County until the end of the month in which the military leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from military leave, benefits will again be provided by Frio County according to the applicable plans.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as rate of vacation accrual and job seniority rights.

## **700 EMPLOYEE CONDUCT AND DISCIPLINARY ACTIONS**

## **701.00 EMPLOYEE CONDUCT AND WORK RULES**

To ensure orderly operations and provide the best possible work environment, Frio County expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- ☐ **Theft or inappropriate removal or possession of county property**
- ☐ **Falsification of county timekeeping records**
- ☐ **Working under the influence of alcohol or illegal drugs**
- ☐ **Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment**
- ☐ **Fighting or threatening violence in the workplace**
- ☐ **Negligence or improper conduct leading to damage of county-owned or customer-owned property**
- ☐ **Insubordination or other disrespectful conduct**
- ☐ **Violation of safety or health rules**
- ☐ **Sexual or other unlawful or unwelcome harassment**
- ☐ **Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace. (Judges and Peace officers are exempt)**
- ☐ **Excessive absenteeism or any absence without notice**
- ☐ **Unauthorized absence from work station during the workday**
- ☐ **Unauthorized use of telephones, mail system, or other employer-owned equipment**
- ☐ **Violation of personnel policies**
- ☐ **Creating a disturbance in the workplace**
- ☐ **Unsatisfactory performance or conduct**

Employment with Frio County is at the mutual consent of Frio County and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice. Violations of the Employee Conduct and Work Rules, will be subject to severe disciplinary action up to and including termination.

## **702.00 DRUG AND ALCOHOL USE – ZERO TOLERANCE**

The purpose of this policy shall be to establish a drug and alcohol free workplace to help ensure a safe and productive work setting for all employees.

This policy shall apply to all employees regardless of rank or position and shall include temporary and part-time employees.

The only exception to this policy shall be the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

The following shall be a violation of this policy:

1. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on County property;
2. Being under the influence of alcohol or illegal drugs while on County property or while on duty for the County;
3. The unauthorized possession or use of prescription over-the-counter drugs while on County property or while on duty for the county; or
4. The use of 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 health care practitioner.

An employee who violates this policy will be subject to severe disciplinary action up to and including termination.

Employees taking prescription medications shall be required to notify their supervisor of any possible effects the medication might have regarding their job performance and physical/mental capacity.

Any information concerning prescription medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information.

Prescription medications used at work are to be kept in their original container.

Employees having problems with drugs and alcohol are encouraged to seek treatment from qualified professionals. The county does provide employees with an Employee Assistance Program.

Information on benefits provided for treatment of alcohol and drug problems through the County's medical insurance program is available in the employee's insurance coverage booklet.

Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's status and shall not be deemed a contract or promise of employment.

The personal property of employees (purse, locker, car) are subject to search while on county property when the supervisor believes there is reasonable suspicion that the employee is using and/or involved with drugs or alcohol in the work site.

In the event that the supervisor has reasonable suspicion to believe that the employee is under the influence of alcohol or controlled substances in violation of this, policy and upon approval of the Immediate Supervisor and Human Resource, the employee may be required to take drug/alcohol test(s), not cooperating in taking the test(s) and/or testing positive will result in the employees immediate discharge from employment.

Post-Accident Drug Test, any employee involved in an on-the-job accident or injury may be tested for drug or alcohol use. Immediate Supervisor and Human Resources approval is required.

### **703.00 DRUG TESTING**

Frio County is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs on the job may pose serious safety and health risks. To help insure a safe and healthful working environment and employees may be asked to provide a body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

All prospective new hires shall be required to take and pass a drug test as a condition for employment, PRIOR to beginning work. With the exception of law enforcement positions, the Human Resources Department shall arrange for all drug testing and shall notify the hiring authorities and the applicants of the results. All drug testing results shall be kept confidential and communicated only on a need-to-know basis applicable to certain current employees/officials.

The County will also do reasonable suspicion drug testing and post-accident drug testing when required. Post-Accident Testing is the testing of an employee who is involved in an on-the-job accident (vehicle or otherwise) which may have involved human error which causes a fatality, a serious injury, issuance of a citation or significant property damage.

Copies of the drug testing policy will be provided to all employees. Employees will be asked to sign an acknowledgment form indicating that they have received a copy of the drug testing policy. Questions concerning this policy or its administration should be directed to the Human Resources Department.

### **704.00 DRUG & ALCOHOL POLICY FRIO COUNTY - CDL HOLDERS ONLY**

In 1988, Congress enacted the Drug Free Workplace Act to require employers that have **CDL drivers** to establish and maintain a work environment that is free from the effects of drug use and abuse. Federal Regulations 49 CFR Part 40 (§382) present the general terms of this program and its guidelines. We agree with that goal and believe that Frio County has responsibility to its employees and those who use or come in contact with its products/services, to ensure a safe and productive work environment. To satisfy these

responsibilities, it is the policy of Frio County and a condition of employment that an employee be present and able to perform their job free from the effects of alcohol, narcotics, depressants, stimulants, hallucinogens and cannabis or any other substances, which can impair job performance. **(This policy effects Road & Bridge Employees only).**

### **Our Commitment**

We recognize that drug and alcohol abuse may be a sign of chemical dependency and that substance abuse can be successfully treated with professional help.

### **Frio County**

Provides an Employee Assistance Program (EAP) through Alliance Work Partner for employees to deal with substance abuse and other personal problems that can affect work performance. Our commitment is to help employees remain productive members of our team. In certain circumstances, the company may insist upon a mandatory referral to our EAP as a condition of continued employment. No employee will be disciplined or discriminated against simply for seeking help. You can pick up information on the EAP program at the Human Resources Department.

### **Employee Responsibility**

The employee is responsible for following all of our work and safety rules, and for observing the standards of behavior and employer, co-workers, and customers have the right to expect from you. In addition, if you believe you may have a problem with drugs or alcohol, you are responsible for seeking assistance, whether from or through the company or any other resource, before a drug or alcohol problem adversely affects your work performance or results in a violation of this policy. The time to seek help is BEFORE you are in "trouble", NOT AFTER. If a professional assessment is made that you have a problem with Drugs or Alcohol, your continued employment may be conditioned upon:

- Entering into and completing a treatment program approved by the company.
- Signing and living up to a last chance performance agreement.
- Undergoing a Follow-up Testing Program at companies' discretion.

### **Scope of Our Policy**

This Policy and each of its rules apply whenever an employee is on or in County Property, surrounding grounds and parking lots, leased or rented space. County time (including breaks and meal periods), in any vehicle used on County business, and in other circumstances (such as on customer premises or at business/sales functions) we believe adversely affect our operations, safety, reputation or the administration of this policy.

### **Our Drug and Alcohol Rules**

The following rules are extremely important and an employee who violates any one of them will be subject to disciplinary action, up to and including termination.

1. Alcohol An employee may not possess, use, transfer, offer, or be under the influence of any intoxicating liquor while at work or on company business. This

rule prohibits using any alcohol prior to reporting to work, during breaks or meal periods, or in conjunction with any County activity, except social or business events where a County elected or appointed official has authorized the moderate consumption of Alcoholic Beverages.

2. An employee will be removed from a Safety Sensitive Position for 24 hours if your BA is more than .02 and less than .04. A Breath Test over .04 is a DOT Violation, and a referral will be required to a Substance Abuse Professional before being released back to a safety sensitive position.
3. Drugs An Employee may not possess, use, transfer, offer, share, attempt to sell or obtain, manufacture, or be under the influence of any drug or similar substance and also may not have any drugs of similar substances present in the body. Thus, an employee who tests positive for any illegal-drug violates this rule. This rule also pertains to Prescription drugs being taken without doctor's authorization.
4. Drug Paraphernalia and Alcohol Containers an Employee may not possess any Drug Paraphernalia or Alcohol Containers.
5. Prescriptions/ Over-the-counter Medications It is the employees responsibility to check the potential effects of prescribed drugs and over-the counter Medications with your doctor or pharmacists before starting work, and to immediately let your supervisor know when such use makes it unsafe for you to report to work or do your job.
6. Adulterants any substance that is used for the purpose of manipulating a drug test by adding to the specimen or ingesting.

#### **Pre-Employment Testing.**

All safety sensitive employees are required to pass a DOT pre-employment urine drug test before being hired.

#### **Random Testing Program.**

The Random-testing program is implemented by a third party and/or a computerized Selection Process throughout the year. The Third Party Administrator (TPA) combines the drivers from our company with drivers from other companies. The TPA selects 4 times per year and notifies the DER, Designated Employee Representative. The DER can notify the Driver within the selection period. When the driver is notified, they must test ASAP. The Federal Motor Carrier Safety Administration does not allow testing delays due to convenience or movement of freight. (FMCSA).

#### **Mandatory Post Accident Testing.**

Post-accident drug and/or alcohol testing will be at supervisor or company request, or as Defined in 49 CFR Part 40. *The FMCSA requires that the employer test as soon as practicable following an accident involving a commercial motor vehicle (CMV) on a public road in commerce, each of its surviving drivers.*

<b>Type of accident involved</b>	<b>Citation issued to the CMV driver? (Class A or B)</b>	<b>Test must be Performed.</b>
<b>i. Human Fatality</b>	<b>Yes</b> <b>No</b>	<b>Yes</b> <b>Yes</b>
<b>ii. Bodily injury with immediate medical treatment away from scene.</b>	<b>Yes</b> <b>No</b>	<b>Yes</b> <b>No</b>
<b>iii. Disabling damage to any motor vehicle requiring tow away.</b>	<b>Yes</b> <b>No</b>	<b>Yes</b> <b>No</b>

### **Reasonable Suspicion Testing or Reasonable Cause**

At least one Supervisor will be trained in accordance to 49 CFR 382.603 of the Federal Register to make these observations of Work Performance, Behavior, and Physical Indicators.

- Observable Symptoms or Unusual Behavior.
- The Odor or Smell of Alcohol or Drugs on the employee's breath or clothes or in an area (such as in a vehicle, office, work area, or restroom) immediately controlled or occupied by the employee.
- Alcohol, alcohol containers, illegal drugs or drug paraphernalia in the employee's possession or in an area controlled or occupied by the employee (vehicle, office, desk restroom);
- Unexplained or Significant deterioration in job performance.
- Unexplained significant changes in behavior (e.g., abusive behavior, repeated disregard of safety rules or procedures, insubordination, etc.);
- Evidence that the employee may have tampered with a previous drug test.
- Criminal citations, arrests or convictions involving drugs and alcohol.
- Unexplained absenteeism or tardiness
- Employee admissions regarding drug or alcohol use;
- Any involvement in any work-related accident or near misses.
- Any type of Paraphernalia discover on your person or County Property.

### **Fit for Duty**

The county could require a fit for duty exam by a certified Medical Practitioner; this exam can be administered along with Drug and Alcohol Screen to determine if employee is fit for Duty. This could be requested in addition to the DOT Medical card Certificate.

### **Duty to Cooperate**

An employee who fails to cooperate in the administration of this policy generally will face severe disciplinary action up to and including terminated and is in violation of §49 CFR Part 40. This includes such things as:

- Refusing to consent to testing, to submit a sample, or to sign required forms.

- Refusing to cooperate in any way (for example, refusing to courteously and candidly cooperate in any interview or investigation, including any form of truthfulness, misrepresentation or misleading statements or omissions);
- Any form of dishonesty in the investigation or testing process.
- Refusing to test again at a time of the County choosing whenever any test results in a finding of a dilute sample or reasonable suspicion.
- Failure to accept the referral, to enter into and complete an approved treatment program, or to sign or adhere to the commitments in the Last Chance Performance Agreement.

### **Substance Abuse Professional Program**

The United States Department of Transportation (DOT) regulation -- 49CFR Part 40 -- defines the Substance Abuse Professional (SAP) as a person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. In order to be a SAP, you need to have certain credentials, possess specific knowledge, receive training, and achieve a passing score on an examination.

Frio County employees that self-identify or have violated Frio County Drug & Alcohol Policy in the Road and Bridge department will be provided with a referral and information to complete the SAP process. An employee that self identifies will be removed from his/her safety sensitive position until that employee successfully completes the SAP program and provides a certificate to Frio County Human Resources Department. They must perform a Return to Duty drug test and receive a negative result and then they will be returned to duty at the Road & Bridge Department. The County will pay the cost of the SAP program for an employee that self identifies and the employee will need to use vacation, sick time or compensatory time during that period of time. A Road & Bridge Department employee that violates Frio County Drug & Alcohol Policy and is terminated, will be provided with the SAP program information. If the employee selects to participate in the SAP program and complete the SAP program, they will be required to provide the HR Department with a completion certificate. After successful completion of the program they will be eligible to apply for an open position in the Road Bridge Department. There is no guarantee of reinstatement to a position with the Road & Bridge Department. If there is an open position and they are the best qualified person for the job and are selected they will be offered the position. The employee that was terminated from employment for violation of Frio County Drug & Alcohol Policy will be responsible for the full cost of the SAP program. If the employee is rehired the county will continue the SAP program and pay for the program going forward until the county and SAP decide monitoring is no longer needed.

### **704.1B DRUG AND ALCOHOL- CDL EMPLOYEES**

CDL Drivers are an extremely valuable resource for Frio 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 Frio 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. Frio County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

A detailed policy and procedure is available at the Human Resources office.

## **705.00 HARASSMENT POLICY**

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

Harassment is strictly prohibited by Frio 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 or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the **Human Resources Director, 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. The Human Resources Department will be responsible for investigating 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 or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the **Human Resources Director, 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.

## **706.00 SEXUAL HARASSMENT**

Sexual harassment is strictly prohibited by Frio County, whether committed by elected official, appointed official, department head, co-worker or non-employee the county does business with. It is the policy of Frio 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 or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the **Human Resources Director, County Judge or to the County Attorney.**

Any 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. The Human Resources Department will be responsible for conducting the investigation.

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. Report continuing sexual harassment to the Elected Official or Appointed Official who is responsible for your department or to the Human Resources Director, County Judge or the County Attorney?
- d. If a thorough investigation reveals that unlawful sexual harassment has occurred, Frio 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 or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the 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.

## **707.00 EMPLOYEES' RESPONSIBILITIES REGARDING HARASSMENT**

Along with the right of all employees of Frio County to work in an environment that is free from unlawful discrimination and harassment come certain employee responsibilities. Such responsibilities include:

1. Behaving in a manner which promotes a pleasant work environment
2. Promptly reporting concerns about inappropriate behavior, including but not limited to, sexual harassment.
3. Cooperating in an investigation of complaints of workplace misconduct.

4. Promptly reporting concerns about perceived retaliation for having complained about harassment or having participated in an investigation.
5. Always telling the truth...keeping in mind that harassment of any form is a serious matter that can affect people's lives and livelihood.

If you feel you have been harassed or treated in a way that violates the Anti-Harassment Policy of Frio County, please follow the reporting guidelines set forth in the Harassment Policy. Prompt reporting of concerns about possible harassment is essential so that the County can respond quickly and prevent problems from escalating.

#### **708.00 FAIR TREATMENT STATEMENT**

At Frio County, fair treatment of employees is a County policy.

The policy is designed to promote an atmosphere free from discrimination and harassment. To achieve this goal, your assistance is of great importance. In the event that you believe you have been treated unfairly, please follow the reporting guidelines below. The same is true if you believe a co-worker or customer has received wrong treatment.

Make your feelings known to your supervisor within forty-eight (48) hours of the occurrence. The matter will be investigated promptly and, where appropriate, disciplinary action will be taken. If you do not feel the matter can be discussed with the way your report has been handled, you may contact Frio County and speak with the **County Judge, Human Resources Director** or County Attorney. Do not assume that we, your employer, are aware of your problem. It is your responsibility to report incidents of which you are aware.

#### **709.00 ATTENDANCE AND PUNCTUALITY**

As a Frio 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 at least 2 hour(s) prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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 three (3) consecutive scheduled work days, and who fails to notify his or her supervisor, shall be considered to have resigned their position by abandonment.

### **710.00 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the moral of all employees and affect the business image Frio County presents to customers and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

### **711.00 RETURN OF PROPERTY**

Employees are responsible for items issued to them by Frio County or in their possession or control, such as the following:

- ☐ **Credit cards**
- ☐ **Equipment**
- ☐ **Keys**
- ☐ **Manuals**
- ☐ **Pagers**
- ☐ **Cell Phones**
- ☐ **Tools**
- ☐ **Uniforms**
- ☐ **Vehicles**
- ☐ **Written materials**

All Frio County property must be returned by employees on or before their last day of work. Where permitted by applicable laws, Frio County may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. Frio County may also take all action deemed appropriate to recover or protect its property.

## **712.00 RESIGNATION**

Resignation is a voluntary act initiated by the employee to terminate employment with Frio County. Although advance notice is not required, Frio County requests at least 2 weeks' written resignation notice from all employees.

Prior to an employee's departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

If an employee does not provide advance notice as requested, the employee will be considered ineligible for rehire.

## **713.00 PROGRESSIVE DISCIPLINE**

The purpose of this policy is to state Frio County's position as administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels. To ensure consistent application of policy please work with the County Human Resources Director.

Frio County's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with Frio County is based on mutual consent and both the employee and Frio County have the right to terminate employment at will, with or without cause or advance notice, Frio County may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps – verbal warning, written warning, suspension with or without pay, or termination of employment – depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment. If more than one year have passed since the last disciplinary action, the process will normally start over.

Frio County recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the **EMPLOYEE CONDUCT AND WORK RULES** policy includes examples of problems that may result in immediate suspension or termination of employment.

However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and Frio County.

#### **714.00 PROBLEM RESOLUTION**

Any employee having a grievance related to his/her job should discuss the grievance with his/her 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 and with the Director of Human Resources.

The decision of the elected or appointed official with final responsibility for the employee's department shall be final in all grievances.

#### **715.00 PROHIBITION AGAINST WEAPONS OR THREATS AND NOTICE OF SEARCHES**

Frio County prohibits possession or use of weapons, including firearms, on County premises. County vehicles, as well as private vehicles parked on County premises, are locations included in this prohibition. In accordance with Texas law, employers retain the legal right to prohibit weapons in the workplace, with the exception of personal allowed to carry weapons on county property pursuant to the Texas concealed handgun law or carry out duties as a peace officer. This prohibition includes those firearms that are carried in compliance with Texas law.

Any employee who violates this policy is subject to disciplinary action, including termination of employment. Due to the serious nature of this offense, an employee will be terminated unless extraordinary circumstances warrant a lesser punishment.

Employees must report any violation of this policy. Failure to report a violation is prohibited and any employee who fails to make such a report is subject to disciplinary action, including termination of employment.

Frio County reserves the right to conduct searches or inspections of employees and their personal effects, desks, locker, briefcases, purses, and other containers located on County

premises, as well as employees' private vehicles, if parked on the County's premises. Entry onto County premises constitutes consent of a search or inspection. Searches or inspections may be conducted at the discretion of the County from time to time without prior announcement. When appropriate, items discovered as a result of the County's searches or inspections may be taken into custody and may be turned over to the proper law enforcement authorities. Any employee who refuses to consent to or permit a search by the County will be terminated, unless extraordinary circumstances warrant a lesser punishment.

Verbal threats of violence or threatening behavior is prohibited. Violation of this policy will subject the employee to disciplinary action, including termination. Due to the serious nature of this offense, any comment will be taken seriously and it will not be accepted as an excuse that the employee intended the comment in a joking or harmless manner or that the employee made such statement while angry. If you receive a threat or are treated in a hostile manner, you must not respond in kind, but should report the matter to your supervisor who will deal with the parties involved. Responding in kind, except to legitimately defend yourself if in physical danger, is a violation of this policy and will result in discipline, up to and including discharge.

#### **716.00 NO FAULT ATTENDANCE POLICY (183 DAY RULE or 6 Month Rule)**

Employees who have no hours actually worked for 183 days including weekends and holidays in a 12-month period are terminated. *FMLA-protected absences and Military Leave do not count toward this rule.* If FMLA leave has been exhausted an employee can be terminated under this rule. Department Heads are responsible for tracking and implementing this policy and must contact the Human Resources Department before terminating anyone under this policy.