

**PERSONNEL POLICIES**

**FOR**

**COUNTY OF JACKSON**

**ADOPTED BY  
COMMISSIONERS' COURT**

**DENNIS SIMONS, COUNTY JUDGE  
WAYNE HUNT, COMMISSIONER  
WAYNE BUBELA, COMMISSIONER  
JOHNNY E. BELICEK, COMMISSIONER  
DENNIS KARL, COMMISSIONER**

## **NOTICE TO EMPLOYEES OF JACKSON COUNTY**

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The policies set forth in this manual do not constitute a contract between the County of Jackson and any of its employees, but rather are intended as guidelines for personnel administration.

The County of Jackson is an “**at will**” employer and within provisions of state and federal law regarding public employment can dismiss employees at any time, with or without notice, for any reason or no reason at all and employees are free to resign their position at any time for any reason or no reason at all.

The County of Jackson has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the “County” means the County of Jackson, Texas.

# DIRECTORY OF ELECTED OFFICIALS

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## COMMISSIONERS' COURT

Dennis Simons  
Wayne Hunt  
Wayne Bubela  
Johnny E. Belicek  
Dennis Karl

County Judge  
Commissioner Precinct No. 1  
Commissioner Precinct No. 2  
Commissioner Precinct No. 3  
Commissioner Precinct No. 4

## OTHER COUNTY OFFICIALS

Barbara Earl  
Pamela Guenther  
Sharon Mathis  
Andrew J. (Andy) Louderback  
Mary Horton  
Monica H. Foster

County Clerk  
Criminal District Attorney  
District Clerk  
Sheriff  
Treasurer  
Tax Assessor-Collector

## JUSTICE OF THE PEACE

Darren Stancik  
Cynthia (Cyndi) Poulton

Justice of the Peace, Precinct No. 1  
Justice of the Peace, Precinct No. 2

## CONSTABLES

J. W. (Cisco) Marek  
Curtis Gabrysch

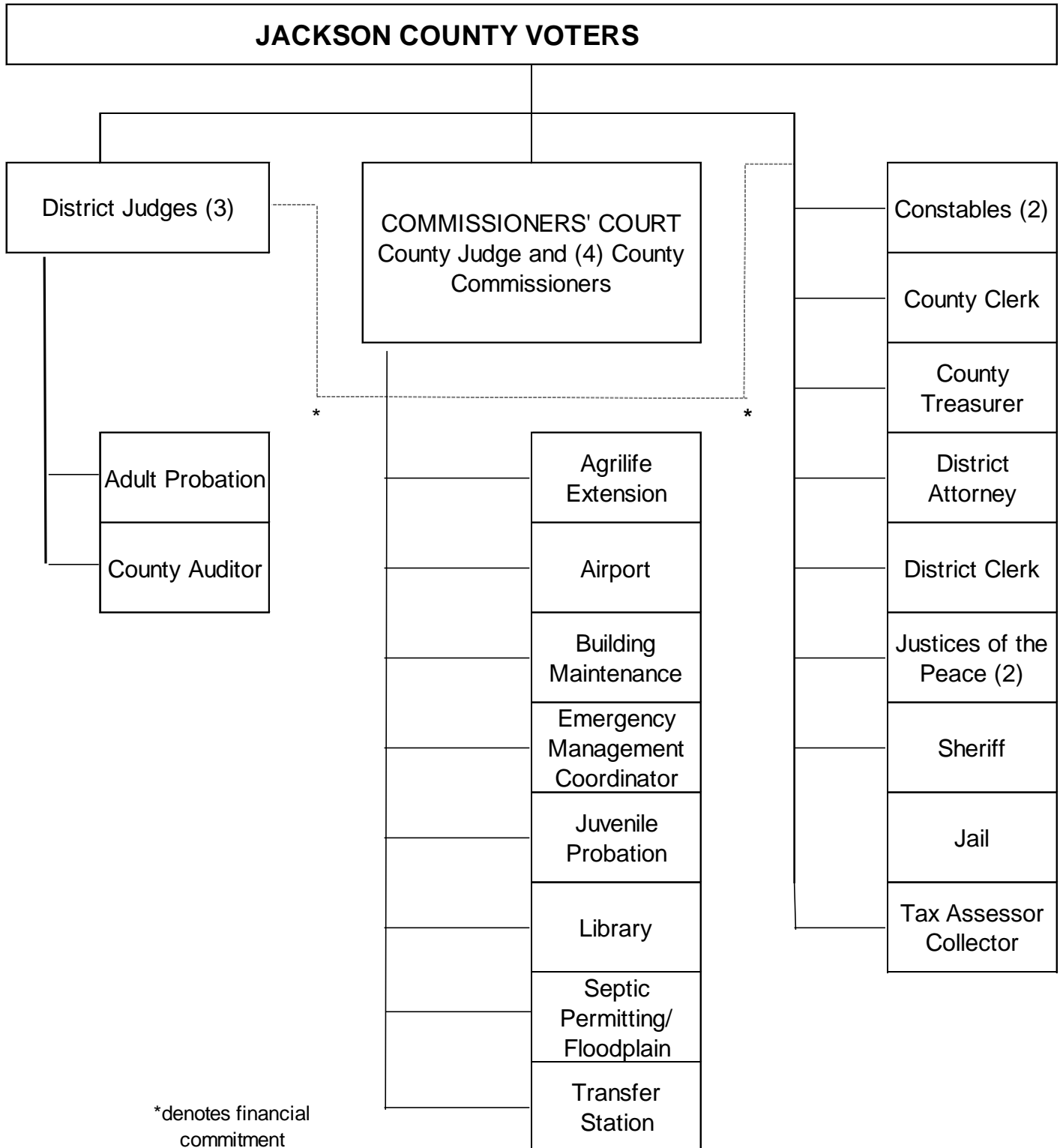
Constable, Precinct No. 1  
Constable, Precinct No. 2

## DISTRICT COURTS

Jack Marr  
Kemper Stephen Williams  
Robert E. (Bobby) Bell

Judge, 24th Judicial District  
Judge, 135th Judicial District  
Judge, 267th Judicial District

# ORGANIZATIONAL CHART



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# 1.00 GENERAL POLICIES

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## 1.01 AUTHORITY

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- 1.01.01** These policies are established by the Commissioners' Court, the governing body of the County of Jackson (County), and any deletions, amendments, revisions, or additions to the policies must be approved by that body. Oral or written interpretations or clarifications of the policies will only be issued by the Commissioners' Court.
- 1.01.02** These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the Commissioners' Court.

## 1.02 SEVERABILITY

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

## 1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

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The Commissioners' Court of the County, in coordination with County officials, is responsible for the formulation and administration of personnel policies and procedures.

## 1.04 PURPOSE

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These policies set forth guidelines governing employment in the County and inform employees of the benefits and obligations of employment with the County. These policies have been prepared to provide general information only.

All employees are at will and, as such are free to resign at any time with or without reason. The County, likewise, retains the right to terminate employment at any time with or without reason or notice, regardless of the stated frequency for payment of wages or salary (hourly, bi-weekly, etc). No action to the contrary will be binding on the County unless placed in writing and formally approved by the Commissioners' Court. Nothing in these policies is intended to be nor should be construed as a guarantee that employment will be continued for any period of time.

## 1.05 APPLICABILITY OF PERSONNEL POLICIES

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- 1.05.01** These personnel policies apply equally to all employees of the County unless a class of employees is specifically exempt by these policies or by written agreement with the County.
- 1.05.02** In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

## **1.06 DISSEMINATION OF PERSONNEL POLICIES**

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- 1.06.01** The Commissioners' Court maintains the official set of personnel policies with all revisions for reference by employees. Each employee will be given a complete set or access to a complete set upon employment. A copy of amendments, revisions or new policies will be provided to employees. In addition, each Department Head will maintain a complete set and copies of subsequent revisions. Notwithstanding anything to the contrary, if a question arises about a particular policy, the official set of policies maintained by the Commissioners' Court will control.
- 1.06.02** Every employee is required to sign an acknowledgment of receipt of these policies. Employees are required to read, or have read to them, this manual carefully and to adhere to the rules and regulations stated.

## **1.07 EQUAL EMPLOYMENT OPPORTUNITY**

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- 1.07.01** It is the policy of the County to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, religion, color, disability, national origin, or gender.
- 1.07.02** The County will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.
- 1.07.03** The County prohibits retaliation or discrimination against any employee for reporting an unlawful or discriminatory employment practice, or for participating in an investigation of an allegation of discrimination. Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of the supervisor or County Treasurer. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, including termination of employment.
- 1.07.04** The County does not discriminate on the basis of genetic information (Title II of the Genetic Information Nondiscrimination Act of 2008 - GINA) with respect to hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

## **1.08 HARASSMENT**

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- 1.08.01** The County prohibits any form of harassment in the work place. It is the County's intent to comply with all federal and state legislation to include Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, as amended, and guidelines issued by the Equal Employment Opportunity Commission (EEOC) concerning discrimination based on sex or gender. Other federal and state laws prohibit various forms of harassment to include harassment based on any protected class such as national origin, race, color, age, religion and disability.

Harassment includes many forms of offensive behavior. Harassment is conduct focused on a person or group of persons including, physical or verbal abuse, and unwelcome activity of a sexual nature, retaliation, as well as any behavior or action which interferes with an individual's ability to perform assignments or which creates a hostile or intimidating environment.

All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including immediate termination.

**1.08.02** The following, though not all-inclusive, is a list of various types of harassment:

1. **Verbal Abuse** - Any language that degrades or berates others, including, but not limited to, racial, religious, age, disability, national origin, color or sexual comments, jokes, sexual innuendoes, or threats of any kind.
2. **Non-verbal Abuse** – Distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, pregnancy, disability or marital status.
3. **Physical Abuse** - Includes inappropriate touching, hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another.
4. **Interference or Hostile Environment** - Any behavior or action which interferes with an employee's ability to perform work assignments or which results in or creates a hostile or intimidating work environment.
5. **Sexual Harassment** - Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature when:
  - a) Submission to or rejection of such conduct by an individual is made either explicitly or implicitly as a term or condition of an individual's employment.
  - b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
6. **Retaliation** - Any adverse action or threat of adverse action taken or made because an individual has exercised or attempted to exercise any rights under state or federal employment laws or under the policies of the County.

**1.08.03** Any employee who feels they have been or are being harassed should immediately inform the harasser that the conduct is unwelcome, must stop immediately and must not be repeated. If the harassment continues the employee should immediately notify the supervisor or Department Head.

All complaints of harassment shall be in writing. If, for any reason, the employee feels that reporting the harassment to the supervisor or Department Head may not be the best course of action, the report should be made to the County Judge or another member of the Commissioners' Court or the County Treasurer. The failure to file a written report shall be strong evidence that no harassment has occurred.

**1.08.04** All written reports of harassment will be treated seriously. As much as possible, confidentiality will be maintained with respect to the harassment complaint and only those who need to know about such complaint will be advised of its existence. No employee will be subject to any form of retaliation or discipline for reporting a valid harassment complaint.

**1.08.05** The Department Head or official to whom a claim has been reported will be responsible for seeing that prompt action is taken to investigate the claim. Once the investigation is complete, the employee making the claim will be notified of any actions which are to be taken.

**1.08.06** Conduct or actions which arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect will not be viewed as harassment.

**1.08.07** Reporting or failing to report claims in accordance with the procedures given in this policy will in no way limit other legal recourse an employee may have in regard to harassment charges.

## 1.09 PERSONS WITH DISABILITIES

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It is the policy of the County to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to disabled persons and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on the County operations.

## 1.10 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS

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- 1.10.01** These personnel policies will be amended or revised or new policies will be added, at any time, with or without notice, upon the approval of the Commissioners' Court. A copy of amendments, revisions or new policies will be provided to employees.
- 1.10.02** Employees are encouraged to make constructive suggestions for improvement in these policies. Any employee who wishes to suggest a personnel policy change shall submit suggestion(s) to the Department Head who may forward the information to the Commissioners' Court along with the reasons for requesting the change. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

## 1.11 DEFINITIONS

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- 1.11.01** **Employee** - For the purposes of these policies, "employee" includes regular full time, regular part time, and temporary individuals who are listed on the County's payroll. Employee does not include persons hired under consulting contracts, persons paid by a temporary employment service, or participants in governmental programs unless those participants are also on the County's payroll.
- 1.11.02** **County of Jackson** - For the purposes of these policies, "County of Jackson" or "County" means the County of Jackson as authorized by the Texas Constitution. Operations include the Courthouse and other County buildings.
- 1.11.03** **Presiding Officer** - For the purposes of these policies, "presiding officer" means the County Judge, the presiding officer of the Commissioners' Court.
- 1.11.04** **Official** - For the purposes of these policies, "official" means an elected or appointed official of the County.
- 1.11.05** **Chain of Command** - For the purposes of these policies, "chain of command" means the order in which individual employees are responsible to a supervisor designated by the appropriate elected or appointed official.
- 1.11.06** **Department Head** - For the purposes of these policies, "Department Head" means an elected or appointed official or person appointed by the Commissioners' Court to serve as the head of a department of the County.

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# 2.00 EMPLOYEE RESPONSIBILITIES

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## 2.01 GENERAL

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The County is a public, tax-supported governmental entity. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to efficiently perform the work items assigned as their responsibility, and to do their part in maintaining good relationships with the public, supervisor, and other employees and officials.

## 2.02 PROFESSIONAL APPEARANCE

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Employees of the County are hired to provide services to its citizens and to perform specific tasks in a professional manner. As representatives of the County, employees are required to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. Employees will maintain standards of personal grooming as dictated by position and/or Department Head.

## 2.03 TIMELINESS AND ATTENDANCE

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- 2.03.01** Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work. An employee who expects to be late for or absent from work must report the expected tardiness or absence to the Department Head.
- 2.03.02** Failure to report within the required period set by the Department Head may be considered justification for disallowing paid leave for an absence. Unless otherwise approved by the Department Head, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals will be approved by the Department Head. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination. (See Section 9.01.02)

## 2.04 OUTSIDE ACTIVITIES

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- 2.04.01** An employee of the County shall not engage in any activity or other employment which will adversely affect the ability to effectively carry out the duties and responsibilities of the job as determined by the Department Head or Elected Official.
- 2.04.02** If a County employee is injured on the job while in the course of employment outside employment with the County, the employee may not file a workers' compensation claim against the County for benefits related to the injury.
- 2.04.03** An employee accepting other employment while still being employed by the County shall notify the supervisor before beginning such work.

## **2.05 GIFTS AND GRATUITIES**

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A County employee will not solicit or accept any gift (including a free service) that might tend to influence official actions or impair independence of judgment in performance of duties for the County. County employees may not engage in any activity, practice or conduct which conflicts with, or appears to conflict with, the interest of the County.

## **2.06 CHAIN OF COMMAND AND COMMUNICATIONS**

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Individual County employees are responsible to the Department Head or supervisor designated by the Department Head. Directions regarding work to be done, expected results, and the adequacy of work performance follow the chain of command.

## **2.07 TELEPHONE USE**

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- 2.07.01** Elected officials and employees are encouraged to obtain and use telephone credit cards, call collect or charge to the home telephone number for personal long distance calls.
- 2.07.02** All personal long distance charges made on County telephones shall be reimbursed within thirty (30) days of receipt of the telephone bill.
- 2.07.03** Violations of this policy will subject employees to discipline up to and including discharge. Violation by Elected Officials will subject them to all legal remedies.
- 2.07.04** All personal calls must be kept to a minimum. Excessive personal calls during business hours will subject the employee to discipline up to and including discharge.

## **2.08 INDEBTEDNESS TO THE COUNTY**

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The County has the authority to withhold wages from an employee's pay check if the employee owes the County money, goods, or services. At the discretion of the County Auditor, the employee may be allowed to make arrangements to cover his/her debt to the county. Employees are required to acknowledge in writing their acceptance of this policy during their orientation process. (amended and adopted by Commissioners' Court on August 11, 2014)

## **2.09 POLITICAL ACTIVITY**

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- 2.09.01** Employees of the County shall not:
1. Use official authority or influence to interfere with or affect the result of any election or nomination of office; or
  2. Directly or indirectly coerce, attempt to coerce, command or advise a state or local official or employee to pay, lend or contribute anything of value to a party committee, organization agency or person for a political reason; or
  3. Directly or indirectly involve the County in any partisan politics; or
  4. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County; or
  5. Allow posting of any political signage on County property.

- 2.09.02** It is the policy of the County to foster governmental efficiency and to ensure that employees can perform their jobs without being pressured to support specific County or other political candidates.
- 2.09.03** County employees are encouraged to vote and, if desired, enter and be active in politics.
- 2.09.04** Should an employee choose to challenge their Department Head/Elected Official in running for his/her office, then the employee must resign.



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# 3.00 EMPLOYMENT PRACTICES

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## 3.01 RESPONSIBLE AGENT FOR APPOINTMENT

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The official or Department Head for each department is responsible for the selection and length of tenure of employees within their overall comprehensive budget.

## 3.02 METHODS OF RECRUITMENT AND SELECTION

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In coordination with the County Treasurer the Department Head will determine the method to be used in filling each vacancy which may include:

1. promotion from within;
2. lateral transfer from within; or
3. public announcement or competitive consideration of external and internal applicants for employment.

The County Treasurer will process all notices of job opportunities.

## 3.03 QUALIFICATIONS

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It shall be the responsibility of each Department Head to establish the minimum required knowledge, skills and abilities for each staff position, and the acceptable levels of experience and training for each.

## 3.04 AGE REQUIREMENTS

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Age limitations will be applied only as required by a specific state or federal law applicable to the County.

## 3.05 EMPLOYMENT OF RELATIVES (NEPOTISM)

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**3.05.01** Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel is prohibited by state law (Texas Government Code, chapter 573).

**3.05.02** No person shall be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the official.

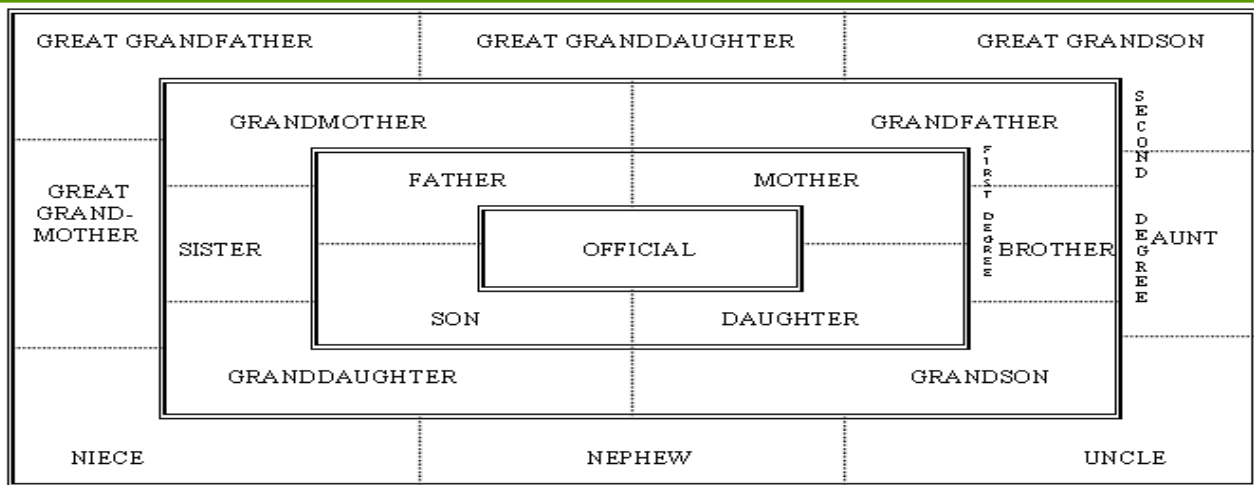


FIGURE 1 – CONSANGUINITY KINSHIP CHART

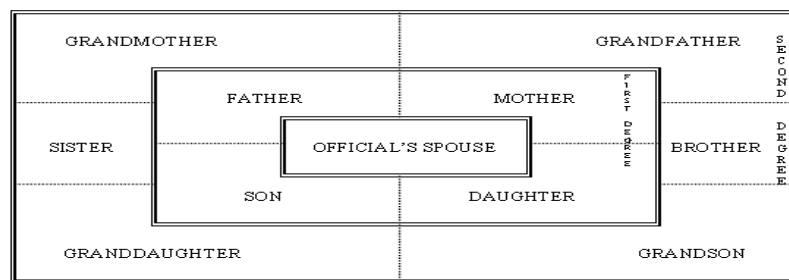


FIGURE 2 – AFFINITY KINSHIP CHART

**Spouses of relatives within the first or second degree of consanguinity (i.e., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.**

### 3.06 TESTING

**3.06.01** Department heads will determine tests administered for employment or promotion. Tests will be specifically job-related (“piece-of-the-job”) tests (e.g., operating equipment, word processing, operating a computer, lifting something heavy required in the job, tabulating columns of numbers, or writing samples).

Reasonable accommodations will be made to applicants with a disability, if a request for such accommodation is made by the applicant in advance of a test.

**3.06.02** Please refer to the County’s Drug and Alcohol Use and Testing Policies Program (Section 12.05) document for detailed information about required testing for post-offer employment or if reasonable suspicion exists that an employee is using or abusing illegal drugs or alcohol.

### 3.07 PHYSICAL STANDARDS

**3.07.01** All new precinct maintenance, sheriff’s deputies, jailers, building maintenance and transfer station employees, full and part time, are required to pass a physical examination as a condition of employment. The employee must meet the essential functions of the position with or without reasonable accommodation.

- 3.07.02** The physical examination and related blood work, except drug and/or alcohol testing, shall be given by the designated facility. Drug and/or alcohol testing shall be administered by the County's designated third party. These charges will be paid for by the County.
- 3.07.03** If a referral is made by the designated facility or a doctor, it shall be the decision and personal expense of the County employee as to any follow-up procedures.
- 3.07.04** Charges for follow-up services may be submitted, if applicable, to the County's group insurance carrier.

### **3.08 VERIFICATION OF ELIGIBILITY TO WORK**

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In order to comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete and sign a Department of Homeland Security Employment Eligibility Verification Form (I-9) no later than the close of business on the first day of work and to provide proof of identity and employment eligibility.

### **3.09 DRIVING RECORD**

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Every County employee who is required to drive a County vehicle on County business must maintain a safe driving record. For this reason, the County Treasurer's office shall check a prospective employee's driving record in a position which requires operating a County vehicle, and may recheck an employee's driving record as needed after employment in such a capacity. (amended and adopted by Commissioners' Court on August 11, 2014)

### **3.10 DISQUALIFICATION**

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An employee may be disqualified for employment by the County if:

1. Minimum qualifications for performance of the duties of the position involved were not met;
2. A false statement was knowingly made on the application form;
3. Fraud was committed during the selection process;
4. Not legally permitted to hold the position;
5. Money, service, or any other thing of value to secure an advantage in the selection process was offered or attempted to be offered;
6. The essential functions of the position, with or without reasonable accommodation, are unable to be performed; or
7. Original legal document(s) that establish identity and employment eligibility were not produced within three (3) days of employment.

### **3.11 ORIENTATION AND TRAINING**

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- 3.11.01** **Before an individual begins performing actual duties, the employee will be given a brief orientation on County policies by the County Treasurer or designated representative.** The purpose of the session is to enable a new employee to understand the job better and to understand the relationship of the job to the overall operation of the County. During the orientation, employees are to complete necessary paperwork and given a copy or access to the County of Jackson Personnel Policies and must sign a statement of acknowledgment of receipt and understanding of the County "at will" policy.

**3.11.02** Employees will receive on-the-job training as needed under the supervision and direction of the Department Head.

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# 4.00 TYPES OF EMPLOYMENT

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## 4.01 CATEGORIES

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- 4.01.01** A full time employee shall be any employee in a position which has a normal work schedule of at least forty (40) hours per week.
- 4.01.02** A part time employee shall be any employee in a position which has a normal work schedule of less than forty (40) hours per week.
- An employee working an average of thirty (30) hours or more per week but less than forty (40) hours per week in a twelve (12) month period will be considered full time for health insurance plan purposes, in order to be in compliance with the provisions of the Patient Protection and Affordable Care Act. (amended and adopted by Commissioners' Court on August 11, 2014)
- 4.01.03** A temporary employee shall be any employee who is hired into a position which usually does not exceed six (6) months or until a specific project is completed. Temporary employees may be either full time or part time.
- 4.01.04** A regular employee shall be any employee hired into a position which is not considered to be temporary.

## 4.02 RE-EMPLOYMENT

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Employees who retire with the County are not eligible for employment with the County for sixty (60) days of retirement. **There shall be no prior agreements or collusion between the County, any Department Head and/or supervisor and an employee to rehire the employee after retirement.**

## 4.03 AT WILL EMPLOYMENT

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All employees, regardless of category, are at will, and employees may be terminated without cause at any time.

## 4.04 BENEFITS

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Part time and temporary employees may or may not accrue benefits. Detailed information is found in the sections of the manual under the main headings, Benefits (Section 8.00) and Leave Time (Section 9.00).

## 4.05 ESSENTIAL/NON ESSENTIAL PERSONNEL STATUS

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- 4.05.01** Each position with the County has been determined essential or non-essential during emergency situations declared by the Commissioners' Court. Employees determined essential are notified of

their status during orientation. These employees are required to report for duty or to be available for duty during an emergency situation.

**4.05.02** Failure to report for duty or to be available for duty during an emergency situation as determined by the Commissioners' Court may result in disciplinary action up to and including termination.

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# 5.00 PERSONNEL FILE

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## 5.01 GENERAL

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- 5.01.01** The official personnel records of the County are maintained by the County Treasurer. The Department Head or official may appoint a custodian of records to maintain a department personnel record for their individual employees.
- 5.01.02** Some information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the Department Head or an employee authorized to do so by the Department Head.
- 5.01.03** Each employee will choose whether the County discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first fourteen (14) days of employment or when a new Elected Official takes office, the home address and telephone number on file are considered public information, except law enforcement personnel information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the County Treasurer.
- 5.01.04** An employee, or representative designated in writing, may examine the employee's personnel file upon request during normal working hours at the County Treasurer's office. Examination of personnel files during normal working hours requires the approval of the Department Head.
- 5.01.05** Employees are expected to inform the County Treasurer of any changes in or corrections to information recorded in the individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

## 5.02 MEDICAL RECORDS

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Employee personnel files do not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug and alcohol testing.

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# 6.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

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## 6.01 PAY

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Pay for County employees is set each year by the Commissioners' Court in the adopted operational budget. Rules governing pay increases also are established by the Commissioners' Court.

## 6.02 PAYDAYS

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The pay period for the County is biweekly. Checks are issued every two (2) weeks on Friday for each fourteen (14) day period ending at 11:59 p.m. on the Friday preceding the pay date, except dispatchers (Section 7.01.01). If the pay day falls on a holiday, checks will be issued on the last working day preceding the holiday.

## 6.03 CHECK DELIVERY

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- 6.03.01** Payroll checks or direct deposit pay stubs may be mailed; picked up in the Treasurer's office by the employee, authorized representative or Department Head; or hand delivered to the Department Head or designee. Payroll checks will not be issued to any employee prior to the official pay day.
- 6.03.02** No salary advances or loans against future salary will be made to any employee for any reason. A paycheck will not be generated for any pay period in which an employee has not submitted a time record as required in Section 7.08 of this personnel manual.
- 6.03.03** An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the County Treasurer's office.

## 6.04 PAYROLL DEDUCTIONS

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- 6.04.01** Deductions will be made from each employee's pay, if applicable, for the following:
1. Federal social security;
  2. Federal income taxes;
  3. Court ordered deductions (example: child support, garnishments);
  4. Retirement contributions; and
  5. Any other deductions required and/or allowed by law;
- 6.04.02** In addition, in accordance with policies and general procedures approved by the Commissioners' Court, deductions from an employee's pay may be authorized in writing by the employee for:



1. Group health/medical, life, or dental premiums;
2. Credit Union(s);
3. Deferred compensation;
4. College Savings Plan;
5. Optional insurance coverage;
6. Section 125/Cafeteria Plan;
7. Indebtedness to the County; and
8. Such other deductions as may be allowed by and authorized by the Commissioners' Court.  
(amended and adopted by Commissioners' Court on August 11, 2014)

**6.04.03** If there is a change in the employee's family status, address, or other factor affecting payroll withholding, the employee is responsible for obtaining, completing, and returning to the County Treasurer's office the appropriate forms for communicating these changes.

## **6.05 PROMOTIONS**

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

**6.05.02** Promotions are recommended by the Department Head within the staffing pattern and budget limits approved by the Commissioners' Court. Employees who are qualified and able to perform the essential functions of the position, with or without reasonable accommodation, may be eligible for consideration for a promotion, if and when a vacancy occurs.

## **6.06 LATERAL TRANSFERS**

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Lateral transfers may be made within the same department or among departments, if a vacant position is available and the employee is qualified and able to perform the essential functions of the position, with or without reasonable accommodation. Lateral transfers among departments are made through the position opportunity posting system (Section 3.02).

## **6.07 DEMOTIONS**

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A demotion is a change in duty assignment of an employee to a lower job title which may result in a pay reduction. Demotions may be made at the employee's request to occupy a less responsible position, as a reasonable accommodation for an employee with a disability, as a disciplinary measure because of unsatisfactory performance in a higher position, or as a result of a reduction in force.

## **6.08 APPROVING AUTHORITY**

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The Commissioners' Court is the approving authority for all payrolls and for any pay increases, decreases, or payroll transfers granted under the terms of these policies and the annual budget.

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# 7.00 WORK SCHEDULE AND TIME REPORTING

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## 7.01 WORK WEEK AND WORK HOURS

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- 7.01.01** The official work for non-exempt County employees is a seven (7) day beginning at 12:00 midnight on Saturday and ending at 11:59 p.m. on the following Friday. Effective June 14, 2009, the official work week for dispatchers is a seven (7) day beginning at 6:00 a.m. on Sunday and ending at 5:59 a.m. on the following Sunday. Normal working hours will be determined by the Department Head. However, normal working hours may be altered by special events such as noon and/or evening meetings, conferences, holidays, etc.
- 7.01.02** Effective September 23, 2017, patrol deputies and corrections officers work a fourteen (14) day work period with a minimum of eighty-four (84) hours. Pay, as well as compensatory and additional time earned, will be calculated on this work period. (amended and adopted by Commissioners' Court on September 25, 2017)
- 7.01.03** Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule established. (amended and adopted by Commissioners' Court on September 18, 2017)
- 7.01.04** The Commissioners' Court determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the budget.
- 7.01.05** The County complies with the Patient Protection and Affordable Care Act, H.R. 3590 and will provide a reasonable break time for nursing mothers. Employees seeking this consideration should present their request to their Department Head. The Department Head will coordinate with the County Treasurer to ensure all provisions of the law and amendments to the FLSA are met. The employee may also contact the County Treasurer for consideration directly.

## 7.02 SCHEDULE ADJUSTMENTS

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- 7.02.01** Adjustments to the normal hours of operation may be made by the Elected Official or Commissioners' Court in order to better serve the public.
- 7.02.02** Offices may remain open during the noon hour, and lunch periods for some employees may be staggered according to specified requirements.

## 7.03 OVERTIME WORKED

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- 7.03.01** The policy of the County is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA): (forty (40) hours per seven (7) day work week or eighty-four (84) hours for employees on

a fourteen (14) day work period). Under the FLSA, overtime applies only to employees who are not exempt from the Act's overtime provisions. (amended and adopted by Commissioners' Court on September 18, 2017)

**7.03.02** For employees with positions which are covered by the overtime provisions of the FLSA (non-exempt), overtime begins to accrue with the 41<sup>st</sup> hour worked during the seven (7) day work week or the 85<sup>th</sup> worked hour during the fourteen (14) day work period. All overtime for services by employees covered under FLSA must be authorized in advance by the employee's Department Head. (amended and adopted by Commissioners' Court on September 18, 2017)

## **7.04 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)**

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**7.04.01** Elected officials and any positions determined by law and authorized by Commissioners' Court, are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind.

**7.04.02** Exempt employees do not earn overtime, except in cases of emergencies or disaster as declared by State or County government and/or when adequate funds are in the budget and authorized by Commissioners' Court. When a state of emergency or disaster is declared and overtime is authorized by Commissioners' Court, exempt employees may earn overtime for services rendered for the County related to the declared emergency or in other circumstances when authorized by the Commissioners' Court and will be compensated in the same manner as non-exempt employees. This policy will not waive the exempt status of these employees in the normal scope of business. (amended and adopted by Commissioners' Court on January 23, 2018)

## **7.05 OVERTIME COMPENSATION**

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**7.05.01** Non-exempt employees are compensated for overtime worked by being given (in order of use) equal time off within the same work schedule but before forty (40) hours are worked in the seven (7) day work week or eighty-four (84) hours for employees in a fourteen (14) day work period as described in Section 7.01 (amended and adopted by Commissioners' Court on September 18, 2017):

1. Compensatory time off at one and one-half (1½) times the number of hours worked up to a maximum number of hours which may be accrued (240 compensatory hours for employees scheduled on a forty (40) hour work week or 480 compensatory hours for employees scheduled on a fourteen (14) day work period); or
2. If authorized by the Department Head and authorized by the Commissioners' Court, payment at the rate of one and one-half (1½) times the employee's regular hourly rate if funds are available; or
3. Compensatory time in excess of these limits will be paid at the employee's regular, straight-time rate of pay during the next pay period as authorized by the Commissioners' Court.

**7.05.02** The County discourages time and one-half (1½) payment for overtime, which may only be authorized by Commissioners' Court if adequate funds are available in the budget. In addition, the County discourages the accumulation of compensatory time off for non-exempt employees at one and one-half (1½) times the number of hours worked because of the contingent liability this creates for the County. The preferable method for overtime compensation is to schedule equal time off for the affected employee during the same work schedule in which the overtime was worked. (amended and adopted by Commissioners' Court on September 18, 2017)

## 7.06 HOLIDAYS WORKED

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- 7.06.01** The County's basic policy is that each regular full time employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular full time employee is required to work on a scheduled holiday, eight (8) hours off will be given preferably within the same work week or work period.
- 7.06.02** If a holiday falls on a full time employee's scheduled day off, the employee will receive eight (8) hours holiday leave to be taken on another day approved by the Department Head. Holiday hours not used by regular full time employees by the beginning of the County's fiscal year (October 1) in which it accrues, accumulates and is available for use in succeeding years up to a maximum allowable accumulation of twenty-four (24) hours.

## 7.07 LEAVE OR HOLIDAYS TAKEN AND OVERTIME

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- 7.07.01** If a full time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a work week in which he or she has used leave or holiday, the leave time will not be counted towards the calculation of hours worked for overtime purposes, the leave or holiday time should be flexed in accordance with Section 7.05.01. Leave time may be counted towards hours worked for overtime purposes in the event of an emergency (safety or security) as determined by the Department Head and approved by Commissioners' Court.

Compensatory time taken may not be counted towards the calculation of hours worked.

- 7.07.02** For hours worked, as defined in the previous paragraph, over forty (40) hours during the seven (7) day work week or eighty-four (84) hours during the fourteen (14) day work period, the employee will be compensated in the order stated in Section 7.05.01. (amended and adopted by Commissioners' Court on September 18, 2017)

## 7.08 TIME REPORTING

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- 7.08.01** Employees will keep records of all hours worked and leave time taken, where appropriate. Forms and a system for this purpose are provided by the County.
- 7.08.02** Time records must be completed, verified *and approved* by the employee *and supervisor*. Time worked must be recorded each day in order to maintain an accurate and comprehensive record of the actual time worked. All time records must be submitted to the County Treasurer's office by **10:00 a.m.** the first working day following the end of the pay period. If necessary, due to holidays, time records may need to be submitted prior to this date. Notification to employees will identify the date time records must be submitted.
- 7.08.03** Time records are governmental documents and as such require accurate and truthful information and are subject to Texas Penal Code 37.10.
- 7.08.04** The paycheck for each pay period will not be generated if a time record completed by the employee and authorized by the official or Department Head is not submitted to the County Treasurer's office by **10:00 a.m.** the first working day following the end of the pay period. A paycheck for this pay period will be generated during the next scheduled pay period after the time record is received.

# 8.00 BENEFITS

## 8.01 MEDICAL, LIFE, AND DENTAL INSURANCE

**8.01.01** In accordance with the general procedures approved by the Commissioners' Court regular full time employees who work a minimum of forty (40) hours per week are eligible for group medical, life, and dental insurance.

Additionally, classified employees working on average at least thirty (30) hours per week will be considered full time for health insurance plan purposes and offered health insurance benefits in order to be in compliance with the provisions of the Patient Protection and Affordable Care Act. (amended and adopted by Commissioners' Court on August 11, 2014)

**8.01.02** Those employees working forty (40) hours per week but who are supplementary paid by another taxing entity and are eligible for their group insurance plans are not eligible for coverage under the County's group plan.

**8.01.03** Premiums for the employee may be paid by the County. An eligible employee may add dependent coverage and such dependent coverage premium expense may be shared between the employee and the County. The employee portion of dependent coverage will be paid through payroll deduction.

**8.01.04** Upon employment, each employee who is eligible for insurance coverage is given detailed information about the County's insurance programs. See the section on Continuation of Insurance (Section 8.09) for information on continued coverage after certain status changes.

**8.01.05** A full time employee covered under the County's group insurance shall be eligible for continued group insurance coverage only upon retirement from the County.

Effective January 1, 2005, in order to be eligible for the insurance retirement benefit, a person must be a regular full time employee of the County for the last eight (8) consecutive years, and must be eligible to retire from County service by meeting the County's and TCDRS's eligibility requirements for retirement benefits. There may be no lapsed time between employment and TCDRS retirement. Those eligible shall include regular, full time employees who are paid from the general fund of the County, from a special fund of the County, or from special grants paid through the County. (See also Section 11.01.03)

The County may pay a percentage of the retired employee's premium until the retired employee reaches the age of sixty five (65) and/or becomes eligible for Medicare benefits due to Medicare eligibility such as a disability, based upon years of service to the County, as follows:

<b>YEARS OF SERVICE</b>	<b>COUNTY PORTION</b>
<b>8-19</b>	<b>50%</b>
<b>20-24</b>	<b>75%</b>
<b>25-30</b>	<b>80%</b>
<b>31 or more</b>	<b>100%</b>

The County's group insurance will be the primary insurance until a retiree is eligible for Medicare and will cease when a retiree becomes eligible for enrollment in both Medicare A and B. At that

time, Medicare will become the primary insurance for the retiree. (amended and adopted by Commissioners' Court on September 26, 2011)

If dependent coverage is desired, the retiree will be responsible for one hundred percent (100%) of the premium for the dependent(s). The retiree shall pay all applicable portion(s) of the premium in advance by the established deadline. (amended and adopted by Commissioners' Court on May 9, 2016)

- 8.01.06** All full time County employees are encouraged to have a wellness examination each year. The County will pay up to the co-pay amount to the employee. It is important that good health be maintained and the annual physical is a tool used to make sure employees are healthy.

## **8.02 RETIREMENT PLAN**

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- 8.02.01** In accordance with the general procedures approved by the Commissioners' Court of the County, all employees must become members of the Texas County and District Retirement System (TCDRS), based on criteria set forth by TCDRS.

- 8.02.02** Contributions are made through a payroll deduction of seven percent (7%) of an employee's gross salary. Contributions are deducted before income taxes are withheld, under Section 414 of the Internal Revenue Code. All contributions earn interest each year, based upon the balance as of January 1 of each year.

- 8.02.03** The County makes a similar contribution on your behalf at the rate determined by the Texas County and District Retirement System each year.

- 8.02.04** All contributions made by the employee or the County to the TCDRS are subject to the rules and regulations adopted by the TCDRS. Additional and specific information is available in the TCDRS Information Handbook. Copies are available in the County Treasurer's office.

## **8.03 WORKERS' COMPENSATION**

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Employees of the County are covered by the workers' compensation insurance program and the County pays the premium. Detailed information about workers' compensation benefits is found in the section on Health and Safety (Section 12.00).

## **8.04 SOCIAL SECURITY**

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All employees of the County are covered by social security. The County contributes one-half (1/2) of the social security system requirement on behalf of each employee.

## **8.05 UNEMPLOYMENT INSURANCE**

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All employees of the County are covered under the Texas unemployment compensation insurance program, and the County pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

## 8.06 LEAVE TIME

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Regular full time County employees are eligible for holidays, vacation leave, sick leave, and other types of leave time under certain circumstances. Detailed information about leave and other types of leave time is found in the sections of this manual under the main headings Leave Time (Section 9.00).

## 8.07 LONGEVITY

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**8.07.01** Regular full time employees are eligible for longevity pay. Longevity is provided to employees at the rate of \$8.00 for each full month of service. New employees will receive longevity after twelve (12) full months of service. Longevity is normally paid on the first Friday in December of each year or a date established by the Commissioners' Court. (amended and adopted by Commissioners' Court on July 24, 2018 and effective October 1, 2018)

**8.07.02** Employees on an approved leave of absence will not receive longevity benefits for the months on leave of absence. (Section 9.02)

Employees who separate from employment with the County prior to the last pay period in November will not receive longevity. (amended and adopted by Commissioners' Court on August 11, 2014)

Part time and/or temporary employees will not receive longevity. If a part time or temporary employee becomes a full time employee, the longevity benefit will be calculated from the day the employment became full time.

Effective July 1, 2016, an employee rehired full time within twelve (12) months of separation from Jackson County AND subsequently completes one (1) full year of uninterrupted full time service will accrue longevity according to the adjusted hire date after the full year. (amended and adopted by Commissioners' Court on May 9, 2016)

## 8.08 SECTION 125/CAFETERIA PLAN

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The County provides employees a "cafeteria plan" at the employee's option. The employee can choose to direct a portion of their salary to purchase one or more of qualified benefits. Qualified benefits for the County include: unreimbursed medical, dependent care, medical/dental premiums, and orthodontics. Additional information is provided at initial employment and annually thereafter.

## 8.09 CONTINUATION OF GROUP INSURANCE (COBRA)

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The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) provides individuals with the option of continuing group health and dental insurance coverage for both the employee and covered dependents, under specified conditions and at the individual's full expense, at such times the insurance would otherwise terminate (termination, death, divorce, age, etc.). The County Treasurer has information regarding the continuation of these benefits.

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# 9.00 LEAVE TIME

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## 9.01 DEFINITIONS

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- 9.01.01** **Leave Time** - Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
- 9.01.02** **Unauthorized Absence** - An unauthorized absence is one in which the employee is absent from regular duty without permission of the Department Head. Employees are not paid for unauthorized absences and such absences are cause for disciplinary action up to and including termination. (See Section 2.03.02)

## 9.02 APPROVAL OF LEAVE

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- 9.02.01** All leave taken by County employees must be approved by the employee's Department Head. All leave taken will be documented on the employee's time record.
- 9.02.02** The Department Head is responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, the Department Head is responsible for ensuring that all vacation, compensatory, sick leave or other available leave usage is recorded on the time record sent to the County Treasurer's office, for payroll purposes.

## 9.03 VACATION LEAVE

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- 9.03.01** All regular full time employees are eligible to accrue paid vacation leave. Employees are encouraged to take regular vacations at least annually.
- 9.03.02** Vacation leave begins to accrue on the first day of employment, is accrued on a bi-weekly basis, and is credited to an employee's account after each fourteen (14) day period. Employees who work any part of a pay period will receive the full bi-weekly accrual.
- 9.03.03** Employees are eligible for vacation leave benefits as the hours have been credited to the employee's balance after each fourteen (14) day period.

Each regular full time employee will accrue vacation leave according to the following schedule:

<b>Years of Service</b>	<b>Biweekly Accrual</b>	<b>Annual Accrual</b>
Hire date through 10 years	3.08	80 hours
10 years and over	4.61	120 hours

- 9.03.04** Temporary and part time employees do not earn vacation leave. Vacation leave shall not accrue during the time an employee is on unpaid FMLA leave, unpaid personal leave or while unable to work due to an on-the-job injury or illness.



- 9.03.05** When requesting vacation, if the employee has comp time accrued, then it will be charged to comp time first to the extent available and the remainder to accrued vacation, except for FMLA.
- 9.03.06** If a holiday occurs while an employee is on vacation leave, the employee shall use the official holiday instead of said leave.
- 9.03.07** An employee may accumulate and carry forward from year to year up to one (1) year's credited hours of vacation leave.
- Any unused leave balance in excess of one (1) year's credited hours at the employee's anniversary date is forfeited, unless extreme circumstances occurred and with the Commissioners' Court approval.
- 9.03.08** Employees are encouraged to schedule vacations and request leave well in advance, and vacation schedules must accommodate the County's work schedule. Provided departmental workloads will permit, employees should be allowed to select desired vacation periods. If the desired leave schedules conflict with County requirements, the County's requirements are given first consideration.
- 9.03.09** No advance of unearned vacation leave will be made for any reason.
- 9.03.10** When an employee leaves the service of the County he or she will be paid for accrued but unused vacation leave up to a maximum of one (1) year's accrual. The rate of pay will be determined by the salary rate in effect at the time of separation.
- 9.03.11** Effective July 1, 2016, an employee rehired full time within twelve (12) months of separation from Jackson County AND subsequently completes one (1) full year of uninterrupted full time service will accrue vacation according to the adjusted hire date after the full year. (amended and adopted by Commissioners' Court on May 9, 2016)

## **9.04 SICK LEAVE**

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- 9.04.01** A regular full time employee with accrued sick leave may use it if the employee is absent from work due to:
1. Personal illness or physical or mental incapacity; or
  2. Medical, dental, or optical examinations or treatments; or
  3. Illness of an employee's family member. For purposes under this policy, immediate family shall be defined as spouse, child, parent or other relative, living in the home, who is dependent upon the employee for care;
- 9.04.02** Sick leave is accrued on a bi-weekly basis and is credited to an employee's account after each fourteen (14) day period. Each regular full time employee will accrue sick leave at the rate of 3.70 biweekly.
- 9.04.03** Temporary and part time employees do not earn sick leave. An employee who is on unpaid FMLA leave, unpaid personal leave or unable to work due to an on-the-job injury or illness shall not accumulate sick leave during that period.
- 9.04.04** Accrued sick leave can be used by regular full time employees only as the hours have been credited to the employee's balance after each fourteen (14) day period.

- 9.04.05** Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one (1) day in advance. Employees must call the Department Head on each subsequent day he or she will be out on sick leave unless other arrangements are made.
- 9.04.06** Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as they no longer need to take sick leave.
- 9.04.07** The Department Head may request an employee to furnish, and the employee must provide upon request, written verification by a physician of the illness (verification must be acceptable to the Department Head) supporting the request for sick leave benefits.
- 9.04.08** Sick leave not used by regular employees during the year in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 320 hours.
- 9.04.09** An employee who has exhausted accrued sick leave benefits may request to use accumulated vacation or other accrued paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.
- 9.04.10** When a holiday occurs while an employee is on a paid sick leave, the employee shall use the official holiday instead of said paid leave.
- 9.04.11** Unused sick leave is canceled upon separation of employment, without compensation to the employee. (amended and adopted by Commissioners' Court on August 11, 2014)

## **9.05 FAMILY AND MEDICAL LEAVE**

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### **9.05.01 GENERAL PROVISIONS**

Under this policy, the County will grant up to twelve (12) weeks (or up to twenty-six (26) weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a twelve (12) month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

- 9.05.02** To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

The employee must have worked for the County for twelve (12) months or fifty-two (52) weeks. The twelve (12) months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven (7) years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the County's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

The employee must have worked at least 1,250 hours during the twelve (12) month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked.

Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

The employee must work in a worksite where fifty (50) or more employees are employed by the County within seventy-five (75) miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

### **9.05.03 TYPE OF LEAVE COVERED**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
2. The placement of a child for adoption or foster care and to care for the newly placed child.
3. To care for a spouse, child or parent with a serious health condition (described below).
4. The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what this FMLA policy or under the County's sick leave policy should consult with the County Treasurer.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5. Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to twelve (12) weeks of leave for reasons related to or affected by the family member's call-up or service.

The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and

8) additional activities that arise out of active duty, provided that the County and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a twelve (12) month period.

6. Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member.

This leave may extend to up to twenty-six (26) weeks in a single twelve (12) month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

#### **9.05.04 AMOUNT OF LEAVE**

An eligible employee can take up to twelve (12) weeks for the FMLA circumstances (1) through (5) above under this policy during any twelve (12) month period. The County will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last twelve (12) months and subtract it from the twelve (12) weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to twenty-six (26) weeks for the FMLA circumstance (6) above (military caregiver leave) during a single twelve (12) month period. For this military caregiver leave, the County will measure the twelve (12) month period as a rolling twelve (12) month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of twenty-six (26) weeks available.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of twelve (12) weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of twenty-six (26) weeks of leave.

#### **9.05.05 EMPLOYEE STATUS AND BENEFITS DURING LEAVE**

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

Under current County policy, if the employee pays a portion of the health care premium while on paid leave, the County will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either

in person or by mail. The payment must be received by the County Treasurer by the established deadline each month. (amended and adopted by Commissioners' Court on August 11, 2014)

If the employee contributes to optional insurance plan(s) and/or other authorized deductions, the County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the County may discontinue coverage during the leave. (amended and adopted by Commissioners' Court on August 11, 2014)

#### **9.05.06 EMPLOYEE STATUS AFTER LEAVE**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the County's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

#### **9.05.07 USE OF PAID AND UNPAID LEAVE**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all accrued leave prior to being eligible for unpaid leave. Accrued leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established leave policy.

An employee who is using military FMLA leave for a qualifying exigency must use all accrued leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all accrued leave prior to being eligible for unpaid leave.

#### **9.05.08 INTERMITTENT LEAVE OR A REDUCED WORK SCHEDULE**

The employee may take FMLA leave in twelve (12) consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of twelve (12) work weeks (or twenty-six (26) work weeks to care for an injured or ill service member over a twelve (12) month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

#### **9.05.09 CERTIFICATION FOR THE EMPLOYEE'S SERIOUS HEALTH CONDITION**

The County will require certification for the employee's serious health condition. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an Administrative Services professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **9.05.10 CERTIFICATION FOR THE FAMILY MEMBER'S SERIOUS HEALTH CONDITION**

The County will require certification for the family member's serious health condition. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The County may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an Administrative Services professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's family member's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

**9.05.11 CERTIFICATION OF QUALIFYING EXIGENCY FOR MILITARY FAMILY LEAVE**

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

**9.05.12 CERTIFICATION FOR SERIOUS INJURY OR ILLNESS OF COVERED SERVICE MEMBER FOR MILITARY FAMILY LEAVE**

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

**9.05.13 RECERTIFICATION**

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every thirty (30) days and only when circumstances have changed significantly, or if the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

**9.05.14 PROCEDURE FOR REQUESTING FMLA LEAVE**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to County Treasurer. Within five (5) business days after the employee has provided this notice, the County Treasurer will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the County with at least thirty (30) days' notice. When an employee becomes aware of a need for FMLA leave less than thirty (30) days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

**9.05.15 DESIGNATION OF FMLA LEAVE**

Within five (5) business days after the employee has submitted the appropriate certification form, the County Treasurer will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

The County may designate extended leave as FMLA leave. The designation of leave will occur when the employee has used eighty (80) hours of leave, with or without pay, as a result of the catastrophic illness or injury.

**9.05.16 INTENT TO RETURN TO WORK FROM FMLA LEAVE**

On a basis that does not discriminate against employees on FMLA leave; the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## **9.06 HOLIDAYS**

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- 9.06.01** All regular full time employees of the County shall be eligible to receive eight (8) hours with pay for each official holiday.
- 9.06.02** The official paid holidays for the County shall be determined by Commissioners' Court each fiscal year. Changes to the holiday schedule may be made at the discretion of Commissioners' Court.
- 9.06.03** If a regular full time employee is required to work on an official holiday, the employee shall be paid for that day of work and shall be given eight (8) hours of holiday leave.
- 9.06.04** If a holiday during the week occurs on an employee's regular day off, the employee shall be given eight (8) hours of holiday leave.
- 9.06.05** If a holiday occurs while an employee is on vacation or sick leave, the employee shall use the official holiday instead of said leave.
- 9.06.06** An employee who is on unpaid FMLA leave, worker's comp leave, or personal leave of absence without pay, shall not be paid for any official holidays occurring during such leave.
- 9.06.07** Only twenty-four (24) hours of accrued holiday leave not taken can be carried over into the next fiscal year, which begins October 1.
- 9.06.08** Unused holiday leave is canceled upon separation of employment, without compensation to the employee. (amended and adopted by Commissioners' Court on August 11, 2014)

## **9.07 COMPENSATORY TIME**

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- 9.07.01** Overtime shall be all hours worked in excess of forty (40) during the work week, which is defined in Section 7.00, except law enforcement personnel (See Section 9.07.03)
- 9.07.02** A non-exempt full time employee who works overtime during a work week shall be given compensatory time at a rate of one and one-half (1 ½) hours compensatory time for each hour worked over forty (40) hours during the work week. (amended and adopted by Commissioners' Court on September 18, 2017)
- 9.07.03** Patrol deputies and corrections officers work a fourteen (14) day work period and must work over eighty-four (84) hours before being eligible to receive compensatory time, under the 207(k) provisions of FLSA. (amended and adopted by Commissioners' Court on September 25, 2017)
- 9.07.04** All overtime must be authorized by the supervisor before being worked, except in emergency situations.
- 9.07.05** When requesting vacation, if the employee has comp time accrued, then it will be charged to comp time first to the extent available and the remainder to accrued vacation, except for FMLA.
- 9.07.06** Each employee shall be responsible for recording any compensatory time taken and/or earned within a pay period on the time record for that pay period.



- 9.07.07** Employees may check their current compensatory time balance at the Treasurer's office at any time during normal working hours.
- 9.07.08** The County may, when funds are available, buy all or part of any employee's comp time balance.
- 9.07.09** At the time of separation, termination, death or retirement, accrued, unused comp time will be paid to the employee or the estate at the regular rate of pay at the time of separation.

## **9.08 ADDITIONAL TIME**

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- 9.08.01** Hours earned, but not worked, in excess of forty (40) hours per week by full time employees will accumulate hour for hour, except for certain law enforcement personnel, and will be classified as additional leave time.
- 9.08.02** Patrol deputies and corrections officers' salaries are based on a minimum of eighty-four (84) hours in a fourteen (14) day work period. Hours earned, but not worked, over eighty-four (84) hours will accumulate hour for hour, and will be classified as additional leave time. (amended and adopted by Commissioners' Court on September 25, 2017)
- 9.08.03** Available leave used, such as sick, holiday, compensatory time, vacation and/or additional time, will be considered hours earned and will not be counted as hours worked. (amended and adopted by Commissioners' Court on September 25, 2017)
- 9.08.04** The maximum carryover of additional time carried over into the next fiscal year, October 1<sup>st</sup>, is twenty-four (24) hours.
- 9.08.05** Accumulated and unused additional time will be paid at the rate of pay at separation of employment with the County. The maximum number of hours to be paid is twenty-four (24) hours.

## **9.09 MILITARY LEAVE**

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- 9.09.01** Employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time, seniority or benefits on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed fifteen (15) working days in any one (1) federal fiscal year (October 1 - September 30). Employees will continue to receive pay from the County. Military leave in excess of fifteen (15) working days will be charged to applicable available leave or leave without pay. Unless supplemental military pay option is chosen, as explained in Section 9.09.05 below.
- 9.09.02** Employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their release from active duty.
- 9.09.03** An employee requesting military leave shall provide the supervisor with a set of orders within three (3) days after receiving them.
- 9.09.04** The County complies with all state and federal regulations regarding military leave and service such as the Uniformed Services Employment and Reemployment Act (USERRA).

### **9.09.05 SUPPLEMENTAL MILITARY PAY**

Subject to amendment or discontinuance at any time, a full time employee who is a member of a reserve component of the armed forces of the United States, including the state military forces, and who by virtue of that membership is called to active duty for drills and/or training in the armed forces of the United States by federal authority without the person's consent, such activation being protected by the Uniformed Services Employment and Reemployment Rights Act ("USERRA" codified at 38 U.S.C. § 4301 *et. seq.*) who has not:

1. separated from County or District employment by resignation or termination for any reason that is not a direct consequence of the person's call to active duty; or
2. committed a voluntary act that has the affect of adding to the period that the person was subject to active duty in the armed forces of the United States as described above

is eligible to participate in the supplemental military pay program described below so long as the employee is protected by USERRA.

If the State mandated allowance of fifteen (15) days of paid leave is exhausted, the full time employee may request use of available leave or may opt to receive supplemental pay, not to exceed fifteen (15) days, or at the discretion of Commissioners' Court.

A reservist who meets the criteria established and wants to be considered for the supplemental pay must submit the following documents and any other information necessary to the Treasurer's Office within three (3) days after receiving them:

1. A copy of the orders to report for drills and/or training;
2. Leave and earnings statements for all days claimed;
3. Separation order showing the last day of duty or like statement; and
4. Proof of continuing service in the reserves or discharge papers proving that the discharge was neither dishonorable nor for bad conduct.

The County Treasurer's Office shall compare the total amount of compensation the employee received from the military to his or her County pay. If the County amount is higher, the difference will be included in a one-time pay adjustment.

## **9.10 JURY/CIVIL LEAVE**

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- 9.10.01** Regular full time employees shall receive the normal pay for the period called for jury duty which includes both the jury selection process and, if selected, the time the employee actually spends serving on the jury.
- 9.10.02** Employees may retain any fees received for performing jury duty.
- 9.10.03** All regular full time employees subpoenaed or requested to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period of the court attendance may require.
- 9.10.04** If an employee is absent from work to appear in private litigation in as a principal party, the time off shall be charged to available applicable leave or leave without pay.
- 9.10.05** Employees are entitled to jury/civil leave for the purpose of voting.
- 9.10.06** When an employee has fulfilled the reason for the jury/civil leave, he or she must report to the County for duty for the remainder of the workday.

## **9.11 FUNERAL LEAVE**

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- 9.11.01** A supervisor is authorized to grant funeral leave to a full time employee as a result of a death of a member of the immediate family.
- 9.11.02** Immediate family is defined as father, mother, sister, brother, spouse, child, legal guardian, grandparents or grandchildren of either the employee or spouse.
- 9.11.03** There may be a maximum of twenty-four (24) hours funeral leave per occurrence with pay per calendar year.
- 9.11.04** Employees are required to document all funeral leave taken on time record.
- 9.11.05** In the event of the death of a County employee, an appointed or elected County official, or someone closely associated with the County, a Department Head may approve representation at the funeral. Those who attend at the discretion of the Department Head are representing the County, and therefore hours so spent are reported as working hours.

## **9.12 INJURY LEAVE**

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For information on occupational disability or injury leave for bona fide on-the-job, work-related injuries, see sections in this manual under the main heading Health and Safety (Section 12.00).

## **9.13 ADMINISTRATIVE LEAVE**

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In cases of bad weather (ice, hurricanes, flooding, etc.), Commissioners' Court will determine the closure of County offices. The safety of employees and possible endangerment in attempting to report to work will be considered. Should a determination be made that reporting to work will endanger County employees, employees will be fully compensated for approved time away from work during normal working hours.

Employees are to contact the supervisor and obtain information concerning closures through the County website (<http://www.co.jackson.tx.us>) or local forums of the media (radio and television stations). Under this policy employees will not be compensated for time away from work that was not declared a bad weather day by Commissioners' Court.

## 9.14 LEAVE OF ABSENCE WITHOUT PAY

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- 9.14.01** Leave of absence without pay is an approved absence from duty in a non-pay status. A leave of absence lasting longer than thirty (30) days must be approved in advance by the Department Head and the Commissioners' Court. Extensions of leave shall be authorized by the Department Head and the Commissioners' Court in no more than one (1) month intervals.
- 9.14.02** Granting a leave of absence without pay is at the discretion of the Department Head. Such leave is not authorized unless all applicable accrued paid leave has been exhausted and there is a reasonable expectation that the employee will return to employment with the County at the end of the approved period. Approval of the leave must be documented, with a copy of the documentation placed in the employee's personnel file in the County Treasurer's Office. Employees on leave of absence without pay receive no compensation and accrue no benefits, holidays, vacation or sick leave. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs. Medical insurance can be continued if the employee pays the premiums (including the County's portion) in full in a timely manner for absences exceeding thirty (30) consecutive days unless leave is approved FMLA leave. (amended and adopted by Commissioners' Court on August 11, 2014)
- 9.14.03** A leave of absence without pay may be revoked upon receipt of evidence that the cause for granting the leave was misrepresented or has ceased to exist.
- 9.14.04** A leave of absence without pay may be appropriate for the following reasons:
1. Education purposes when successful completion will benefit the County; or
  2. Public service assignments; or
  3. Personal exchange programs which emphasize intergovernmental relations; or
  4. Any other reason which, in the opinion of the Department Head, merits a leave of absence without pay.
- 9.14.05** An employee on leave without pay must contact the appropriate County Department Head at least monthly to report on status. Failure to provide required status reports or to contact the office on the schedule required by the Department Head is grounds for revoking the leave and for taking disciplinary action.
- 9.14.06** A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave must be prepared by the Department Head, or designee, and placed in the employee's personnel file in the Treasurer's Office.
- 9.14.07** Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time that the employee used for the leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and other benefits that may be based on longevity.

## 9.15 ABANDONMENT OF POSITION

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Unauthorized absence from work may result in termination at the discretion of the official or Department Head.

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# 10.00 PROGRESSIVE DISCIPLINE

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## 10.01 CORRECTIVE ACTION

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The County's objective is to establish and maintain standards of employee conduct and supervisory practices that will, in the interest of the County and its employees, support and promote effective County operations. Such supervisory practices include administering corrective action when employee conduct or performance problems arise. Major elements of this policy include:

1. Constructive effort by the supervisor to help employees achieve full satisfactory standards of conduct and job performance;
2. Correcting employee shortcomings or negative behavior to the extent required;
3. Notice to the employees through communicating this policy that discharge will result from continued or gross violation of employee standards of conduct or unsatisfactory job performance;
4. Written documentation of disciplinary warnings given and corrective action taken; and
5. Documentation of corrective action will become part of the employee's personnel record.

## 10.02 OPTIONS FOR CORRECTIVE ACTION

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**10.02.01** Depending on the facts and circumstances involved in each situation, the official, Department Head or supervisor may choose to begin corrective action at any step, up to and including a recommendation for immediate dismissal.

1. **Oral Warning** - For infractions the County deems to be minor, the employee should at a minimum be issued an oral warning. If the situation does not improve within a reasonable time as determined by the official, Department Head or supervisor, the measure may be repeated or a more serious option implemented.
2. **Written Warning** - For repeated minor infractions, or a more substantial infraction, the employee should at a minimum be issued a written warning notice. If the situation does not improve immediately and is not sustained, steps may be taken to terminate the employment.

The written warning should be prepared following a corrective action discussion with the employee. The written warning should include:

- a) The policy or rule violated or a description of the unacceptable behavior;
  - b) Date(s), time(s) and location(s) of the offense;
  - c) The facts surrounding the incident;
  - d) Specific actions the employee must take to correct the matter;
  - e) The time frame (if applicable); and
  - f) The consequences if not corrected. The employee will be given an opportunity to comment in writing and should be asked to sign the notice, acknowledging the receipt. Failure by the employee to sign the written warning form does not remove the disciplinary action.
3. **Suspension** - In certain instances, it is appropriate for employees to be suspended. These instances could include but are not limited to:

- a) Prior to terminating an employee for performance related issues;
  - b) Events compel a supervisor to take immediate action when discharge appears possible, pending an investigation. During a suspension the employee will be required to leave County premises immediately. A suspension/investigation will last no longer than three (3) days, except in highly unusual circumstances.
  - c) Suspension may be with or without pay at the discretion of the department head.
4. **Termination** - For infractions management deems to be sufficiently serious, or continued failure to respond appropriately to prior corrective action, termination of employment is appropriate.

**10.02.02** The County Treasurer's Office must be notified **immediately** of all suspensions and terminations.

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# 11.00 SEPARATIONS

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## 11.01 TYPES OF SEPARATIONS

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

1. Resignation;
2. Retirement;
3. Reduction in force (layoff);
4. Dismissal with or without cause;
5. Disability;
6. Death

**11.01.02** Employees who separate employment with the County, as described above, are not eligible for rehire for a period of sixty (60) days.

**11.01.03** Effective July 1, 2016, an employee rehired full time within twelve (12) months of separation from Jackson County AND subsequently completes one (1) full year of uninterrupted full time service will accrue vacation and longevity according to the adjusted hire date after the full year. Medical benefits will be available after a thirty (30) day waiting period. (amended and adopted by Commissioners' Court on May 9, 2016)

## 11.02 RESIGNATION

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The County requests that an employee who intends to resign provide the Department Head with ten (10) day's advance notice of the resignation. A Department Head who intends to resign should give thirty (30) days notice to Commissioners' Court.

## 11.03 RETIREMENT

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The same notice requested for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

## 11.04 REDUCTION IN FORCE (LAYOFF)

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**11.04.01** An employee shall be separated when the position is abolished, or when there is either a lack of funds or a lack of work.

**11.04.02** While such action is avoided whenever possible, employees of the County may be laid off where a Department Head deems it necessary because of shortages of funds or work, the abolition of a job or jobs, other material changes in the organization, or for other reasons which are beyond the control of the employee or employer.

**11.04.03** A reduction in force shall not reflect discredit on an employee or on the ability to do the job.

**11.04.04** Whenever possible, employees who are laid off in one department may be integrated into other departments by transfer.

## **11.05 DISMISSAL WITH OR WITHOUT CAUSE**

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All employees are employed at will and may at any time during their employment, be terminated with or without notice, for any reason or no reason.

## **11.06 DISABILITY**

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A separation for disability shall be any situation in which the employee is unable to perform the essential duties of the job and no reasonable accommodation is found.

## **11.07 DEATH**

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If an employee dies while in the service of the County, the designated beneficiary or estate shall receive all earned pay and payable benefits.

## **11.08 SEPARATION PAY**

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If an employee leaves service of the County, final pay shall include:

1. All hours worked but for which payment has not been received;
2. Where applicable, compensatory time which has been earned but not yet used;
3. Any leave time for which payment is due under the provisions of these policies; or
4. With written authorization, deductions for any indebtedness to the County which the employee may have incurred but which has not been paid.

(amended and adopted by Commissioners' Court on August 11, 2014)



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# 12.00 HEALTH AND SAFETY

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## 12.01 SAFETY POLICY

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It is the policy of the County to make a concentrated effort to provide healthful and safe working conditions for all of its employees.

## 12.02 EMPLOYEE RESPONSIBILITIES AND REPORTS

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- 12.02.01** Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.
- 12.02.02** An employee must report every on-the-job accident, no matter how minor, to the supervisor immediately, if able. The supervisor is responsible for filing a written accident report **immediately** with the County Treasurer.
- 12.02.03** Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

## 12.03 EMPLOYEE SAFETY SUGGESTIONS

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- 12.03.01** An employee will report immediately to the immediate supervisor any conditions that, in the employee's judgment, threaten the health and safety of employees or visitors.
- 12.03.02** Employees are encouraged to make suggestions to supervisors for improvements that would make the County a safer or more healthful place to work.

## 12.04 ON-THE-JOB INJURIES

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- 12.04.01** The County provides workers' compensation insurance for all of its employees, unless declined in writing. This insurance provides medical expenses and a weekly payment if an employee is absent from work because of a bona fide, **on-the-job work-related injury** for more than seven (7) days. Employees who are absent from work because of a bona fide, on-the-job work-related injury for more than seven (7) days are considered on injury leave.  
  
All workers' compensation insurance claim forms must be submitted to the County Treasurer's Office **immediately** for appropriate action to be taken.
- 12.04.02** An employee who sustains a bona fide, on-the-job work-related injury may seek medical attention from a Texas Department of Insurance (TDI) approved medical facility or physician. After a medical professional has been selected, an employee may not change medical providers without the permission of the Texas Department of Insurance. Additional information regarding this requirement is available in the County Treasurer's office.
- 12.04.03** Drug and alcohol testing is required for employees involved in a vehicle or heavy equipment accident. For all other types of accidents, testing may be required if medical attention is received. Please refer to Section 12.05 for detailed Drug Free Workplace Policy.

- 12.04.04** The County encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work. As determined by the Department Head, at the County's expense, an employee may be required to submit to examination by an independent physician.
- 12.04.05** Injury leave begins on the first scheduled workday of absence due to an on-the-job injury and continues until the employee returns to work, eligibility expires, or the employee is removed from injury leave coverage by the County.
- 12.04.06** When an employee sustains a bona fide on-the-job work-related injury which renders the employee unfit for performing the duties of the job, the employee is placed on injury leave status and receives full pay less legal deductions from the County for the first seven (7) calendar days.
- 12.04.07** Employees engaged in law enforcement duties who sustain a bona fide on-the-job work-related injury in the course of their official law enforcement duties are not required to use injury leave for the first seven (7) days and will receive full pay less legal deductions from the County, pursuant of Texas Constitution, Article III, Section 52e.
- 12.04.08** Injury leave may be terminated at any time without prior notice. The Department Head will terminate the injury leave upon receipt of evidence that the employee, while able to return to work, has not done so.
- 12.04.09** To continue medical or dental insurance when the employee is on injury leave and no longer receiving a regular paycheck, the employee must pay the employee's portion of these insurance premiums to the County on the schedule established by the County Treasurer's office.
- 12.04.10** Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.
- 12.04.11** If a County employee is injured on the job while in the course of employment outside employment with the County, the employee may not file a workers' compensation claim against the County for benefits related to the injury and may be excluded from health benefits which arise out of or in the course of employment for wages or profit with any other employer.
- 12.04.12** While on leave because of a bona fide, on-the-job work-related injury, each time the employee sees the doctor for consultation or treatment, a progress report must be provided to the Department Head or designee who will forward the report to the County Treasurer. Any change in the employee's condition which might affect entitlement to workers' compensation payments must also be reported to the Department Head or designee and the County Treasurer. In addition, the injured employee must contact the supervisor periodically, on a specific schedule, to report on condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the Department Head or designee, is grounds for revoking the employee's leave and for taking disciplinary action.
- 12.04.13** A written statement from the attending physician certifying the employee has been released to return to work and specifying the type(s) of work capable of performing as well as any limitation(s) must be received by the County before an employee may return to work. All employees on injury leave must return to work after approval of either the employee's attending physician or an independent physician paid by the County. Failure to return to work when directed will result in appropriate disciplinary action. Upon receipt of a release to return to work, the County may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of the position, with or without reasonable accommodation. The

County's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.

**12.04.14** During the course of an on-the-job injury leave of absence, if an employee is released by the physician for transitional duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the County can use the employee's limited services for an interim period of time.

If no acceptable transitional duty assignment can be found, the employee will be placed on inactive status until released by the physician and workers' compensation to return to the previous job.

**12.04.15** An employee who is able to return to work on transitional duty status may be required to work in a different department and perform duties not contained within current job duties. An employee assigned to transitional duty status and performing different duties may be paid according to the level of pay that is appropriate for the transitional duty job assignment, except deputies and jailers. A transitional duty assignment should not exceed ninety (90) days. In addition, the employee will receive workers' compensation payments in a reduced amount.

**12.04.16** At the time of final release or settlement of a workers' compensation claim, the employee must furnish the County with a certificate from the employee's physician stating the status of the employee's physical condition and an anticipated return to work date.

## **12.05 DRUG-FREE WORKPLACE POLICY**

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**12.05.01** The County has a responsibility to provide and maintain a safe and healthy workplace free from the influence of alcohol, inhalants and illegal drugs for its employees. The County will vigorously comply with the requirements of the Drug Free Workplace Act of 1988, Art. 8308-7.10 (VTCS) 1992 and all applicable drug testing regulations issued by the Department of Transportation (DOT).

The County recognizes that the status of an employee's health affects his/her job performance and safety. The County also recognizes that drug, alcohol and inhalant abuse ranks as one of the major health problems in the world and adversely affects an employee's performance and safety on the job. Therefore, it is necessary and required by law for the County to provide a drug-free, alcohol-free and inhalant-free working environment for its employees.

Compliance with the County's Drug Free Workplace policy is a condition of employment for all employees hired prior to and after the effective date of this policy, July 1, 2011, and any revisions thereafter.

Compliance with the County's Commercial Driver's License Drug and Alcohol Testing section of the Drug Free Workplace Policy is a condition of employment as a driver/operator for employees required by the County to maintain a CDL.

This policy applies to all County employees, including part time and temporary employees. From time to time, the County shall formulate administrative procedures to accompany the rules of this section. Such procedures shall be legally binding on all County employees and shall be available for copying and inspection in the County Treasurer's Office. Department of Transportation and other federal regulations may apply to some County employees.

### **12.05.02 FITNESS FOR DUTY**

An employee is not fit to safely and fully perform his duties if:

1. He/she reports for duty while under the influence of alcohol, inhalants or any illegal drug; or
2. He/she uses alcohol, inhalants or any illegal drug while on duty; or
3. He/she reports for duty while using any controlled substance which impairs his/her ability to safely and fully perform assigned duties, even if the controlled substance is prescribed by a physician.

Employees who are not fit for duty will not be permitted to work. A supervisor must relieve the employee of duty and take him/her to the County test facility for testing and/or evaluation.

Employees must report to their supervisor the side effects of any prescription or non-prescription drugs, which may affect their fitness for duty. The supervisor may send the employee to the County test facility for an evaluation of fitness for duty.

### 12.05.03 DEFINITIONS UNDER THIS POLICY

1. **Alcohol** - "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol (ethanol), or any other low molecular weight alcohol's including methyl and isopropyl alcohol.
2. **Alcohol Concentration** - "Alcohol Concentration" (or content) means **alcohol in a volume** of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test or by weight per volume in a blood test.
3. **Alcohol Use** - "Alcohol Use" means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol.
4. **Breath Alcohol Technician (BAT)** - An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.
5. **County Premises Or Work Sites** - "County premises or WORK SITES" include all property, buildings, structures, job sites (where an employee is working), parking lots, and means of transportation owned, leased, or otherwise used for County business including motor vehicles, equipment, or machinery.
6. **Commercial Drivers License Holders** - The County requires County employees with certain job descriptions to maintain a Commercial Driver's License (CDL). The Department Of Transportation (DOT) regulations (49 CFR Parts 40 and 382) require the County to have a special, mandatory controlled substance and alcohol testing policy for these employees. All applicable drug and alcohol testing procedures under this policy shall meet DOT regulations. A copy of 49 CFR Parts 40 and 82 shall be available for copying and inspection in the County Treasurer's Office.
7. **Controlled Substance** - A "controlled substance" includes illegal drugs plus any other substances covered by Schedules I through V of the Federal Controlled Substances Act (21 U.S.C. 801 et seq.) or the Texas Controlled Substances Act (Chapter 481, Texas Health and Safety Code). Controlled substances include amphetamines, barbiturates, methadone, benzodiazepines, methaqualone, morphine, codeine, and anabolic steroids. A controlled substance is "unauthorized" if the employee does not have a valid prescription for that substance at the time of its use or possession.
8. **Conviction** - "Conviction" means the finding of guilt including a plea of nolo contendere or imposition of sentence, or both by any judicial party charged with responsibility to determine violations of the federal or state criminal drug statutes.
9. **Drug Paraphernalia** - "Drug paraphernalia" is equipment, a product or material of any kind mentioned in Vernon's Texas Health and Safety Code, Chapter 481 (Texas Controlled Substances Act), Sec. 481.002(17).
10. **Evidential Breath Testing Device (EBT)** - A device approved by the NHTSA for the evidential testing of breath for alcohol.
11. **Failing A Drug Test** - "Failing a drug test" is defined as confirmation of initial test results which shows positive evidence of the presence of a prohibited substance in the body.

12. **Illegal Drugs** - "Illegal drug" includes heroin, cocaine, crack cocaine, cannabinoids (marijuana, hashish, THC), and PCP (phencyclidine), LSD (lysergic acid diethylamide) or any other controlled substance not validly prescribed by a physician.
13. **Inhalant** - Those volatile chemicals and their isomers as listed in Section 484.002 of the Texas Health and Safety Code and abusable glue and aerosol paint as defined in Section 485.001 of the Texas Health and Safety Code.
14. **Mandatory Substance Abuse Program** - A treatment or counseling program in which an employee is enrolled and must successfully complete in accordance with disciplinary action taken by an employee's supervisor in lieu of termination.
15. **Medical Review Officer (MRO)** - A licensed physician with knowledge of substance abuse disorders and training to interpret and evaluate confirmed positive test results.
16. **Passing A Drug Test** - "Passing a drug test" is defined as initial or confirmation test results which do not show evidence of the presence of an illegal drug or unauthorized controlled substance in the body.
17. **Safety Sensitive Functions** - Any of those on-duty functions which include:
  - a) Time waiting to be dispatched to operate a Commercial Motor Vehicle or equipment (CMV);
  - b) Inspecting, servicing or conditioning a CMV;
  - c) Driving or operating a CMV;
  - d) Loading, unloading a CMV, supervising or assisting in the loading or unloading, remaining in readiness to operate a CMV; or
  - e) Repairing a CMV.
18. **Shy Lung** - "Shy Lung" is the condition in which an individual cannot blow the required volume of air into alcohol test equipment for a breath alcohol test. In such circumstances, the employee will be required to have a blood sample taken for testing purposes.

#### 12.05.04 EMPLOYEE ASSISTANCE

Employees who have substance abuse problems are encouraged to obtain assistance for their problems before they are required to submit to drug, inhalant and/or alcohol tests. The County is concerned about the health of its employees and it supports sound treatment efforts for chemical dependency. Normal employee benefits such as sick leave, vacation leave, and group medical plans may be used during the treatment process to the extent applicable and available. No employee's job will be jeopardized if he/she conscientiously seeks assistance for substance abuse voluntarily before he/she is required to submit to a drug, inhalant and/or alcohol test. This option will be offered once during employment. In order to obtain management cooperation in an assistance program for chemical dependency, the employee will be required to:

1. Recognize and admit that he/she has an alcohol, inhalant or drug problem;
2. Ask for assistance in the form of employee benefits;
3. Accept and understand that if he/she does not correct the problem and maintain satisfactory job performance, he/she will be subject to discharge;
4. Submit to drug, inhalant and/or alcohol tests, both urine and/or breath and blood tests, at the beginning of the treatment program, at periodic intervals during the treatment program and at the end of the treatment program. Such drug, inhalant and/or alcohol tests must show a declining presence of drugs, inhalants and/or alcohol in his/her body as the treatment program is conducted; and
5. Submit to an interview and physical examination by a physician to determine his/her fitness for duty, such licensed physician will be appointed by the County.

In obtaining counseling for his/her chemical dependency problem, the employee will be fully protected from discipline if he/she continues to follow the requirements of this Section. However, this does not preclude the County's right to administer discipline, including termination for

on-the-job conduct or other grounds, even though it is related to the use of drugs, inhalants and/or alcohol. The employee must also be fit for duty at all times when he/she is on-the-job for the County. Information regarding an employee's personal problems will be kept in strict confidence, and information will only be released on a need-to-know basis unless required by law or in defense of the County.

## **12.05.05 PROHIBITED ACTIVITIES AND VIOLATIONS UNDER POLICY**

This policy prohibits:

1. Use, possession, manufacture, distribution or sale of illegal drugs, or drug paraphernalia by employees.
2. Unlawful use, possession, manufacture, distribution or dispensing of controlled substances by employees.
3. Unauthorized use or possession of alcohol by employees.
4. Unauthorized use or possession of inhalants by employees.

Items 1, 2, 3 and/or 4 apply to employees while they are:

1. On any County premises or work sites while conducting County business; or
  - a) Operating or occupying any County vehicle at any time; or
  - b) During the employee's working hours including lunch and break times.
2. Unauthorized storing of any illegal drug, drug paraphernalia, unauthorized controlled substance, unauthorized inhalants, or alcohol in a locker, desk, vehicle, equipment or other repository on County premises or work sites.
3. Being under the influence of alcohol, unauthorized inhalants, or any unauthorized controlled substance or illegal drug while on duty or reporting to work.
4. Unauthorized possession or use of alcohol, inhalants or the possession, use, manufacture, distribution, or sale of illegal drugs or unauthorized controlled substances off County premises or work sites during off duty hours which affects the employee's ability to safely and fully perform assigned job duties, renders the employee at risk to self or others at work, or which brings discredit upon the County of the public service.
5. Switching or altering any urine sample submitted for testing.
6. Refusal to consent to testing and submit a specimen for testing when required under this policy. Consent is indicated by signing any form required by the County, County physician or laboratory collecting the specimen for testing.
7. Refusal to submit to an inspection of any desk, locker, or other County property under an employee's control when asked to do so by a supervisor.
8. Failure to meet requirements of any mandatory substance abuse treatment or counseling program in which an employee is enrolled.
9. Conviction under any criminal drug statute for a violation occurring in the workplace.
10. Public conduct at any time involving alcohol, or illegal drugs or unauthorized controlled substances resulting in arrest or conviction under circumstances which bring discredit upon the County or the public service.
11. Failure to notify the County of any conviction under any criminal drug statute within five (5) days of the conviction.
12. Failure to report a conviction for driving while intoxicated for violations occurring on or off County premises while on duty.
13. Failure to report to the supervisor the side effects of a prescription or non-prescription drug, which may impair the employee's behavior or physical or mental ability to safely and fully perform assigned duties.
14. Failure to keep prescribed medicine in its original container or to provide other proof of identification of drug prescription and prescribing physician.

15. Refusing to sign a statement agreeing to comply with the County's Drug Free Workplace Policy.
16. Failure of a County employee to report the use or possession of an illegal drug or unauthorized controlled substance, unauthorized inhalant and/or alcohol by another County employee or the existence of an unauthorized alcoholic beverage, unauthorized inhalant, illegal drug or controlled substance in any County vehicle, machinery, or equipment.
17. Reporting for duty while "on call" status while under the influence of alcohol, inhalants or any illegal drug or unauthorized controlled substance and/or the recurring inability to report to work as required in a condition to safely and fully perform assigned duties.
18. Failing to adhere to provisions of any agreement executed by the employee, which requires treatment, or counseling for alcohol or drug abuse.

#### **12.05.06 CONSEQUENCES FOR VIOLATION OF THIS POLICY**

The following violations of this policy will result in automatic and mandatory termination upon the first offense:

1. Use, possession, manufacture, distribution or sale of any illegal drug, drug paraphernalia, or unauthorized controlled substance while on duty, reporting to work, or on work sites. Illegal substances will be confiscated and turned over to the appropriate law enforcement agency.
2. Operating a County vehicle, motor driving equipment, machinery, or personal vehicle while on County business while under the influence of alcohol, inhalants or any illegal drug or unauthorized controlled substance at any time.
3. Unauthorized use or possession of alcohol when reporting for duty, while on duty or while occupying any County vehicle or personal vehicle including lunch or other break periods.

#### **12.05.07 CONDITION OF EMPLOYMENT**

**APPLICANTS:** During post-employment screening, applicants will be advised that they are subject to drug testing. Any job offer will be contingent on passing a drug test (negative results). Applicants will be required to sign a consent form for such testing.

Applicants who fail the test (confirmed positive results) will not be allowed to reapply for twelve (12) months after the date of the test.

#### **12.05.08 TESTING REQUIREMENTS**

The County, at its discretion, may have designated personnel use non-instrumented drug and/or alcohol test devices to provide, rapid drug and/or alcohol test results. These "rapid test" devices have been certified as being as accurate as standard, initial laboratory test equipment. The "rapid test" devices will only be used to screen out negative test results. Positive results will require additional samples, which will be analyzed using standard laboratory testing equipment and following standard laboratory testing procedures as described below.

Standard testing and analysis for drugs, inhalants and/or alcohol shall be performed by a properly licensed and certified laboratory approved by the County Manager. DOT required chain-of-custody procedures will be followed to account for the integrity of each urine or blood sample by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

The initial drug test (also known as a screening test) shall be an enzyme immunoassay screen (EMIT) to eliminate "negative" urine specimens from further consideration.

If the initial drug test indicates a positive result, a confirmation test by gas chromatography/mass spectrometry (GC/MS) will be used to confirm the presence of a specific drug or metabolite. The confirmation test shall be independent of the initial test and uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy. For classes of drugs where GC/MS is not an approved confirmation procedure, an alternative confirmation test will be used.

The initial test for alcohol shall be performed by a Blood Alcohol Technician (BAT) using an Evidential Blood Testing device approved by the National Highway Traffic Administration (NHTSA). Two (2) breath tests are required to determine if a person has a prohibited alcohol concentration. A screening test is conducted first. Results less than 0.02 percent concentration are considered a "negative" test.

If the concentration of alcohol is 0.02 or higher, a second or confirmation test must be conducted. The employee and the BAT must complete the alcohol testing form to ensure that results are properly recorded. The confirmation test, if required, must be conducted using an Evidential Breath Testing device that prints out the results, date, time, a sequential test number and the name and serial number of the EBT to ensure the reliability of the results.

If an individual cannot blow the required volume of air into alcohol test equipment for a breath alcohol test, the employee will be required to have a blood sample taken for testing purposes. The initial blood alcohol test shall be an Enzymatic Assay-ADH screen test to eliminate "negative" blood specimens from further consideration. If the initial blood alcohol test indicates a positive result (0.02 or greater), a confirmation test by gas chromatography will be used to confirm the level of alcohol. The confirmation test shall be independent of the initial test and uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

The following drug testing will be conducted under this policy:

**PRE-EMPLOYMENT:**

1. All job offers are contingent upon selected applicant passing a drug test.
2. All applicants for CDL positions, including new hires, promotions, and transfers must test negative for both alcohol and drug screening, and receive DOT training before they can perform safety sensitive duties. In addition, the County shall obtain, pursuant to an applicant's consent, information on the applicant's tests with a concentration of 0.04 or greater, positive controlled substances test results, and refusals to be tested, within the past two (2) years which are maintained by the applicant's previous employers. If an applicant refuses to sign the release form, he will not be offered employment with the County. This information must be obtained and reviewed by the County no later than fourteen (14) calendar days after the first time a driver performs safety sensitive function for an employer. If the County learns from a previous employer that the driver tested positive for drugs, had an alcohol test result of 0.04 or greater, or refused to be tested, the driver cannot perform safety sensitive functions until the County has evidence that the driver has met the return-to-duty requirements. The County must have evidence that the driver was evaluated by a substance abuse professional, completed any required counseling, passed a return-to-duty test, and has been subject to any required follow-up testing.

**REASONABLE SUSPICION:**

All employees shall be required to submit to drug, inhalant and/or alcohol tests, if the employee's supervisor and/or Department Head has a reasonable suspicion based on specific, articulate,



and/or observable acts that the employees are in violation of the rules of this section or any other disciplinary rule of the County relating to drug, inhalant and/or alcohol use. A reasonable suspicion may be based on but not limited to the following criteria:

1. Observable phenomena such as direct observation of drug, inhalant and/or alcohol use or possession or physical- symptoms of being under the influence of a drug, inhalant and/or alcohol;
2. A pattern of abnormal or erratic behavior, including an on-the-job accident.
3. Arrest or conviction of a drug, inhalant and/or alcohol related offense on-the-job or off-the-job or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking;
4. Information provided either by reliable and credible sources or information, which is independently corroborated;
5. Newly discovered evidence that an employee has tampered with a previous drug, inhalants and/or alcohol test; or
6. Possession of drug paraphernalia.

All specific, articulate, and/or observable facts which form the basis of reasonable suspicion shall be reduced to writing by the supervisor and/or Department Head and/or witness in a timely manner, but no later than twenty-four (24) hours from the time of the event or incident in question, and submitted to the County Treasurer for review for approval of drug, inhalant and/or alcohol testing.

#### **POST-ACCIDENT:**

Whenever a County employee is involved in an accident involving a fatality, serious bodily injury, or damage to property of a combined total of \$1,000.00 or more, regardless of fault, the employee will be required to submit a specimen for drug and alcohol testing. Damage amount is determined by the Department Head or the supervisor on the scene. Inhalant testing, if necessary, will be determined by the Department Head or the supervisor on the scene.

1. Post Accident Testing For Alcohol - The employee's supervisor will prepare, and the County Treasurer will maintain on file, a record stating the reasons if the test is not administered within the following time constraints:
  - a) within two (2) hours, following the accident for a BAT, or
  - b) within eight (8) hours of the accident for a blood test. After eight (8) hours, the County will cease attempts to administer an alcohol test.
2. Post Accident Testing for Drugs and/or Inhalants - If the test is not administered within thirty-two (32) hours, the County will cease attempts to administer the test. The employee's supervisor will prepare, and the County Treasurer will maintain on file, a record stating the reasons the test was not promptly administered.
3. Employee Responsibility - The employee driver(s) involved in the accident shall remain available for testing, or the County may consider the employee to have refused to be tested.

#### **RANDOM TESTING:**

A verifiable, scientific, random method of choosing employees for alcohol and drug testing will be utilized for County drivers required to maintain a commercial driver's license.

Random Alcohol Testing will be conducted as follows:

1. A minimum annual rate of fifty percent (50%) of the average number of driver positions.
2. Tests will be unannounced and spread reasonably throughout a calendar year.

3. Upon notification, the employee must proceed immediately to the testing site.
4. An employee will only be tested for alcohol while performing safety-sensitive functions, just before performing safety-sensitive functions or just after performing safety-sensitive functions.

Random Controlled Substance Testing will be conducted as follows:

1. A minimum annual rate of fifty percent (50%) of the average number of driver positions.
2. Tests will be unannounced and spread reasonably throughout a calendar year.
3. Upon notification, the employee must proceed immediately to the testing site.
4. Random controlled substance tests may be administered any time the employee is on duty.

## 12.05.09 DETECTION LEVELS AND TEST RESULTS

### ALCOHOL

Two (2) detection levels are established for the detection of alcohol in breath or blood for the purposes of all alcohol tests required by the County.

**Level 1:** Between 0.02% and 0.04% weight per volume of alcohol or ethyl alcohol. If found in an employee's breath, blood or urine, employer shall require the employee to undergo counseling for alcohol abuse. If the employee successfully completes the counseling program, no disciplinary action shall be taken against him/her. If found in a job applicant's breath, blood or urine, employer shall automatically reject the job applicant.

**Level 2:** 0.04% and above weight per volume of alcohol or ethyl alcohol. If found in an employee's blood or on the breath, employee will have tested positive for the presence of alcohol at detectable levels and the positive test result shall be grounds for termination from employment. If found in a job applicant's blood or on the breath, employer shall automatically reject the job applicant.

### DRUGS

The detectable levels for drugs for the purposes of certain drug tests required by the County are listed as follows. The detectable levels for drugs not included on the following list will be determined by the County's testing laboratory.

ASSAY	DRUG OR METABOLITE IN URINE	CONCENTRATION EMIT DETECTION LIMIT (INITIAL SCREENING)	GC/MS DETECTION LIMIT IN URINE / BLOOD CONFIRMATORY TEST
Amphetamine	Methamphetamine	1000 ng / ml per ml	500 ng / ml per ml
Barbiturate	Secobarbital Pentobarbital Amobarbital Butabital Talbutal	300 ng / ml per ml	300 ng / ml per ml
Benzodiazepine	Oxazepam (target metabolite) Chlordiazepoxide Diazepam N-Desmethyldiazepam Flurazepam	300 ng / ml per ml	300 ng / ml per ml
Cannabinoid (Carboxy THC)	Cannabinoid metabolites found in urine after use of marijuana or hashish	30 ng / ml per ml	15 ng / ml per ml
Cocaine	Benzoylcegonine Ecgonine	Lowest Detectable Level	Lowest Detectable Level

Methadone	Methadone and metabolites	300 ng / ml per ml	300 ng / ml per ml
Opiate	Morphine Morphine glucuronide Codeine Major heroin metabolites	300 ng / ml per ml	300 ng / ml per ml
Phencyclidine	Phencyclidine (PCP) Metabolites and Analogs	25 ng / ml per ml	25 ng / ml per ml

## 12.05.10 POST TEST PRACTICES

The County will use a positive test result for drugs and/or alcohol at detectable levels as grounds to automatically reject a job applicant or to terminate employment of an employee ONLY AFTER IT HAS BEEN VERIFIED by a confirmatory drug test different from the initial drug screening test or a confirmatory alcohol test.

Any regular employee who tests positive for the presence of drugs, inhalants and/or alcohol at detectable levels shall be allowed to assert, as an affirmative defense to any disciplinary action, that the employee has a valid prescription for the controlled substance from a licensed medical practitioner or that the employee has taken an over-the-counter medication in accordance with the manufacturer's instructions. The controlled substance taken by prescription must be taken in the prescribed dosage by the employee and shall be prescribed only for the employee who tests positive. The burden of proving the affirmative defense shall rest on the employee.

Strict confidentiality of the drug, inhalants and/or alcohol testing process shall be maintained to protect the privacy of employees and job applicants tested. Information on test results and all forms completed by the employee or applicant shall be released within the County organization only on a need-to-know basis unless required by law or in defense of the County. An employee or job applicant may obtain his/her own test results upon written request to the Human Resources Department. Test results shall not be released to any other person not associated with the County without the written consent of the employee or the job applicant unless such release is required by law or in defense of the County.

## 12.05.11 COMPLIANCE WITH POLICY

An employee reasonably suspected of the use of illegal drugs, unauthorized inhalants, unauthorized controlled substances and/or alcohol during regular working hours (Monday - Friday, 8:00 a.m. - 5:00 p.m.) will be taken to the designated County laboratory for testing. If outside of regular working hours or on holidays or weekends, employees will be taken to the designated County laboratory for testing with a completed and signed consent form.

The Department Head at his/her discretion may have the employee taken home and paid for the time required to get test results or may assign the employee to safe, non-driving, duty pending the test results.

Applicants and employees will have the opportunity prior to testing to voluntarily list all prescription and non-prescription drugs they have used in the last thirty days and to explain the circumstances surrounding their use.

Employees who are convicted, who plead nolo contendere, or who plead guilty to violations of criminal drug and/or alcohol statutes involving activities on-the-job are considered to be in violation of this section. In addition, an employee is required to notify his/her supervisor of any criminal drug statute conviction for a violation occurring in the workplace by the employee no later than five (5) days after the conviction.

Violations of this policy will be considered to be a violation of the Personnel Policy Manual.

#### **12.05.12 DRUG-FREE AWARENESS PROGRAM**

1. Drug-free Awareness Program will provide an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. This program will inform employees and their families about:
  - a) The dangers of alcohol and drug abuse in the workplace;
  - b) This County's Alcohol and Drug Policy;
  - c) The availability of treatment and counseling for employees who voluntarily seek such assistance; and
  - d) The discipline which will be imposed for violations of this policy.
2. Initial and on-going supervisory training will be mandatory for supervisors covering the following areas:
  - a) Identifying and documenting job performance and on-the-job behavior that may reflect the impact of personal problems;
  - b) Identifying evidence of on-the-job use of, or impairment, or presence of alcohol, inhalants or drugs and impairment resulting from the use of alcohol, inhalants or drugs;
  - c) Procedure for voluntary referral of troubled employees for assessment;
  - d) Procedure for testing employees suspected of violating the County's Drug Free Workplace Policy;
  - e) Constructive confrontation techniques; and
  - f) Orientation on drug and alcohol testing procedures and technology.

#### **12.05.13 RECORDS PROCEDURES**

##### **RELEASE OF INFORMATION**

Requests for employment verification or reference for an individual terminated under this policy shall be forwarded to the County Treasurer for response. For Texas Employment Commission hearings on granting unemployment compensation, the County will cite a rules violation as the reason for termination and will supply a copy of the letter of termination which states specific reasons. Where there is doubt about the release of information, the Legal Counsel shall be consulted for guidance.

##### **REPORTING CONVICTIONS TO FEDERAL AGENCY**

In compliance with the Drug Free Workplace Act, the County Treasurer's office will notify the appropriate federal agency within ten (10) days after receiving notice from the employee of a conviction under criminal drug statutes. Within thirty (30) days of knowledge of conviction, disciplinary sanctions will be initiated related to the conviction.

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# 13.00 USE OF COUNTY PROPERTY

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## 13.01 GENERAL POLICY

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The County attempts to provide each employee with equipment and vehicles adequate to perform the job assigned, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

## 13.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES

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- 13.02.01** Employees who are assigned tools, equipment, vehicles, or any other County property by their departments are responsible for them and for proper use and maintenance.
- 13.02.02** No personal or political use of any County property, materials, supplies, tools, or equipment is permitted. Vehicles owned or leased by the County are for County use only, unless a specific agreement exists regarding use of a vehicle as part of an employee's compensation package. Violations of this policy may result in dismissal and possible prosecution.
- 13.02.03** A Department Head may impose additional requirements for the use of County property, materials, supplies, tools or equipment. An employee in doubt about a circumstance must check with the Department Head before proceeding.

## 13.03 VALID DRIVER'S LICENSE

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- 13.03.01** All operators of County vehicles or their own personal vehicle on County business are required to have a valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep the supervisors informed of any change of status in their license. The County Treasurer's office periodically will check the driving records of all employees who operate County vehicles. Failure to maintain a safe driving record may result in disciplinary action up to and including dismissal. (amended and adopted by Commissioners' Court on August 11, 2014)
- 13.03.02** Suspension or revocation of the driver's license of an employee who operates a County vehicle, or is required to drive a personal vehicle regularly on County business, may result in a demotion or dismissal.

## 13.04 VEHICLE INSURANCE

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The County maintains insurance coverage on all vehicles owned or leased by the County. Employees who regularly drive a personal vehicle on County business and are reimbursed expenses on a per mile basis are required to have automobile liability insurance with limits required by the State of Texas and to maintain insurance coverage. Each employee to whom this provision applies will furnish the County proof of appropriate insurance coverage at least annually and at such time(s) as coverage changes occur. Failure to meet any of these requirements may result in disciplinary action up to and including dismissal.

## **13.05 ACCIDENT REPORTING**

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- 13.05.01** Any employee operating County vehicles must report all vehicular accidents and property damage or liability claims, no matter how minor, to the Department Head and to the appropriate law enforcement authorities immediately, so that an official accident report can be filed. Drug and alcohol testing is required.
- 13.05.02** The employee's Department Head must notify the County Auditor and the County Treasurer of the accident on the day of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday.
- 13.05.03** A copy of any accident report involving County equipment or vehicles must be forwarded to the Department Head as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed with the County Auditor and in the personnel file in the County Treasurer's Office of the employee involved in the accident.

## **13.06 USE OF BUILDINGS AND PREMISES**

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Use of County buildings and premises by employees shall be in compliance with law and with County policies regarding authorized uses.

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# 14.00 USE OF COUNTY COMPUTERS

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## 14.01 GENERAL

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- 14.01.01** The County provides computers and internet connections (“facilities”) to further its official County business, interests and purposes. The County has the right to monitor all communications and downloads that pass through its facilities, at its sole discretion. Any information retained on the County’s facilities may be disclosed to outside parties or to law enforcement authorities.
- 14.01.02** County personnel may not load or download any games, unauthorized software or material from the internet or elsewhere. In addition, County personnel may not add any unauthorized hardware on any County computer provided. Requests for any additional software and/or hardware should be made to the official or Department Head.

## 14.02 INTERNET ACCESS

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The County provides internet access to certain individuals, officials, Department Heads and designated personnel. This internet access is provided for County business purposes. At no time is any employee authorized to use this access for personal financial gain or pornographic sites or any other sites which could compromise the ethics of the County. Authorized users may not use the County’s facilities for personal or commercial advertisements, solicitations or promotions. The use of the internet can and will be monitored and violations will be reported to the appropriate official or Department Head for disciplinary action.

Employees are individually liable for any and all damages incurred as a result of violating County security policy, copyright, and licensing agreements.

## 14.03 AUTHORIZATION FOR USE OF E-MAIL

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As determined by the official or Department Head, personnel may be authorized the use of e-mail. Such authorization allows for the non-official use of e-mail, provided such communication does not disrupt or interfere with official County business and is kept to a minimum during business hours. Authorized users may not disseminate or knowingly receive harassing, sexually explicit, threatening or illegal information by use of the County’s facilities, including offensive jokes or cartoons.

The use of e-mail can and will be monitored and violations will be reported to the appropriate official or Department Head for disciplinary action.

Employees may not retrieve or read other employees e-mail unless authorized by the Department Head or by the e-mail recipient. It is a violation of County policy for any employee, including system administrators and supervisors, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others, unless such access is directly related to that employee's job duties. Employees found to have engaged in such activities will be subject to disciplinary action.

## 14.04 RIGHT TO PRIVACY

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### **Ownership and Access of Electronic Mail, Internet Access, and Computer Files; No Expectation of Privacy**

The County owns the rights to all data and files in any computer, network, or other information system used in the County and to all data and files sent or received using any County system or using the County's access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property. The County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems) and their content, as well as any and all use by employees of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using County equipment or County-provided Internet access, including web-based messaging systems used with such systems or access, are not private and are subject to viewing, downloading, inspection, release, and archiving by County officials at all times. The County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with County policies and state and federal laws.

The County uses software in its electronic information systems that allows monitoring by authorized personnel and that creates and stores copies of any messages, files, or other information that is entered into, received by, sent, or viewed on such systems. Accordingly, employees should assume that whatever they do, type, enter, send, receive, and view on County electronic information systems is electronically stored and subject to inspection, monitoring, evaluation, and County use at any time. Further, employees who use County systems and Internet access to send or receive files or other data that would otherwise be subject to any kind of confidentiality or disclosure privilege thereby waive whatever right they may have to assert such confidentiality or privilege from disclosure. Employees who wish to maintain their right to confidentiality or a disclosure privilege must send or receive such information using some means other than County systems or the County-provided Internet access.



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# **15.00 CELLULAR PHONE SERVICES**

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## **15.01 PURPOSE**

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The purpose of the cellular telephone policy is to establish the regulations and procedures under which employees of Jackson County will utilize these devices in the conduct of official business and other approved purposes.

## **15.02 AUTHORIZATION**

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Jackson County Commissioners' Court will authorize the staff use of cellular telephone service. Such authorization will be granted at the request of the County Official or Department Head. In every case, the official or department head shall carefully examine the need for a cellular telephone before requesting such use. No person shall be considered an authorized user if his or her department head has not requested such use and authorization by the Commissioners' Court is not issued.

## **15.03 SERVICE OPTIONS**

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Effective October 1, 2012, there are two (2) options for officials or employees authorized for cellular technology services:

1. The County may purchase cellular phones for employees to make business related calls or calls as outlined under a contract with a provider; or
2. An employee may purchase a cellular phone and request cellular phone reimbursement from the County up to an amount established and approved by Commissioners' Court. Jackson County follows all rules and regulations set forth by the IRS regarding use and taxation of county cell phones.

## **15.04 COUNTY OWNED CELLULAR PHONES**

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- 15.04.01** The County reserves the right to monitor all phones calls made on County purchased cellular phones. Employees should be aware, cellular transmissions are not secure and use discretion in relaying confidential information.
- 15.04.02** Monthly invoices for payment should be forwarded to the County Auditor's office. The County may require personal calls in excess of contracted minutes be reimbursed by the employee at the standard rate.
- 15.04.03** Government rates are only applicable for calls made on County-owned cellular phones. The Commissioners' Court is the only body authorized to enter into cellular phone contracts on behalf of County employees or officials.

## **15.05 CELLULAR PHONE REIMBURSEMENTS**

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- 15.05.01** Cellular phone reimbursements shall not exceed the amount set forth by Commissioners' Court.
- 15.05.02** Employees will be required to submit a copy of cellular charges at least annually to County Auditor, which shall include the employee's name, cell phone number, and monthly amount billed for the cell phone receiving reimbursement during the current fiscal year. (amended and adopted by Commissioners' Court on March 9, 2015)
- 15.05.03** Employees authorized a cell phone reimbursement will be solely responsible for selection, maintenance and payment of their individual plans and equipment. No payment will be made by the County to add, replace or maintain any cellular phone, software and/or peripheral equipment.

## **15.06 EMPLOYEE RESPONSIBILITIES**

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- 15.06.01** The 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.
- 15.06.02** Jackson County bans all employees from texting while operating any County vehicle 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.
- 15.06.03** Employees in possession of a County owned cellular phones are required to take appropriate precautions to prevent theft and vandalism of all company equipment.
- 15.06.04** Each department shall set their own rules and regulations regarding personal cell phone usage while at work.

(Section 15 revised and adopted by Commissioners' Court on September 10, 2012; effective October 1, 2012)

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# 16.00 TRAVEL EXPENSES

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## 16.01 PURPOSE

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- 16.01.01** The following policy is drafted to follow Internal Revenue Service rules that simplify record keeping and accounting and preserve a plan that allows The County to make reimbursement for travel, meals, lodging and related expenses without creating items that are subject to income tax reporting by County officials and employees.
- 16.01.02** The policy is also adopted to protect the County and the individuals that serve as County officials or employees in liability and workers' compensation insurance matters.
- 16.01.03** Most importantly, the policy is drafted to provide protection for the reputations of individuals carrying on County business and to protect the interest of the taxpayers and residents of the County in satisfaction of "the Public Interest".

## 16.02 GENERAL PROCEDURES AND ACCOUNTING

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- 16.02.01** The County pays or reimburses the travel expenses of Elected Officials and County employees that are incurred by the individuals in their performance of official County business. The County also pays or reimburses for the cost and travel associated with meetings, conferences, and seminars associated with continuing education related to an individual's work or maintenance of professional certification or licenses.
- 16.02.02** All travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformity with adopted policies and procedures, provided that the travel was properly authorized and funds are available in the County's budget.
- 16.02.03** If a spouse and/or dependent(s) stays with the official or employee, the difference in hotel room rates above the single rate must be deducted. Meals and all other expenses for the spouse and/or dependent(s) will not be paid with County funds.
- 16.02.04** Out of state travel must be approved in advance by Commissioners' Court.

## 16.03 MILEAGE

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- 16.03.01** Mileage shall be paid at the rate allowed by the Internal Revenue Service for the use of personal vehicles as determined by Commissioners' Court. Expenses shall be paid only when actually incurred by the employee or Elected Official/department. An employee who carools with another individual is not eligible for mileage.
- 16.03.02** Mileage between starting and final destinations is computed utilizing the official mileage guide in the Auditor's Office. Additional mileage must be explained and may be approved.

## 16.04 LODGING

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- 16.04.01** The County will reimburse for the actual cost of lodging while traveling on official County business.
- 16.04.02** Reimbursement will only be made for the days of an out-of-town meeting or other business requiring overnight travel. An additional day will be reimbursed only if the distance of travel and the time of a meeting, or other business makes it necessary to be out-of-town an additional day before or after the date of the meeting or other business.
- 16.04.03** The hotel or motel receipt is required to receive reimbursement. Advance payment for lodging will be made directly to the vendor.
- 16.04.04** When making reservations for travel, always request the government or conference rate.

## 16.05 MEALS

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- 16.05.01** Each fiscal year, the Department Head has the option to select meal reimbursement either at actual expense or per diem for themselves and all employees under their supervision. Meal reimbursement is authorized for out of county overnight business related travel.
- 16.05.02** Meals may be reimbursed at actual expense subject to requirements of documentation. Tips and gratuities are allowed up to fifteen percent (15%).
- 16.05.03** The daily per diem rate for meals will be the same as the Meals and Incidental Expenses (M&IE) rate for a location as currently in effect for federal employees under the maximum federal per diem rates (I.R.S. Publication 1542). No receipts shall be required for reimbursement under the per diem rate for meals. This method shall be prorated as follows:

Breakfast	25% of rate	For morning following out-of-town lodging, or for a day that travel must reasonably commence before 7:00 a.m. and end with a night of lodging.
Lunch	25% of rate	For a full day that travel must reasonably commence before 11:00 a.m. and end with a night of lodging or for a day that follows a night of lodging and will reasonably end after 1:00 p.m.
Dinner	50% of rate	For a full day of out-of-town with a night of lodging, or for a day that travel must reasonably commence before 6:00 p.m. and end with a night of lodging, or for a day that follows a night of lodging and will reasonably end after 7:00 p.m.

These are percentages of the per diem rate. There is no percentage of one-third (1/3) or two-thirds (2/3) of the per diem rate. Advances for per diem must be documented on the "Travel Reimbursement Request" and if a trip ends earlier than anticipated, then per diem will need to be paid back to the County.

- 16.05.04** No reimbursement for meals shall be made for travel within the County or counties that are adjacent to the County.

## 16.06 OTHER TRANSPORTATION

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- 16.06.01** The County will pay or reimburse travel by air, bus or train at the lowest possible rates. The passenger's copy of the original ticket must be submitted with the "Travel Reimbursement Request". Tickets may be paid for in advance from a travel agency invoice.
- 16.06.02** Parking fees may also be reimbursed. A receipt is required for reimbursement.
- 16.06.03** Taxis, buses, and other ground transportation to and from airports are allowable expenses. Taxis may be used to go to and from hotel/motel to meeting sites and to and from places for meals. Tips/gratuities are not allowable expenses for transportation. A receipt that shows starting location and ending destination is required for reimbursement.

## **16.07 CAR RENTALS**

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- 16.07.01** Prior approval by Commissioner's Court is required.
- 16.07.02** Rental cars are limited to size and type as follows:
1. A midsize car when used by one (1) or two (2) County employees.
  2. A full size car when used by three (3) or more County employees.
  3. No "luxury" or "sports" models are allowable expenses.
- 16.07.03** A County office or employee may desire to rent a car at a higher rate than that of the allowable size and type. In this event such individual is responsible for providing the appropriate documentation to establish the price of the allowable car rental and paying the difference in price. Car rental charges shall not be reimbursed if the appropriate size is not used and proper documentation is not provided for the cost difference.
- 16.07.04** Reservations shall be made in advance with a travel agency approved by the County to assure availability of appropriate size and type of vehicle.
- 16.07.05** Any rental car will be made available at all times for all County employees on a trip for maximum utilization. Names of each employee that may drive the rental car must appear on the rental agreement to insure proper coverage.
- 16.07.06** The County will not reimburse the employee for any insurance coverage authorized by the employee renting a car. The County carries full coverage which includes non-hired and rental vehicles. Personal Accident Insurance (PAI) or Personal Effects Insurance (PEI) will not be covered.
- 16.07.07** The car rental bill showing type of vehicle, date(s) of use, rental rates, and gas charges is required for reimbursement.

## **16.08 NON-REIMBURSABLE EXPENSES**

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Items such as bar charges, travel insurance, meal gratuities (tips) above fifteen percent (15%), dry cleaning or laundry, recreational facilities charges, and hotel pay movies are not allowed. Charges for personal telephone calls will not be reimbursed. All telephone calls are deemed to be personal calls unless the individual requesting the reimbursement provides proof that the call was for County business reasons.

## **16.09 EXPENSE REIMBURSEMENT ACCOUNTING**

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- 16.09.01** Within ten (10) days of return from a trip all persons who have received a cash travel advance, who desire reimbursement for travel expense or who have spent County money must submit the "Travel Reimbursement Request" form with all appropriate substantiating documents, (receipts, bills, etc.), to the Auditor's office for final accounting and audit procedures.
- 16.09.02** The "Travel Reimbursement Request" form will account for all expenses related to a single trip; account for cash advances made for the trip, and account for final amounts due to the County (advances in excess of expenses), or due to the individual (expenses in excess of advances).

## **16.10 CASH TRAVEL ADVANCE**

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- 16.10.01** The County will make cash travel advances to individuals for travel that has been approved in advance by the Department Head or official, and if sufficient funds are available in the adopted budget. Advance payment for registration and lodging will be made directly to the vendor.
- 16.10.02** "Advance Travel Request" forms provided by the Auditor's office in order to have such travel paid, or reimbursed.
- 16.10.03** Elected Officials and County employees must submit the "Advance Travel Request" form and documentation supporting the purpose and timing of the travel to the County Auditor seven (7) days prior to the date of the meeting of the Commissioner's Court that precedes the departure time. A copy of the agenda for the conference must be attached to the "Advance Travel Request" form.
- 16.10.04** The "Advance Travel Request" and "Travel Reimbursement Request" forms are provided by the Auditor's office. No other forms shall be accepted for authorization, payment or reimbursement of travel and expenses.
- 16.10.05** All questions related to travel policy, procedures, and questions about whether an expense is allowed should be cleared with the Office of the County Auditor prior to action of your incurrence of the expense.
- 16.10.06** If travel expenses are being reimbursed by another entity, then the reimbursement submitted to the County must be noted that these expenses will be reimbursed by another entity and an accounts receivable account will be set up for the amount until the time that the other entity reimburses and submits the reimbursement back to the County.

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# 17.00 POLICY ON AMERICANS WITH DISABILITIES ACT

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## 17.01 POLICY OVERVIEW

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- 17.01.01** The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the County to comply with all federal and state laws concerning the employment of persons with disabilities.
- 17.01.02** It is the County's policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.
- 17.01.03** The County will reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of a job. An individual who can be reasonably accommodated for a job, without undue hardship, will be given the same consideration for that position as any other applicant.
- 17.01.04** All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired.
- 17.01.05** Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.
- 17.01.06** Commissioners' Court is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

## 17.02 DEFINITIONS

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- 17.02.01** As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.
1. **Disability** - Refers to a physical or mental impairment that substantially limits one (1) or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such an impairment is a "disabled individual".
  2. **Reasonable accommodation** - Means making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modification of examinations, adjustment or modification of training materials, adjustment or modification of policies, and similar activities.
  3. **Undue hardship** - Means an action requiring significant difficulty or expense by the employer. The factors to be considered in determining an undue hardship include:
    - a) The nature and cost of the accommodation;

- b) The overall financial resources of the facility at which the reasonable accommodation is to be made;
  - c) The number of persons employed at that facility;
  - d) The effect on expenses and resources or other impact upon that facility;
  - e) The overall financial resources of the County;
  - f) The overall number of employees and facilities;
  - g) The operations of the particular facility as well as the entire County; and
  - h) The relationship of the particular facility to the County. These are not all of the factors but merely examples.
4. **Essential job functions** - Refers to those activities of a job that are the core to performing said job for which the job exists that cannot be modified.



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# 18.00 WORKPLACE VIOLENCE POLICY

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## 18.01 POLICY OVERVIEW

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

## 18.02 PROHIBITED CONDUCT

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- 18.02.01** The County does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.
- 18.02.02** This list of behaviors, while not inclusive, provides examples of conduct that is prohibited:
1. Causing physical injury to another person; or
  2. Making threatening remarks; or
  3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress; or
  4. Intentionally damaging employer property or property of another employee; or
  5. Possession of a weapon while on County property or while on County business; or
  6. Committing acts motivated by, or related to, sexual harassment or domestic violence.

## 18.03 REPORTING PROCEDURES

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

## 18.04 RISK REDUCTION MEASURES

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- 18.04.01** Hiring: The Department Head takes reasonable measures to conduct background investigations to review candidates' backgrounds and reduce the risk of hiring individuals with a history of violent behavior.
- 18.04.02** Safety: The County conducts annual inspections of the premises to evaluate and determine any vulnerabilities to workplace violence or hazards. Any necessary corrective action will be taken to reduce all risks.

**18.04.03** Individual Situations: While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgment and to inform the County Judge if any employee exhibits behavior which could be a sign of potentially dangerous situations. Such behavior includes:

1. Discussing weapons or bringing them to the workplace; or
2. Displaying overt signs of extreme stress, resentment, hostility, or anger; or
3. Making threatening remarks; or
4. Sudden or significant deterioration of performance; or
5. Displaying irrational or inappropriate behavior.

**18.04.04** Employees at Risk: The County Treasurer will identify and maintain a list of employees who have been determined to be at risk for becoming victims of violence because of the nature of their job or because they are subject to harassment, violence, or threats from a non-employee. The Commissioners' Court and Sheriff will design a plan with at-risk employees to prepare for any possible emergency situations.

## **18.05 DANGEROUS/EMERGENCY SITUATIONS**

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Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, make constant eye contact and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given.

## **18.06 ENFORCEMENT**

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

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# **19.00 SMOKING POLICY**

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## **19.01 PURPOSE**

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The County maintains a smoke-free environment. No smoking is permitted in any part of the building or in vehicles owned, leased, or rented by the County. Employees may smoke outside in designated areas. When smoking outside, do not leave cigarette butts or other traces of litter or tobacco use on the ground or anywhere else. Dispose of any litter properly in the receptacles provided for that purpose.

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# **20.00 FRAUD PREVENTION AND DETECTION POLICY**

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## **20.01 PURPOSE**

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The County is committed to preventing fraud. All County employees must share in this commitment. County employees, especially supervisors and Department Heads/Elected Officials, must be aware of the circumstances, or "red flags", which lead to fraud. For the purpose of this administrative procedure, fraud and intentional waste are referred to as "fraud".

## **20.02 BACKGROUND**

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**20.02.01** Studies have shown that "red flags" of fraud within an organization were ignored by the organization in almost fifty percent (50%) of the frauds reported. "Downsizing" and repositioning within an organization increases the risk of fraud. Internal controls are the best method of preventing fraud. Poorly written or poorly enforced internal controls allow most fraud to occur.

**20.02.02** Fraud occurs for the following reasons (note: there were multiple reasons in some cases):

1. Poor internal controls
2. Management override of internal controls
3. Type of organization (industry with high risk of fraud)
4. Collusion between employees and third parties
5. Poor or non-existent company ethical standards
6. Lack of control over managers by their supervisors

**20.02.03** The most frequently cited "red flags" of fraud are:

1. Changes in an employee's lifestyle, spending habits or behavior;
2. Poorly written or poorly enforced internal controls, procedures, policies or security;
3. Irregular/unexplained variances in financial information;
4. Inventory shortages;
5. Failure to take action on results of internal/external audits or reviews;
6. Unusually high expenses or purchases;
7. Frequent complaints from customers;
8. Missing files;
9. Ignored employee comments concerning possible fraud.

**20.02.04** Perpetrators of fraud typically live beyond their reasonably available means. Other indicators of fraud include the borrowing of small amounts of money from co-workers, collectors or creditors appearing at the place of business, excessive use of telephone to stall creditors, falsifying records, refusing to leave custody of records during the day, working excessive overtime, refusing vacations, and excessively rewriting records under the guise of neatness.

**20.02.05** The following internal controls help prevent fraud:

1. Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions.
2. Physical security over assets such as locking doors and restricting access to certain areas.
3. Proper training of employees.
4. Independent review and monitoring of tasks.
5. Separation of duties so that no one employee is responsible for a transaction from start to finish.
6. Clear lines of authority.
7. Conflict of interest statements which are enforced.
8. Rotation of duties in positions more susceptible to fraud.
9. Ensuring that employees take regular vacations.
10. Regular independent audits of areas susceptible to fraud.

### **20.03 PURPOSE**

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The purpose of this administrative procedure is to define what constitutes fraud, and to outline rules and procedures all employees must follow when fraud is suspected.

### **20.04 SCOPE**

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This procedure applies to all County employees.

### **20.05 DEFINITIONS**

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**20.05.01** Fraud - Theft, intentional waste or abuse of County funds, property or time. Specific examples of fraud include but are not limited to:

1. Theft of County funds.
2. Serious abuse of County time such as unauthorized time away from work or excessive use of County time for personal business.
3. Unauthorized use or misuse of County property or records.
4. Falsification of records.
5. Theft or unauthorized removal of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
6. Willful destruction or damage of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
7. Neglecting or subverting job responsibilities in exchange for an actual or promised reward.
8. Forgery or alteration of a check, bank draft or any other financial document.
9. Disclosing confidential and proprietary information to outside parties.
10. Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the County as prohibited by law.

**20.05.02** County funds - Currency, checks, or other negotiable instruments belonging to the County, or for which the County is the fiscal agent or has a fiduciary responsibility.

**20.05.03** County property - Any tangible or intangible (i.e. software, copyrights, patents) items licensed to the County.

- 20.05.04**     Retaliation - When an individual is discriminated against or penalized for reporting fraud or for cooperating, giving testimony, or participating in any manner in an audit/investigation, proceeding, or hearing.

## **20.06 RESPONSIBILITIES**

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- 20.06.01**     All Employees - Any employee who has knowledge of an occurrence of fraud, or has reason to suspect that a fraud has occurred, shall immediately notify his/her supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the Department Head/Elected Official of his/her department. However, if the employee has reason to suspect that the Department Head/Elected Official may also be involved, the employee should contact the Criminal District Attorney. Every employee shall cooperate with administrative investigations pursuant to this administrative procedure. The employee shall not discuss the matter with anyone other than his/her supervisor, the Department Head/Elected Official, the County Auditor and the Criminal District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.
- 20.06.02**     Supervisor - Upon notification from an employee of suspected fraud, or if the supervisor has reason to suspect that a fraud has occurred, the supervisor shall immediately notify the Department Head/Elected Official of his/her department. The supervisor shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the Department Head/Elected Official, the County Auditor and the Criminal District Attorney. However, if the supervisor has reason to believe that the Department Head/Elected Official may be involved in a fraud, the supervisor shall contact the County Auditor and the Criminal District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.
- 20.06.03**     Department Head/Elected Official - Upon notification from an employee or supervisor of suspected fraud, or if the Department Head/Elected Official has reason to suspect that a fraud has occurred, the Department Head/Elected Official shall immediately contact the County Auditor and the Criminal District Attorney. The Department Head/Elected Official shall not attempt to investigate the suspected fraud or to discuss the matter with anyone other than the County Auditor and the Criminal District Attorney. Failure to report suspected fraud could result in disciplinary action or possibly termination.
- 20.06.04**     Internal Audit - Upon notification or discovery of a suspected fraud, the County Auditor will promptly coordinate investigation of possible fraud with the Criminal District Attorney.

## **20.07 PROCEDURES**

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- 20.07.01**     Record Security - A successful audit/investigation can only be performed if the documentation relating to an alleged fraud is available for review in its original form. Therefore, once a suspected fraud is reported, the Department Head/Elected Official and supervisor shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to: removing the records and placing them in a secure location; limiting access to the location where the records currently exist; and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the County Auditor and/or the Criminal District Attorney obtain the records to begin the audit/investigation.
- 20.07.02**     Contacts/Protocols - After an initial review and a determination that the suspected fraud warrants additional investigation, the County Auditor will notify the Commissioners Court, the County Treasurer/Human Resource Director and the Criminal District Attorney of the allegations. The

County Auditor shall coordinate the financial review and shall report its investigative findings as described below. The Criminal District Attorney shall coordinate the investigation with the appropriate law enforcement officials and shall report its investigative findings as described below.

- 20.07.03** Confidentiality - All participants in a fraud investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative procedure. However, County Auditor and Criminal District Attorney may discuss the investigation with any person if such discussion would further the investigation.
- 20.07.04** Personnel Actions - If a suspicion of fraud is substantiated by the audit investigation, disciplinary action shall be taken in conformance with the County's Personnel Policies and Procedures. A false and vindictive allegation of fraud is a violation of this administrative procedure. All violations of this administrative procedure, including violations of the confidentiality provisions, shall result in disciplinary actions up to and including termination.
- 20.07.05** Retaliation - It is a violation of this administrative procedure for any individual to be discriminated against for reporting fraud or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Such individual falls under the protection of the Whistle Blower Act.
- 20.07.06** Media Issues - If the media becomes aware of an audit investigation, the appropriate supervisor or Department Head/Elected Official shall refer the media to Criminal District Attorney. The alleged fraud and audit investigation shall not be discussed with the media other than through the Criminal District Attorney's Office.

## **20.08 DISPOSITION OF INVESTIGATION**

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- 20.08.01** At the conclusion of the audit/investigation, the County Auditor and Criminal District Attorney's Office will document the results in a confidential memorandum report to the Commissioners Court, with a copy to the appropriate Department Head/Elected Official. If the report concludes that the allegations are founded, the report will be copied to the Treasurer/Human Resources Director.
- 20.08.02** If the fraud has resulted in County property loss, the County Auditor shall report such loss to the Commissioners Court. The Criminal District Attorney or designated legal counsel shall initiate criminal proceedings, if applicable, and seek restitution for any property loss.
- 20.08.03** Upon completion of the audit investigation and all legal and personnel actions, records will be returned by the investigative offices to the appropriate department.

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# **21.00 SENSITIVE INFORMATION POLICY AND PROGRAM**

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## **21.01 BACKGROUND**

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The risk to the County, its employees, agents, contractors, citizens and other customers from data loss and identity theft is of significant concern to the County and can only be reduced through the combined efforts of every employee and contractor.

## **21.02 PURPOSE**

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The County adopts this sensitive information policy to help protect employees, agents, contractors, and customers and the County from damages related to the loss or misuse of sensitive information. This policy will:

1. Define sensitive information.
3. Describe the physical security of data when it is printed on paper.
4. Describe the electronic security of data when stored and distributed.

Putting the Identity Theft Prevention Program in place enables The County to protect existing customers, reducing risk from identity fraud and minimize potential damage to the County from fraudulent new accounts. The program will help the County:

1. Identify risks that signify potentially fraudulent activity within new or existing covered accounts.
2. Detect risks when they occur in covered accounts.
3. Respond to risks to determine if fraudulent activity has occurred and act if fraud has been attempted or committed.
4. Update the program periodically, including reviewing accounts that are covered and identified risks that are part of the program.

## **21.03 SCOPE**

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This policy and protection program apply to employees, agents, contractors, and customers, consultants, temporary workers, and other workers at the County, including all personnel affiliated with third parties.

## **21.04 POLICY**

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### **21.04.01 DEFINITION OF SENSITIVE INFORMATION**

Sensitive information includes the following items whether stored in electronic or printed:

1. Personal Information - Sensitive information consists of personal information including, but not limited to:



- a) Credit Card Information, including any of the following:
    - o Credit Card Number (in part or whole)
    - o Credit Card Expiration Date
    - o Cardholder Name
    - o Cardholder Address
  - b) Tax Identification Numbers, including:
    - o Social Security Number
    - o Social Insurance Number
    - o Business Identification Number
    - o Employer Identification Numbers
  - c) Payroll information, including, among other information:
    - o Paychecks
    - o Pay stubs
    - o Pay rates
  - d) Cafeteria Plan Check Requests and associated paperwork
  - e) Medical Information for any staff, employees, agents, contractors and customers including but not limited to:
    - o Doctor names and claims
    - o Insurance claims
    - o Prescriptions
    - o Any related personal medical information
  - f) Other Personal Information belonging to staff, employees, agents, contractors and customers, examples of which include:
    - o Date of Birth
    - o Address
    - o Phone Numbers
    - o Maiden Name
    - o Names
    - o Customer Number
2. Corporate Information- Sensitive corporate information includes, but is not limited to:
    - a) The County, staff, employees, agents, contractors, customers, vendor, supplier confidential, proprietary information or trade secrets.
    - b) Proprietary and/or confidential information, among other things, includes: business methods, customer utilization information, retention information, sales information, marketing and other County strategy, computer codes, screens, forms, information about, or received from, the County's current, former and prospective customers, staff, employees, agents, contractors and customers, or suppliers or any other non-public information. Proprietary and/or confidential information also includes the name and identity of any customer or vendor and the specifics of any relationship between and among them and the County.
  3. Any document marked "Confidential", "Sensitive", "Proprietary", or any document similarly labeled.
  4. County personnel are encouraged to use common sense judgment in securing County confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact their Department Head.

#### **21.04.02 HARD COPY DISTRIBUTION**

Every employee, agent, contractor, performing work for the County will comply with the following policies:

1. File cabinets, desk drawers, overhead cabinets, and any other storage space containing documents with sensitive information should be locked when not in use.

2. Storage rooms containing documents with sensitive information and record retention areas should be locked at the end of each workday.
3. Desks, workstations, work areas, printers and fax machines, and common shared work areas should be cleared of all documents containing sensitive information when not in use.
4. Whiteboards, dry-erase boards, writing tablets, etc. in common shared work areas should be erased, removed, or shredded when not in use.
5. When documents containing sensitive information are discarded, they should be placed in a secure area, inside a locked shred bin or immediately shredded using a mechanical cross cut or Department of Defense (DOD) approved shredding device. Locked shred bins are labeled “Confidential paper shredding and recycling”. If you need any assistance in locating one of these bins, please contact a supervisor/manager.

### **21.04.03 ELECTRONIC DISTRIBUTION**

Every employee, agent, contractor performing work for the County will comply with the following policies:

1. Internally, sensitive information may be transmitted using approved County email. All sensitive information shall be encrypted when stored in an electronic format.
2. Any sensitive information sent external should be encrypted and password protected and only to approved recipients. Additionally, a statement such as this should be included in the email:

*“This message may contain confidential and/or proprietary information, and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.”*

## **21.05 ADDITIONAL IDENTITY THEFT PREVENTION PROGRAM**

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**If the County maintains certain covered accounts pursuant to federal legislation, the County may include the additional program details. The Red Flags in 21.05.02 may be tailored to the specific needs of the County.**

### **21.05.01 COVERED ACCOUNTS**

Every new and existing customer account that meets the following criteria is covered by this program:

1. Business, personal and household accounts for which there is a reasonably foreseeable risk of identity theft.
2. Business, personal and household accounts for which there is a reasonably foreseeable risk to the safety and/or soundness of the County from identity theft, including financial, operational, compliance, reputation, or litigation risks.

### **21.05.02 RED FLAGS**

The following ‘Red Flags’ are potential indicators of fraud and any time when a Red Flag, or a situation closely resembling a Red Flag, is apparent, it should be investigated for verification.

1. Alerts, Notifications or Warnings from a Consumer Reporting Agency.
  - a) A fraud or active duty alert is included with a consumer report.
  - b) A consumer reporting agency provides a notice of credit freeze in response to a request for a consumer report.
  - c) A consumer reporting agency provides a notice of address discrepancy.

- d) A consumer report indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
    - o A recent and significant increase in the volume of inquiries
    - o An unusual number of recently established credit relationships
    - o A material change in the use of credit, especially with respect to recently established credit relationships
    - o An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor
2. Suspicious Documents
- a) Documents provided for identification appear to have been altered or forged.
  - b) The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
  - c) Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
  - d) Other information on the identification is not consistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check.
  - e) An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.
3. Suspicious Personal Identifying Information
- a) Personal identifying information provided is inconsistent when compared against external information sources used by the financial institution or creditor. For example:
    - o The address does not match any address in the consumer report
    - o The Social Security Number (SSN) has not been issued, or is listed on the Social Security Administration's Death Master File
  - b) Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer. For example, there is a lack of correlation between the SSN range and date of birth.
  - c) Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the financial institution or creditor. For example:
    - o The address on an application is the same as the address provided on a fraudulent application
  - d) Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the financial institution or creditor. For example:
    - o The address on an application is fictitious, a mail drop, or prison
    - o The phone number is invalid, or is associated with a pager or answering service
  - e) The SSN provided is the same as that submitted by other persons opening an account or other customers.
  - f) The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of other persons opening accounts or other customers.
  - g) The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
  - h) Personal identifying information provided is not consistent with personal identifying information that is on file with the financial institution or creditor. For financial institutions and creditors that use challenge questions, the person opening the covered account or the customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.
4. Unusual Use of, or Suspicious Activity Related to, the Covered Account

- a) Shortly following the notice of a change of address for a covered account, the institution or creditor receives a request for new, additional, or replacement cards or a cell phone, or for the addition of authorized users on the account.
- b) A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
  - o The majority of available credit is used for cash advances or merchandise that is easily convertible to cash (e.g., electronics equipment or jewelry)
  - o The customer fails to make the first payment or makes an initial payment but no subsequent payments
- c) A covered account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
  - o Nonpayment when there is no history of late or missed payments;
  - o A material increase in the use of available credit
  - o A material change in purchasing or spending patterns
  - o A material change in electronic fund transfer patterns in connection with a deposit account
  - o A material change in telephone call patterns in connection with a cellular phone account
- d) A covered account that has been inactive for a reasonably lengthy period of time is used (taking into consideration the type of account, the expected pattern of usage and other relevant factors).
- e) Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's covered account.
- f) The financial institution or creditor is notified that the customer is not receiving paper account statements.
- g) The financial institution or creditor is notified of unauthorized charges or transactions in connection with a customer's covered account.
- h) Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by the financial institution or creditor.

The financial institution or creditor is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

### **21.05.03 RESPONDING TO RED FLAGS**

Once potentially fraudulent activity is detected, it is essential to act quickly as a rapid appropriate response can protect customers and the County from damages and loss.

1. Once potentially fraudulent activity is detected, gather all related documentation and write a description of the situation. Take this information and present it to the designated authority for determination.
2. The designated program representative will complete additional authentication to determine whether the attempted transaction was fraudulent or authentic.
3. If a transaction is determined to be fraudulent, appropriate actions must be taken immediately. Actions may include:
  - a) Cancel the transaction;
  - b) Notify and cooperate with appropriate law enforcement;
  - c) Determine extent of liability to the County; and
  - d) Notify actual customer that fraud has been attempted.

## **21.06 PERIODIC UPDATES TO PLAN**

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At periodic intervals established in the program, or as required, the program will be re-evaluated to determine whether all aspects of the program are up to date and applicable in the current business environment.

Periodic reviews will include an assessment of which accounts are covered by the program.

As part of the review, Red Flags may be revised, replaced or eliminated. New Red Flags may also be appropriate.

Actions to take in the event that fraudulent activity is discovered may also require revision to reduce damage to the County and its customers.

## **21.07 PROGRAM ADMINISTRATION**

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### **21.07.01 INVOLVEMENT OF COMMISSIONERS' COURT**

The Identity Theft Prevention Program shall not be operated as an extension to existing fraud prevention programs and its importance warrants the highest level of attention.

The Identity Theft Prevention Program is the responsibility of the Commissioners' Court. Approval of the initial plan must be appropriately documented and maintained.

Operational responsibility of the program can be delegated to a designated employee.

### **21.07.02 STAFF TRAINING**

Staff training shall be conducted for all employees, agents, and contractors for whom it is reasonably foreseeable that they may come into contact with accounts or Personally Identifiable Information which may constitute a risk to the County or its customers.

Staff members shall continue to receive training as required as changes to the program are made to ensure maximum effectiveness of the program.

### **21.07.03 OVERSIGHT OF SERVICE PROVIDER ARRANGEMENTS**

It is the responsibility of the County to ensure that the activities of all Service Providers are conducted in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft.

A Service Provider that maintains its own Identity Theft Prevention Program, consistent with the guidance of the Red Flag Rules and validated by appropriate due diligence, may be considered to be meeting these requirements.

Any specific requirements should be specifically addressed in the appropriate contract arrangements.

## **21.08 ROLES AND RESPONSIBILITIES**

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Commissioners' Court will have the responsibility to adopt, implement and enforce this policy and ensure that it is followed by employees, agents, and contractors. Additional responsibilities

regarding the operation of the Identity Theft Prevention Program may be outlined above or as listed in additional written guidance.

## 21.09 DEFINITIONS

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- 21.09.01 Encryption** – The translation of data into a secret code. Encryption is the most effective way to achieve data security. To read an encrypted file, you must have access to a secret key or password that enables you to decrypt it. Unencrypted data is called plain text.
- 21.09.02 Hard Copy** - A printout of data stored in a computer. It is considered *hard* because it exists physically on paper, whereas a *soft* copy exists only electronically.
- 21.09.03 Service Provider** - Any person or entity that maintains, processes, or otherwise is permitted access to customer information or consumer information through the provision of services directly to the County.

## 21.10 ENFORCEMENT

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Any employee, agent, or contractor found to have violated this policy may be subject to disciplinary action, up to and including termination of employment or association with the County.

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# 22.00 AFFORDABLE CARE ACT MEASUREMENT PERIODS POLICY

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## 22.01 NEW EMPLOYEE DEFINITIONS

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New employees fall into several categories:

1. Reasonably expected to work full-time at hire date (do not need to measure)
2. Reasonably expected not to work full-time at hire date (measure)
3. Seasonal employees at hire date (measure)
4. Variable hours employees at hire date (measure)

## 22.02 NEW HIRES

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### 22.02.01 INITIAL MEASUREMENT PERIOD (IMP)

The Initial Measurement Period is the period that an employer chooses to apply to new hires. This period is used to determine whether newly hired variable hour and seasonal employees are eligible for health insurance. The Initial Measurement Period and the Initial Administrative Period combined may not extend beyond thirteen (13) months and a fractional month.

The Initial Measurement Period begins on a new non full-time employee's hire date and will end twelve (12) months later. For example, if a variable hour employee is hired on April 1, 2015, then that employee's IMP will begin on April 1, 2015 and will end March 31, 2016.

### 22.02.02 INITIAL ADMINISTRATIVE PERIOD (IAP)

The Initial Administrative Period is the period of time during which Jackson County performs measurement and determines whether health care coverage should be offered. This period begins immediately following the end of the Initial Measurement Period and ends immediately before the start of the Initial Stability Period (ISP).

The Initial Administrative Period begins immediately following the end of the Initial Measurement Period and ends immediately before the start of the Initial Stability Period but is no longer than one (1) month plus a fractional month. For example, if a variable hour employee's IMP ends on March 31, 2016, then that employee's IAP begins on April 1, 2016 and ends April 30, 2016. During this period, Jackson County will determine if the employee is eligible for health care coverage (paid an average of thirty (30) or more hours during their IMP). If eligible, the employee must be offered health care coverage.

### 22.02.03 INITIAL STABILITY PERIOD

The Initial Stability Period is the period of time lasting twelve (12) months during which the employee is either:

1. Considered health insurance eligible and must be offered coverage, or;
2. Is not considered eligible and coverage need not be offered.

For new variable hour and seasonal employees, the ISP must begin after their IMP and any IAP. For those determined to be eligible, their ISP must be the same length as the Standard Stability Period.

The Initial Stability Period for Jackson County is twelve (12) months beginning immediately after the Initial Administrative Period ends. For example, if during the IAP (April 1, 2016 thru April 30, 2016), it is determined that a variable hour employee is paid an average of thirty (30) hours or more per week during their IMP, then that employee is eligible and must be offered health care coverage. If the employee accepts the health care coverage, then their coverage begins May 1, 2016 and will end April 30, 2017 (their ISP) unless they continue to be paid an average of thirty (30) hours or more per week during the Standard Measurement Period, in which case, the employee must be offered health care coverage again.

## **22.03 ONGOING EMPLOYEES**

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**22.03.01** An ongoing employee is one who has been employed for at least one (1) complete Standard Measurement Period.

### **STANDARD MEASUREMENT PERIOD (SMP)**

The Standard Measurement Period is the period used for ongoing employees. This period is used to determine whether variable hour and seasonal employees are eligible for health insurance coverage.

The Standard Measurement Period for Jackson County begins September 1 each year and will end August 31 the following year. For example, in FY 2016 the SMP begins September 1, 2015 and will end August 31, 2016.

**22.03.02** **STANDARD ADMINISTRATIVE PERIOD (SAP)**

The Standard Administrative Period is the period of time during which Jackson County performs measurement and determines whether health care coverage should be offered. This period begins immediately following the Standard Measurement Period and ends immediately before the Standard Stability Period.

The Standard Administrative Period begins September 1 each year and will end September 30. For example, in FY 2016 the SAP begins September 1, 2016 and will end September 30, 2016. During this period, Jackson County will determine if the employee is eligible for health care coverage (paid an average of thirty (30) or more hours during the SMP). If eligible, the employee must be offered health care coverage.

**22.03.02** **STANDARD STABILITY PERIOD (SSP)**

If it is determined that an employee averaged at least thirty (30) hours per week during the SMP, the employee is eligible for health insurance coverage and must be offered participation during the subsequent Standard Stability Period. If an employee accepts the health care coverage, the Standard Stability Period is twelve (12) months beginning immediately after the Standard Administrative Period ends regardless of the employee's number of hours of service during the SSP.

The Standard Stability Period for Jackson County begins October 1 each year and ends September 30. For example, if during the SAP (September 1, 2016 thru September 30, 2016) it is determined that a variable hour employee is paid an average of thirty (30) hours or more per week during their SMP, then that employee is eligible and must be offered health care coverage. If the employee accepts the health care coverage, then their coverage begins October 1, 2016, and will end September 30, 2017 (their SSP) unless they continue to be paid an average of thirty (30) hours or more per week during their next Standard Measurement Period, in which case, the employee must be offered health care coverage again. (Section 22 adopted by Commissioners' Court on 08/10/2015)