

# **PERSONNEL POLICIES**

Polk County, Texas Local Government

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## 1.00 GENERAL POLICIES

### 1.01 : Authority

In accordance with the regulations of Polk County and the Texas Local Government Code, the Polk County Commissioners Court formally establishes and approves the personnel policies for Polk County, Texas. The Court exclusively maintains the authority to approve any amendments, deletions, revisions, or additions to these policies.

#### 1.01.1 : Supersession Clause

These policies are the only set of rules for all county employees and replace and supersede any previous policies. Only changes approved by the Polk County Commissioners Court are valid and can be enforced within the county. These changes must be officially accepted during public meetings, following the Texas Open Meetings Act (TOMA)<sup>1</sup>, to ensure the process is transparent and the public can participate.

#### 1.01.2 : Subordinate Provisions

Additionally, elected officials or department heads can set specific rules for their departments, but these must align with the broader county personnel policies. If there is a conflict, county policies take precedence, especially if recently updated or amended, ensuring consistency and legality.<sup>2</sup>

### 1.02 : Severability

The provisions of the Polk County personnel policies are designed to be separable. If a court of competent jurisdiction finds any provision or part of these policies invalid, illegal, or unenforceable, this decision will not impact the rest of the manual, which will continue to be fully effective, similar to the Texas Civil Practice and Remedies Code Section 84.008.<sup>3</sup>

### 1.03 : Responsibility for Implementation of Personnel Policies

Responsibility for the implementation and oversight of personnel policies in Polk County is distributed among several designated offices and officials to ensure effective governance and compliance:

1. **Commissioners Court** - Holds ultimate authority over the adoption and modification of personnel policies, ensuring alignment with county objectives and legal requirements.
2. **County Judge** - Oversees the general personnel policy framework and ensures all county departments follow these policies, which must meet legal standards and county goals.
3. **Office of Human Resources (HR)** - Responsible for maintaining these policies and keeping the official personnel records, which include information on employment, benefits, attendance, payroll, and termination processes
4. **Elected Officials and Department Heads** - Responsible for maintaining their own personnel files and for the localized administration of these policies, ensuring that departmental activities comply with the overarching county personnel regulations.

### 1.04 : Purpose of Personnel Policies

This document outlines the core principles and regulations that guide employment within Polk County. It details the benefits, rights, and responsibilities associated with county employment, designed to ensure that both staff and supervisors adhere to practices that are consistent, equitable, and effective.

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<sup>1</sup> The Texas Open Meetings Act (TOMA) requires that governmental meetings in Texas be publicly accessible, with exceptions for specific sensitive topics. It mandates public notices, accessibility for the disabled, and bans proxy voting. Officials must complete TOMA training within 90 days of taking office, and violations can lead to penalties including removal. This ensures public involvement in decision-making, such as policy changes by the Polk County Commissioners Court.

<sup>2</sup> The Texas Regulatory Consistency Act, passed as House Bill 2127 in 2023, amends the Texas Local Government Code to mandate that local municipalities align their ordinances and rules with state laws.

<sup>3</sup> Texas Civil Practice and Remedies Code Section 84.008 includes a severability provision, ensuring that if any part of the code is found unconstitutional or invalid, the remaining sections remain enforceable. This allows parts of legal documents to be separated, ensuring the rest can still be enforced.

The ultimate goal of these policies is to enhance the quality of services provided to the citizens of the county, promoting transparency and equity in all employment relations.

### 1.05 : Applicability of Personnel Policies

These personnel policies are enforced uniformly across all county employees unless there is a specific exemption outlined within these policies for certain employee classes. If federal or state laws or regulations override these local policies for particular groups of employees, such laws or regulations will only replace these personnel policies to the extent required for legal compliance.

### 1.06 : Dissemination of Personnel Policies

The Office of Human Resources holds the official collection of Personnel Policies and distributes the manual and any updates to each Department Head or Elected Official. These individuals are tasked with informing employees about changes and ensuring access to the most current policies. For specific policy queries, the Human Resources' official documents serve as the authoritative source. All employees must read this manual thoroughly and adhere to its stipulations. Within two weeks of employment commencement, employees must sign a statement confirming their understanding of the manual. This process complies with the Texas Public Information Act and the Americans with Disabilities Act, ensuring public access to information and accessibility in communications.

### 1.07 : Equal Employment Opportunity

The County is firmly committed to eliminating discrimination in every aspect of personnel administration. This commitment covers various areas, including job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, and discipline, and extends to prohibiting discrimination on the basis of race, age, sex, religion, color, disability, national origin, sexual orientation, gender identity, or genetic information. All personnel decisions will be based solely on occupational qualifications and job-related factors such as skills, knowledge, education, experience, and the ability to perform the duties of the position. Moreover, any retaliation or discrimination against an employee who alleges discrimination based on any of the aforementioned categories is strictly forbidden. This policy adheres rigorously to federal laws including Title VII of the Civil Rights Act<sup>4</sup>, the Americans with Disabilities Act Amendments Act (ADAAA) of 2008<sup>5</sup>, the Genetic Information Non-discrimination Act of 2008, and Texas Labor Code Chapter 21<sup>6</sup>.

### **Americans with Disabilities Act Amendments Act**

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

It is Polk County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the county. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your Elected Official, Appointed Official, Department Head or Human Resources Director. Reasonable accommodation shall be determined through an interactive process of consultation.

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<sup>4</sup> Title VII of the Civil Rights Act of 1964 is a landmark federal law that prohibits employment discrimination based on race, color, religion, sex (including pregnancy), and national origin.

<sup>5</sup> The ADA Amendments Act of 2008 (ADAAA) expanded the definition of "disability" under the Americans with Disabilities Act of 1990, enhancing protections by broadening the scope of major life activities, clarifying disability criteria, rejecting narrow interpretations, focusing on discrimination, including a comprehensive list of major life activities, excluding mitigating measures, and covering episodic or remissive impairments.

<sup>6</sup> Texas Labor Code Chapter 21 covers employment discrimination in Texas, providing protections against discriminatory practices based on race, color, religion, sex, national origin, age, and disability



### 1.08 : Affirmative Action

The County commits to affirmative action ensuring that applicants are employed and that employees are treated fairly throughout their employment, without discrimination based on race, color, disability (as defined by the Americans with Disabilities Act Amendments Act (ADAAA) of 2008), religion, sex (including sexual orientation and gender identity), national origin, age, genetic information (as protected by the Genetic Information Non-discrimination Act of 2008), political affiliation, or any other factor unrelated to merit.

### 1.09 : Confidentiality / Security of Information

Under Texas state law concerning public records and confidentiality, Polk County mandates that all employees strictly follow specific guidelines designed to protect and maintain the confidentiality of all handled information. These protocols, shaped to meet both county-specific needs and state legislative requirements, aim to preserve the integrity and trust in county operations. Employees are required to treat all information as confidential, using it solely for official purposes. Disclosure is permitted only when absolutely necessary, under a strict "need-to-know" basis, and must comply with both Polk County and Texas state regulations.

Disclosures of confidential information within Polk County are strictly limited to designated officials as per the Texas Public Information Act. Each department may establish its own protocols based on state laws to manage sensitive information.<sup>7</sup> Unauthorized disclosure is prohibited unless approved by a department head or elected official, and must comply with the Texas Identity Theft Enforcement and Protection Act which details procedures for reporting breaches and securing personal data.<sup>8</sup> Departments are permitted to develop specific confidentiality protocols that align with operational needs. Employees handling sensitive data are required to secure physical and digital data following federal and state laws, like HIPAA. Compliance with these protocols is ensured through periodic audits and adjustments in response to legislative changes and cybersecurity updates.

### 1.10 : Harassment Policy

Polk County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discrimination practices, including harassment. Therefore, Polk County expects that all relationships among persons in the office will be business-like and free of explicit bias, prejudice and harassment. Polk County has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation.

Polk County is committed to a discrimination-free and harassment-free workplace.<sup>9</sup> This policy ensures that all employees, contractors, vendors, and agents of Polk County are treated with respect and dignity, and it applies across all locations and work-related activities. It addresses harassment based on race, color, religion, sex (inclusive of pregnancy, gender identity, and sexual orientation), national origin, age, disability, or genetic information. Harassment includes unlawful, unwelcome words, acts or displays based on sex, including lesbian, gay, bi-sexual or transgender status, sexual orientation or gender identity, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

**Harassment in the workplace** refers to unwelcome conduct based on protected characteristics, such as race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, age (beginning at age 40), disability, or genetic information. It becomes unlawful when either:

1. **Enduring the offensive conduct** becomes a condition of continued employment.

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<sup>7</sup> Texas Government Code §2054.059 emphasizes the protection of electronic data, necessitating regular risk assessments and mandatory reporting of data breaches, including notifying affected individuals and state authorities as per state laws.

<sup>8</sup> The Texas Identity Theft Enforcement and Protection Act requires implementation of reasonable procedures to protect sensitive personal information, including notifying affected individuals within 60 days of a data breach

<sup>9</sup> Adheres to Federal Title VII of the Civil Rights Act of 1964 and the Texas Commission on Human Rights Act (TCHRA) which establish a legal framework for preventing discrimination and handling harassment claims in the workplace

2. The conduct is **severe or pervasive** enough to create a work environment that a reasonable person would find intimidating, hostile, or abusive.

Examples of harassment include offensive jokes, slurs, physical threats, intimidation, and insults. Prevention through clear communication, anti-harassment training, and prompt action is crucial to maintaining a respectful workplace. If you encounter workplace harassment, consider reporting it to management early to prevent escalation. If your manager or supervisor is the one harassing you, report it to HR. Here are some examples of workplace harassment:

1. **Verbal Harassment:** Offensive comments, slurs, or derogatory language directed at an individual based on race, gender, religion, or other protected characteristics.
2. **Sexual Harassment:** Unwanted sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature that creates a hostile work environment (discussed in detail in 1.10 (b)).
3. **Bullying:** Repeated mistreatment, humiliation, or intimidation that undermines an employee's self-esteem or job performance.
4. **Cyber Harassment:** Sending offensive or threatening messages via email, social media, or other digital platforms.
5. **Age-Based Harassment:** Discrimination or offensive remarks related to an employee's age.
6. **Disability Harassment:** Treating an employee unfairly due to their disability or mocking their condition.

Remember, it is essential to address and prevent harassment promptly to maintain a respectful workplace. If you encounter any of these behaviors, consider reporting them to your HR department or management.

The county provides multiple reporting channels to facilitate timely and confidential reports, ensuring no fear of retaliation. All harassment complaints are investigated thoroughly and swiftly, with confidentiality preserved as much as possible. Substantiated harassment cases will lead to corrective actions, which may include termination. The county strictly prohibits any retaliation against individuals reporting harassment or participating in investigations.

Polk County treats harassment accusations seriously, recognizing their potential impact on the accused's career and reputation. False allegations, dishonesty during investigations, lack of cooperation, or confidentiality breaches violate this policy and may result in disciplinary actions, including termination.

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

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

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

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

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

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

#### 1.10 (b): Sexual Harassment Policy

Polk County is committed to maintaining a workplace free from sexual harassment, ensuring all employees are treated with dignity and respect. It enforces a strict zero-tolerance policy towards sexual harassment,<sup>10</sup> Texas state laws, and local statutes. Employees must comply with this policy; violations will result in disciplinary measures, potentially including termination.

Sexual harassment encompasses a range of unwelcome behaviors of a sexual nature, whether they be verbal, non-verbal, or physical. Examples of such conduct include, but are not limited to:

- a. Employment conditions that are explicitly or implicitly dependent on one's response to sexual advances.
- b. Employment decisions that stem from an individual's acceptance or rejection of such behaviors.
- c. Conduct that significantly disrupts or effects an employee's work performance or creates an intimidating, hostile, or offensive work environment.
- d. Request for sexual favors, and other verbal non-verbal or physical conduct of a sexual nature.

Additionally, in line with Sex Discrimination Guidelines Section 1604.11, sexual harassment may involve<sup>11</sup>:

- a. Physical assaults or attempts thereof, such as rape, sexual battery, and molestation.
- b. Deliberate and unwanted physical contact, including touching, pinching, patting, or accidental brushing against someone's body in a sexual manner.
- c. Unsolicited sexual advances, propositions, or remarks, slurs, statements, including sexual gestures or jokes that are made in the presence of an employee who deems them unwelcome.
- d. The display or distribution of sexually explicit materials such as pictures, posters, calendars, emails, cartoons, graffiti, or other objects.
- e. Quid pro quo a favor or advantage granted in expected in return for something.

Polk County clarifies that interactions based on personal or social relationships without discriminatory intent on employment are not considered harassment. Whether certain behaviors qualify as sexual harassment will be assessed by the county after reviewing the specific facts and context involved. Employees who face or observe sexual harassment must promptly report it to their supervisor or directly to the Human Resources Supervisor, especially if the harassment is from their own supervisor. The county has established grievance procedures for filing such complaints, and all supervisors are required to treat these reports with seriousness and escalate them to Human Resources.

The Human Resources Supervisor is tasked with:

- Interviewing all parties involved to understand both perspectives.
- Documenting all stages of the investigation process.
- Working towards resolving the complaint, presenting findings and recommendations to the Commissioners Court.
- Ensuring confidentiality throughout the investigative process to the greatest extent possible.

Discussions about the incident should be limited to those involved in the investigation. No employee will face retaliation or disciplinary action for filing a complaint about sexual harassment. To highlight the significance of this policy, every employee is required to sign an acknowledgment of understanding and receipt of these guidelines, which is then stored in their personnel file.

#### 1.10 c: Workplace Violence

Polk County is committed to a violence-free workplace, strictly prohibiting all violence and threats, whether serious or in jest. Employees must report any suspicious activities or remarks to their

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<sup>10</sup> Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986). This landmark U.S. Supreme Court decision recognized sexual harassment as a form of sex discrimination actionable under Title VII of the Civil Rights Act of 1964, setting important precedents for analyzing unlawful conduct and employer liability in workplace sexual harassment cases.

<sup>11</sup> Sex Discrimination Guidelines Section 1604.11 outlines sexual harassment as sex discrimination under Title VII, noting it includes unwelcome sexual advances, requests for favors, and other sexual conduct affecting employment conditions or creating a hostile work environment, and sets guidelines for employer liability and corrective actions.

supervisor, and stay alert to any unusual behavior from the public or other employees, reporting these to either their supervisor or the sheriff's department. Any violation of this policy will be thoroughly investigated and may result in disciplinary actions, up to and including dismissal.

### 1.11 : Persons with Disabilities

Polk County adheres to the Americans with Disabilities Act Amendments Act (ADAAA) and Texas Labor Code, ensuring that all employment aspects—from the application process and daily activities to the working environment, benefits, training, and advancement—are accessible to individuals with disabilities. The county commits to providing reasonable accommodations for qualified applicants and employees with disabilities unless such accommodations would cause undue hardship to county operations.

### 1.12 : Genetic Information Nondiscrimination Act

This policy aligns with the Genetic Information Non-discrimination Act (GINA) of 2008, enforced by the US Department of Labor, prohibiting discrimination based on genetic information in health plans and forbidding mandatory genetic testing of employees.<sup>12</sup> It also limits the collection of genetic data and provides additional protections. Polk County will not seek or use genetic information from employees for employment or benefits decisions, except as legally required or for essential safety reasons, in accordance with federal GINA regulations and relevant Texas health and safety codes.

### 1.13 : Changes to Policies and Employee Suggestions

Personnel policies may be modified, updated, or expanded at any time by the commissioners' court, with a minimum of 72-hour notice, following the Texas Open Meetings Act (TOMA). The Human Resources office conducts an annual policy review during the budget process, suggesting updates for approval before the new fiscal year to improve management and ensure compliance with legal standards. Employees are encouraged to submit feedback on policies or work conditions through their department head or elected official for review by the commissioners' court. They are also responsible for staying informed about any policy changes and seeking necessary clarifications or assistance.

### 1.14 Safe Harbor Act

Polk County is dedicated to adhering to the Fair Labor Standards Act (FLSA)<sup>13</sup> and Texas Payday Law<sup>14</sup>, ensuring all compensation practices are legally compliant and accurately executed. Despite efforts to minimize errors, discrepancies in pay such as overpayments can occur and should be reported immediately for correction in the next payroll cycle. Non-exempt employees must maintain accurate records in their time sheets of all work hours, including regular, overtime, and any deviations such as absences, tardiness, early departures, or meal breaks, and ensure their timecards reflect this precisely. Unauthorized work outside scheduled hours is prohibited, and employees should not start early, stay late, or work through meal breaks without explicit supervisor approval. Additionally, "off-the-clock" work is strictly forbidden, with any infractions requiring immediate reporting to Human Resources and carrying the risk of disciplinary actions, up to termination.

Exempt salaried employees receive a fixed salary set when they are hired or upon becoming exempt, covering all hours worked without regard to the quantity or quality of work. This salary can be changed but remains consistent regardless of workload variations. Deductions from the salary may occur for specific reasons such as full-day personal absences not related to sickness or disability, certain disciplinary suspensions, major safety violations, specific leaves, and to offset jury duty or military pay. However, exempt employees' salaries cannot be reduced for partial-day absences, facility closures, or

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<sup>12</sup> The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits genetic discrimination in matters of employment and health insurance, safeguarding individuals' genetic information from misuse and ensuring protection against discriminatory practices based on genetic data

<sup>13</sup> The Fair Labor Standards Act (FLSA) is a federal law that sets minimum wage, overtime pay eligibility, recordkeeping, and child labor standards for full-time and part-time workers in the private sector and all levels of government.

<sup>14</sup> The Texas Payday Law, also known as the Texas Payment of Wages Act, regulates the payment of wages, defining "wages" broadly to include various forms of compensation and setting the frequency of payments. It mandates that wages be paid via electronic transfer, check, or cash unless otherwise agreed in writing. The law allows employees to compel employers to pay overdue wages and provides a 180-day period to file claims with the Texas Workforce Commission, which then investigates and may issue a wage determination order. If uncontested, this order mandates employers to settle wages and penalties within 30 days.

County-initiated operational changes, among other protected circumstances. Adjustments to accrued paid leave for personal or health-related absences are allowed.

If you encounter any issues with pay deductions or inaccuracies in your recorded hours, immediately contact your supervisor or Polk County Human Resources at 602 E Church St., Ste., 105, Livingston, TX, 936-327-6802. If your concerns are not resolved within five business days, report them to the Polk County District Attorney's office at 101 W. Mill St., Ste. 247, Livingston, TX, 936-327-6868. All complaints will be thoroughly investigated, and those found violating this policy may face corrective actions, including termination. Additionally, Polk County enforces a strict no-retaliation policy for those reporting or participating in investigations of these issues, with violations leading to disciplinary measures, up to termination.

## 2.00 Employee Responsibilities

### 2.01 General

County employees must adhere to high standards of public service, demonstrating professionalism, and courtesy, and avoiding even the appearance of illegal or unethical conduct. Employees are expected to work efficiently, maintain good moral conduct, and foster positive relationships with the public, supervisors, officials, and colleagues. Under extenuating circumstances, only an elected/appointed official may authorize visitors for employees (i.e. bad weather days or Dr. appointments.) Visitors should not regularly be present during an employee's workday.

### 2.02 Professional Appearance

Employees are expected to maintain a professional personal image, practice regular hygiene, and dress neatly and appropriately for their job roles. While there is no formal dress code, a well-groomed appearance and courteous attitude are essential in maintaining a favorable image of the county's workforce.

### 2.03 Timeliness and Attendance

Punctuality is critical. Employees must report expected tardiness or absence to their supervisor at least one hour before their scheduled start time unless emergency conditions exist. Frequent tardiness or unexcused absences are grounds for disciplinary action, including termination. Employees are expected to call in each day of absence unless otherwise approved by the supervisor.

### 2.04 Outside Activities

Employees may not engage in outside employment or activities that conflict with their county job or adversely affect job performance. Department heads or elected officials may require prior notification of any outside employment. The county is not liable for any damages or claims resulting from outside employment.

### 2.05 Gifts and Gratuities

County officers or employees may not accept gifts or free services that could influence their official actions or impair their judgment in performing county duties.

### 2.06 Conflict of Interest

1. **County Elected Officials:** Members of the commissioners' court and certain other officials must not participate in votes or decisions affecting a business or real estate in which they have a substantial interest. This prohibition is detailed in the county's Conflict of Interest Policy (V.T.C.A., Local Government Code, Chapter 171).
2. **County Employees:** Employees must not solicit or accept financial benefits that might influence their job performance or disclose confidential information for compensation. They should avoid outside employment or personal investments that could create substantial conflicts with their county duties.

### 2.07 Political Activity

County employees are urged to participate in voting and to utilize other civic rights in alignment with applicable state and federal laws, as well as these established policies.

#### **Prohibited Actions for Employees:**

1. **Abuse of Authority:** Employees must not leverage their official position or influence to interfere with or sway the outcomes of elections or the selection of officeholders.
2. **Improper Influence:** It is forbidden for employees to directly or indirectly pressure, instruct, or advise any local or state officials or staff to provide financial support, whether through payments, loans, or contributions, to any political party, committee, organization, agency, or individual for political objectives.

All county staff, with the exception of elected officials, are barred from engaging in any form of political activity while donned in county uniforms. This restriction applies regardless of whether the employee is performing official duties or acting during personal time. Additionally, county-owned assets—including properties, vehicles, buildings, and offices—must not be utilized for displaying campaign materials or for conducting partisan political endeavors.

Employees seeking election to a county office are recommended, though not mandated, to request a leave of absence starting from the date they file for the position until the final election results are certified.

Furthermore, employees covered by the federal Hatch Act are prohibited from running as candidates in partisan elections. A partisan election is defined as one where candidates are nominated or elected to represent a political party that secured votes for presidential electors in the most recent presidential election cycle. This Hatch Act restriction specifically applies to county employees whose main job responsibilities involve activities funded wholly or partially by federal loans or grants.

Political activities by employees that comply with this section will not influence decisions related to their salaries, promotion or demotion eligibility, job assignments, requests for leave or travel, or any other employment-related matters.

**Legal Reference:** U.S. Hatch Act of 1940, as amended

## 2.08 Communications

Employees must inform their supervisors of any directives received from other sources. Communication with the public on county issues is the responsibility of the appropriate department head or elected official. Employees should refer non-routine, controversial, or outside-the-scope questions to the appropriate department head.

## 2.09 Telephone Use

Telephones should be used primarily for county business. Personal calls should be minimal and local. Long-distance personal calls on county equipment are prohibited unless billed directly to the individual. County officials with cellular service must pay for any personal use monthly.

## 2.10 Uniforms

Certain departments require employees to wear uniforms, which are provided by the county or through an allowance. Employees must maintain their uniforms in good condition as they are considered county property. Uniforms and most equipment issued to an employee must be returned to the issuing department or brought to HR prior to the release of the employee's final check.

## 2.11 Purchasing

Purchases must be authorized by department heads or the commissioner's court and require a purchase order number. All purchases must comply with state purchasing laws (V.T.C.A., Local Government Code, Chapter 262) and must not violate policies adopted by commissioner's court.

## 2.12 Indebtedness to the County

State law prohibits issuing payments to county employees who are indebted to the county or state if notice of the debt has been filed with the county auditor and treasurer (V.T.C.A., Local Government Code, Section 154.025).

## 2.13 Cell Phone Policy

This policy provides guidelines for the use of personal and county-issued cell phones to ensure efficient and ethical use. Personal cell phone use for county business can expose personal records to public scrutiny or subpoena. Records related to county business on personal devices are considered county records and must be transferred to a county device or network prior to removal from personal device.

Employees are advised to use county email over texts and must not maliciously delete or destroy county business records, as it is a Class A misdemeanor.

## 2.14 Social Media

Social media use must not impair work, harass others, disrupt operations, or harm the county's reputation. Guidelines include:

- Do not post personal information involving disputes, use threatening language, interfere with work, create a hostile environment, or harm the county's goodwill.
- Social media activities must not interfere with work commitments.
- Online presence should reflect positively on the county.
- Do not post photos of county property on personal social media pages.
- Employees are responsible for their social media presence and may face legal and disciplinary actions for violations, up to and including termination.
- Confidential information must not be discussed on social media.

### References:

- V.T.C.A., Local Government Code, Chapter 171
- V.T.C.A., Local Government Code, Chapter 262
- V.T.C.A., Local Government Code, Section 154.025
- U.S. Hatch Act of 1940



## 3.00 HIRING PRACTICES

### 3.01 Methods of Recruitment and Selection

The county employs four distinct methods to recruit and select individuals for filling vacancies:

1. **Promotion from within:** Employees may be promoted within the department.
2. **Lateral transfer from within:** Employees may transfer laterally within departments.
3. **Public announcement and competitive consideration:** Job openings are posted publicly and on the county website, and may also be advertised in newspapers.
4. **Selection from a valid current eligibility list:** This list comprises applications for similar positions collected within the preceding 180 days, ensuring an updated pool of eligible candidates.

The method of selection to be used in filling each vacancy is determined by the elected official or appointed department head. The county promotes public announcements of all available positions to ensure transparency and broad access. When two or more applicants have substantially equal qualifications, preference may be given to a current county employee. The county accepts applications for employment only when specific vacancies exist. Individuals interested in county employment are informed about how job announcements are advertised and advised to apply when vacancies matching their qualifications are posted.

### 3.02 Position Announcements

Public announcements for county position openings are made simultaneously for county employees and the general public. Notices of vacancies are posted in central locations and on the county website by the Human Resources office when informed of a vacancy. Current county employees are encouraged to apply for positions they believe they are qualified for. Employees can transfer to other county positions without loss of pay if their current pay aligns with the limits set by the commissioners' court for the new position. The duration for accepting applications is determined by the department head based on the prevailing circumstances.

### 3.03 Qualifications

The county maintains comprehensive job descriptions that outline the required knowledge, skills, and abilities for each position. These descriptions also specify the acceptable levels of experience and training necessary to meet the minimum qualifications for each role.

### 3.04 Selection

For positions not filled by a vote of the commissioners' court, the responsibility of selecting candidates rests with the elected officials or department heads, within the pay limits set by the commissioners' court. After a selection is made, the elected official or department head submits a Personnel Action Form to the Human Resources Supervisor. This form lists the applicant's name, requested classification, and starting salary. The Human Resources Supervisor will then verify necessary documentation, including results of any required verifications, testing, and physical examinations, and determine the effective date of employment, and then present the applicant to the Commissioners Court for approval to hire.

### 3.05 Age Requirements

All employees need to be 18 years or older.

### 3.06 Application for Employment

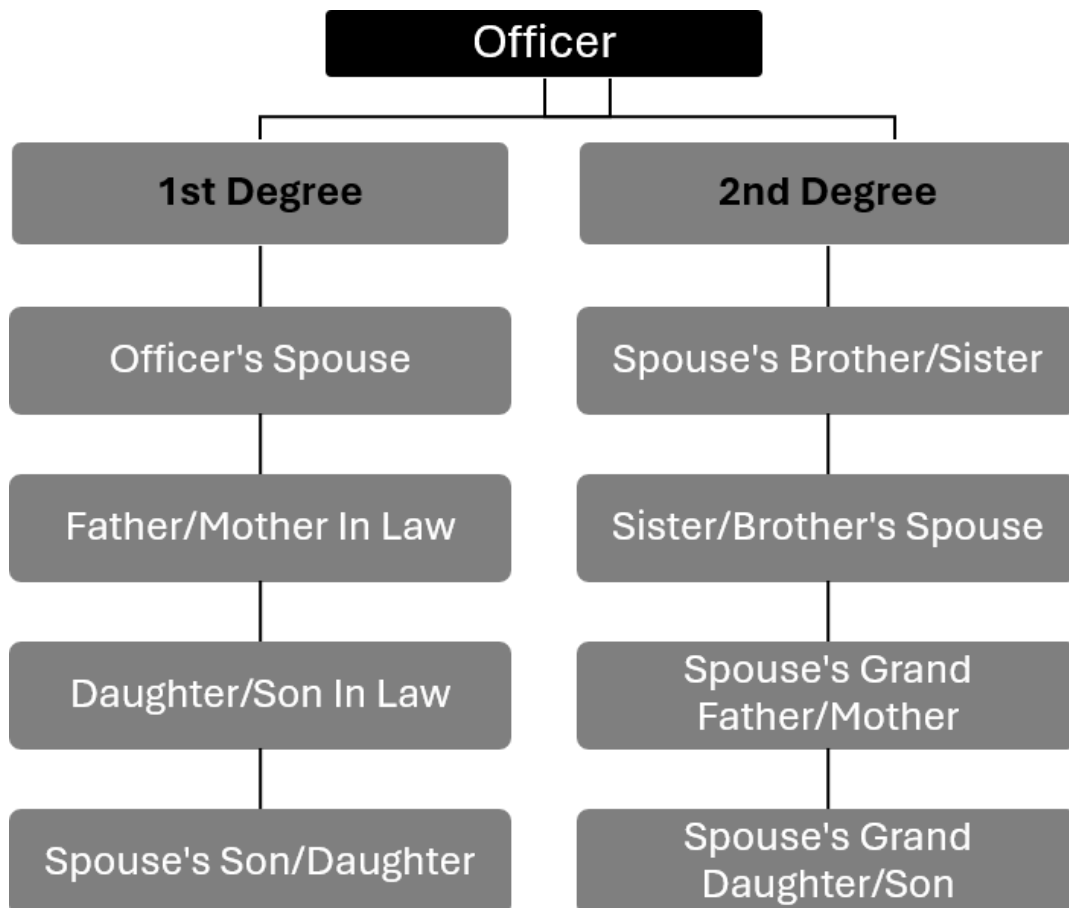
Applications are only accepted for specific vacancies. Applicants can submit their applications through the Polk County website. Upon receipt, the Human Resources office forwards applications to the relevant department. It is the employing department's responsibility to verify the applicant's qualifications, including education, experience, character, and required certifications. For positions involving driving, the Human Resources office will also verify applicable licenses and conduct criminal history checks, with annual updates, as necessary.

### 3.07 Employment of Relatives (Nepotism)

Nepotism, defined as favoritism towards relatives, is strictly forbidden in the hiring process. No individual may be hired if related within the second degree by marriage or the third degree by blood to any member of the commissioners' court, elected official, or department head.<sup>15</sup> Additionally, no personnel actions are permitted that would result in an employee supervising a relative within these prohibited degrees.

#### AFFINITY KINSHIP CHART

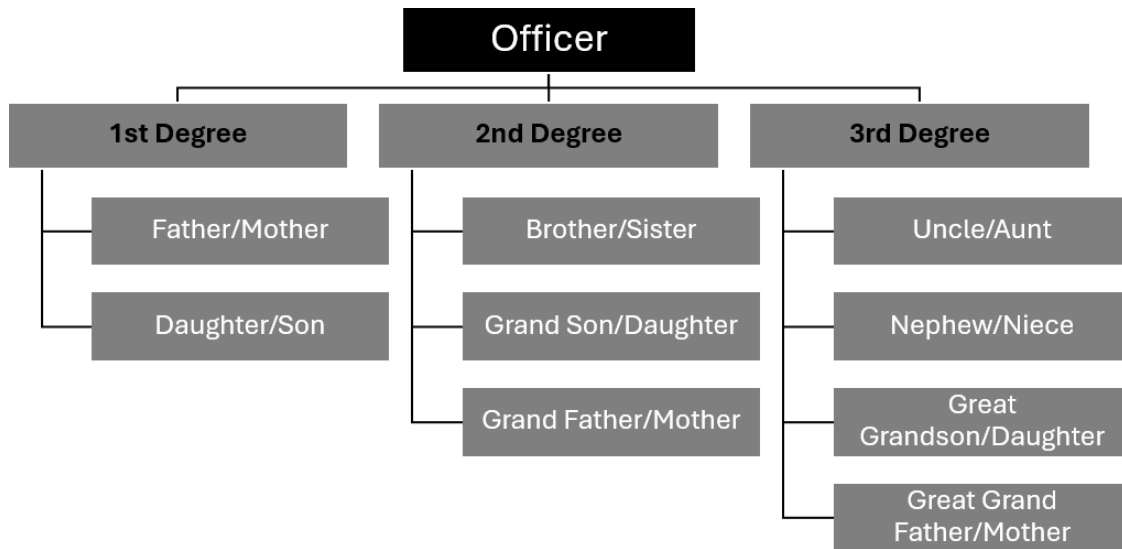
(Relationship by Marriage)



<sup>15</sup>V.T.C.A., Government Code, Chapter 573

## CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



### 3.08 Testing

Employment or promotion testing includes standard drug and alcohol screening, job-related performance tests, and specific tests required by law, such as TB testing for food handlers. The county's Substance Abuse Program provides detailed information on testing protocols when there is reasonable suspicion of illegal drug or alcohol use.

### 3.09 Physical Standards

To prevent occupational injuries and distinguish between pre-existing conditions and job-related injuries, new hires must pass a drug/alcohol screening and a physical examination before employment. Law enforcement officers undergo additional psychological and drug dependency tests.<sup>16</sup> If an applicant fails the physical exam, they may seek a second opinion at their own expense. The decision from this second examination, conducted by a county-selected physician, will be final.

### 3.10 Verification of Eligibility To Work

To comply with the Immigration Reform and Control Act of 1986, new employees must complete and sign an INS Form I-9 within three days of starting employment to verify their identity and work eligibility.<sup>17</sup>

### 3.11 Driving Record

Our CDL drivers must maintain a safe driving record and may be required to participate in Defensive Driving courses. The Human Resources office checks the validity of driver's licenses for all our CDL drivers before employment and periodically thereafter. Unsatisfactory driving records may result in disciplinary actions, including termination.

### 3.12 Felony/Misdemeanor Convictions

**Felony Conviction:** We conduct background checks on all current employees. Employees found guilty of a felony less than 5 years after they've served their sentence or probation may face termination.

<sup>16</sup> V.T.C.A., Government Code, Section 415.057

<sup>17</sup> Federal Immigration Reform and Control Act of 1986, P.L. Number 99-603.

Additionally, any employee convicted of a felony or a misdemeanor involving dishonesty or immorality during their tenure will also be at risk of losing their job.<sup>18</sup>

**Misdemeanor Conviction:** Job applicants with a misdemeanor record will only be considered if they have fully served their sentence, including any probationary period.

**DUI/DWI:** Candidates for positions that require driving county vehicles or operating heavy machinery must not have any DUI/DWI or drug-related driving offenses within the last five years.

### 3.13 Prior Service with the County

Employees with prior county service may be considered for appointments above the entry salary level but do not receive credit for previous service towards longevity pay. Breaks in service result in forfeiture of accrued vacation and sick leave benefits.

### 3.14 Placement On County Payroll

New employees must have their position and pay approved by the commissioners' court before starting work, except in emergencies. The Human Resources Supervisor will inform the official of the earliest start date.

### 3.15 Emergency Employees

In emergencies, officials can request an emergency hire, which must be approved by the County Judge. During declared disasters, the County Judge can waive hiring practices to ensure sufficient personnel. If the department's budget lacks funds for emergency hires, prior authorization from the commissioners' court is required.

### 3.16 Orientation and Training

The Human Resources office provides general orientation for new employees, including a review of the Personnel Policies manual. Additional job-specific orientation is conducted by the department head or their designee to help new employees understand their roles and the overall county operations. Training is provided on the job under close supervision by the department head or designated personnel.

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<sup>18</sup> Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq; Federal Immigration Reform and Control Act of 1986.

## 4.00 TYPES OF EMPLOYMENT

### 4.01 Categories

There are four main categories of employment within the county:

1. **Regular Full-Time:** Employees appointed to authorized positions work an average of 40 hours per week, either hourly or salaried.
2. **Modified Full-Time (Affordable Care Act):** Employees in authorized positions working 30 to 39 hours per week, either hourly or salaried.
3. **Regular Part-Time:** Employees in authorized positions working 20 to 39 hours per week, paid hourly.
4. **Modified Part-Time (Affordable Care Act):** Employees in authorized positions working 20 to 29 hours per week, paid hourly.

#### Temporary Employment:

1. **Temporary Full-Time:** Employees working 40 hours per week for less than six months, either hourly or salaried. No retirement benefits apply.
2. **Temporary Part-Time:** Employees working fewer than 40 hours per week for less than six months, paid hourly. No retirement benefits apply.
3. **Labor Pool ("As Needed"):** Employees working on an as-needed basis, not exceeding 40 hours per week, paid hourly, and qualify for retirement benefits.
4. **Modified Labor Pool ("As Needed"):** Employees working as-needed, not exceeding 30 hours per week, paid hourly, and qualify for retirement benefits.

All full-time, part-time, and labor pool employees participate in the Texas County and District Retirement System (TCDRS), irrespective of work hours. Only temporary employees are excluded from TCDRS enrollment. Modified categories comply with the Affordable Care Act to determine eligibility for county employee health insurance but do not qualify for other optional benefits. Refer to the Benefits chapter for details.

### 4.02 Probationary Period

All new regular employees undergo a ninety-day probationary period for performance evaluation. Upon the end of each ninety-day probationary period, department heads and elected officials will be prompted to complete and forward employee evaluations to HR for the employee's permanent file.

### 4.03 Assigned Staff

Staff assigned to the county but paid by another entity are not county employees. Their benefits are defined in their service contract. These staff members must adhere to all county policies unless they conflict with their contract.

## 5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

### 5.01 Pay

The salaries for county employees are determined annually by the commissioners court through the adopted county operating budget. The court is also responsible for establishing the rules governing any pay increases.

### 5.02 Paydays

The pay period for the county operates on a bi-weekly schedule. Paychecks are issued on alternate Fridays. In the event that a payday falls on a recognized holiday, the checks are then issued on the last working day preceding the holiday.

### 5.03 Check Delivery

Paychecks are only issued on pre-determined payday dates. Newly hired employees are required to have their paychecks deposited electronically into a designated financial account. This arrangement is managed by the County Treasurer, who is also responsible for the proper distribution of the paychecks within the departments. No advances or loans against future salaries are permitted under any circumstances, in accordance with the Texas Constitution (Article III, Sections 51, 52, and 53). If an employee notices any discrepancies in their paycheck, such as overpayments, underpayments, or incorrect deductions, they must bring it to the attention of the County Treasurer immediately.

### 5.04 Payroll Deductions

All payroll deductions must be authorized and approved by the commissioners court. The following deductions are mandatory and will be deducted from each employee's pay:

- Federal social security
- Federal income taxes
- Court-ordered child support
- Contributions to the Texas County and District Retirement System (for eligible employees and department heads as specified by TCDRS)
- Any other legally required deductions

Additionally, deductions may be authorized by employees for:

- The employee's portion of group health, medical, or dental insurance premiums
- Supplemental deferred compensation
- Other deductions as authorized by the commissioners court

It is the responsibility of the employee to notify the Human Resources office of any changes in their family status, address, or other factors that may affect payroll withholding or benefits status.

### 5.05 Discretionary Increases

Discretionary increases in salary may be given for various reasons, such as taking on new duties, acquiring significant competencies, merit or performance, pay equity adjustments, or due to market influences and retention needs. Typically, these increases are given in one-step increments. Department heads or elected officials can propose up to two discretionary increases per fiscal year, not exceeding two steps on the pay schedule during that period. Any requests exceeding these limits require special approval from the commissioners court and will be reviewed on a case-by-case basis. Discretionary increases submitted by elected officials that comply with this policy and that are fully funded by the Department will be received and entered into the Minutes of the commissioners court. All recommendations for pay increases submitted by department heads are subject to commissioners court approval.

In years where discretionary increase funding is budgeted for all county departments, it is included in the departmental discretionary salary accounts. If such funding is not specifically budgeted for each

department, the commissioners court may designate a separate line item for discretionary increases, granted upon request and approval by the court. When an employee paid above step one leaves county employment, the position is reset to step one, and the remaining funds are transferred to a discretionary increase pool available to all county departments with court approval. No more than 50% of a department's workforce can receive discretionary increases in any given year from the discretionary pool.

#### 5.06 Across-the-Board Pay Increases

The commissioners court may authorize an across-the-board pay increase during the budget deliberations for the forthcoming year. Such increases may be in the form of a percentage or a flat dollar amount. If approved, each salary amount on the pay schedule and each individual employee's salary are adjusted by the authorized percentage or amount, unless a specific employee's salary has been frozen due to being paid beyond the maximum established for their position.

#### 5.07 Classification Plan

The county maintains a classification plan which assigns each class of positions to a pay group. This assignment is based on the principle of equity among positions that require similar knowledge, skills, and abilities and have similar levels of responsibility.

#### 5.08 Pay Plan

Pay ranges for each group are established through a pay plan approved by the commissioners court.

#### 5.09 Pay Group and Steps

Within the general guidelines of the pay plan and the county budget, the commissioners court is authorized to determine the appropriate pay group for each position and the specific pay step for each employee. Employees designated as "Unclassified" are exempt from the pay plan and are paid within the maximums set by the approved budget.

#### 5.10 Classification and Pay Administration

A new employee is generally hired at Step 1 of the assigned pay group. Hiring above Step 1 requires specific written approval from the commissioners court, supported by documentation of the applicant's extraordinary qualifications.

#### 5.11 Promotions

A promotion involves changing an employee's duty assignment to a higher position requiring higher qualifications and greater responsibility. Promoted employees receive a pay increase at least equal to the difference between their current and new pay groups. Promotions must be approved by the department head within the staffing and budget limits authorized by the commissioners court. Promoted employees serve a 90-day probationary period in the new position and may be returned to a lower position if performance is deemed inadequate. Upon completion of the 90-day probationary period it is recommended that the department head/elected official will be reminded to complete an employee evaluation and submit to HR for placement in the employee's file. Promotions will only be made effective at the start of a new pay period.

#### 5.12 Lateral Transfers

Lateral transfers involve moving an employee between positions within the same pay group, either within the same department or between departments. These transfers are also subject to a 90-day probationary period. An employee's salary will not be reduced during a lateral transfer if it remains within the range approved by the commissioners court for the new position. Upon completion of the 90-day probationary period it is recommended that the department head/elected official will be reminded to complete an employee evaluation and submit to HR for placement in the employee's file. Lateral transfers will only be made effective at the start of a new pay period.

### 5.13 Demotions

Demotions involve reassigning an employee to a lower-paid position. This can occur voluntarily, due to a position reclassification, or as a disciplinary measure for unsatisfactory performance. Disciplinary demotions always result in a pay decrease. Demotions will only be made effective at the start of a new pay period.

### 5.14 Pay Reduction for Disciplinary Reasons

An employee's pay may be reduced as a disciplinary measure while they remain in the same position. This reduction cannot exceed 60 days. Additional information on disciplinary actions, including suspension with or without pay, is provided in the discipline policy chapter. Pay reductions for disciplinary reasons will only be made effective at the start of a new pay period.

### 5.15 Approving Authority

The commissioners court has final approval over all payrolls and payroll transfers as stipulated by these policies, the classification and pay plans, and the annual budget. Department heads can recommend discretionary pay increases if funds are available and consistent with established policies and budget limits, subject to the court's approval. Except in emergencies, payroll changes take effect at the start of the first payroll following the commissioners court approval.

### 5.16 Longevity Pay

Regular full-time and part-time county employees, as well as salaried elected officials, who have completed two or more years of continuous service are eligible to receive annual longevity pay. This pay is disbursed in a lump sum during the last payroll of the month in which it is earned. The amount of longevity pay increases based on the length of service, ranging from \$500 for employees with 2-4 years of service up to \$4,000 for those with 30 or more years of service (Commissioners Court, 05/24/2022). Please note that longevity pay is not prorated and is non-compensable upon termination of employment.

The amount of longevity pay is calculated as follows:

Years 2-4:	\$500
Years 5-9:	\$1,000
Years 10-14:	\$2,000
Years 15-19:	\$2,500
Years 20-24:	\$3,000
Years 25-29:	\$3,500
Years 30+:	\$4,000

Longevity pay is earned and awarded annually and is not otherwise prorated or compensable upon termination.

(Reference: Commissioner's Court 05/24/2022)

### 5.17 Certificate Pay

The county provides educational certification pay for certain regular full-time peace officer, corrections and court clerk positions (See Appendix 1 and 2).

### 5.18 County Issued Cell Phone

Employees whose roles require immediate access or 24/7 on-call availability may receive a county-issued cell phone, as justified by job functions and approved by the department head within the department's budget. Any abuse of the cell phone policy may result in disciplinary action, including termination. Detailed policies on county-issued cell phones are in Section 11.08.



### 5.19 Spanish Bi-Lingual Incentive Program

The Spanish Bi-Lingual Incentive Program encourages employees to achieve proficiency in Spanish to communicate effectively with the public. Employees can earn a one-step pay raise by passing a County-approved Spanish Oral Proficiency Exam, administered by an independent examiner. The exam fee is reimbursed upon passing. Employees must be reassessed every two years to maintain the incentive raise. If they fail to pass or complete reassessment, the incentive is removed. Employees are responsible for any costs associated with learning or improving their Spanish skills through chosen methods, including college courses, correspondence, private tutors, or online resources.

## Appendices

### Appendix 1: Law Enforcement/Corrections Certificate Pay

Qualified employees can earn certificate pay of \$600, \$1200, or \$1800 per year for intermediate, advanced, or master's certificates, respectively, if they meet the Texas Commission on Law Enforcement Officers Standards and Education (TCOLE) requirements and spend at least 90% of their work hours on eligible duties.

Intermediate Certificate	\$50 per month	(\$600/yr)
Advanced Certificate	\$100 per month	(\$1,200/yr)
Masters Certificate	\$150 per month	(\$1,800/yr)

Certificate pay is awarded annually during the budget process and distributed proportionately with each regular payroll. If an employee qualifies after the budget is adopted, they are considered for the next budget cycle. Certificate pay is not compensated upon separation beyond the final pay period (commissioners court 08/12/14).

### Appendix 2: Court Clerk Certificate Pay

Qualified employees can earn certificate pay of \$200, \$400, or \$600 per year for civil or criminal certificates, civil and criminal certificates, or master's certificates, respectively, if they meet the requirements and spend at least 90% of their work hours on eligible duties. Certificate pay is awarded annually during the budget process and distributed proportionately with each regular payroll. If an employee qualifies after the budget is adopted, they are considered for the next budget cycle. Certificate pay is not compensated upon separation beyond the final pay period (commissioners court 08/12/14).

## 6.00 WORK SCHEDULE AND TIME REPORTING

### 6.01 Workweek and Work Hours

The official work period for most county employees is a seven-day span starting at 12:01 a.m. on Monday and ending at 12:00 midnight on Sunday. Regular full-time employees are required to account for a 40-hour workweek. A flexible work schedule may be arranged with prior approval from the Elected Official/Department Head; however, the 40-hour workweek requirement remains in compliance with the Fair Labor Standards Act. Morning and afternoon breaks of 15 minutes each may be granted by the responsible elected official or department head but are not cumulative if not taken.

Elected Officials and department heads may, within the limits of state and federal law, make adjustments to these schedules. The Commissioners Court encourages that offices remain open during the noon hour to serve the public better; and some employees may have lunch hours staggered in order that the county can provide this service.

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

Law Enforcement Officers, Jailers, and Telecommunications Operators work varying eight and approximately twelve-hour shifts to ensure 24-hour services daily. Law enforcement officers and jailers work schedule is defined as a work period, in which they must account for a minimum of 80 hours.

In accordance with provisions of the U.S. Fair Labor Standards Act (F.L.S.A.) for public safety workers ("the Act"), the county has elected to adopt the Section 7(k) exception to the seven-day work period for the county's certified sheriff's officers and certified jailers and the salaries for the affected positions have been calculated in consideration of this exception.

In instances when a non-exempt certified sheriff's officer or non-exempt certified jailer actually works in excess of 86 approved hours in a 14-day work period, said employee shall be entitled to F.L.S.A. overtime in compensatory time at the rate of one and one-half times the number of hours worked in excess of 86 hours

### 6.02 Number of Hours Worked

The Commissioners Court determines the number of hours an employee is required to work to determine their compensation, in accordance with applicable pay and working hour laws and within the provisions of the county's budget.

### 6.03 Overtime Worked

The policy of the county is to allow overtime only in cases of emergencies or approval by the Elected Official or Department Head. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (F.L.S.A.) (40 hours per seven-day workweek for non-law enforcement employees; 86 hours per 14-day work period for non-exempt certified law enforcement officers and non-exempt certified jailers).

For non-exempt employees eligible for overtime pay, other than certified law enforcement officers and certified jailers, overtime begins to accrue after an employee has worked 40 hours during the seven-day workweek. For law enforcement employees, overtime begins to accrue after an employee has worked 86 hours during a 14-day work period.

All overtime services by employees eligible for overtime pay must be authorized in advance by the employee's supervisor and approved by the elected or appointed department head. Unauthorized accrual of overtime may result in disciplinary action, up to and including termination.

Any paid leave or holidays taken are not considered as “hours worked” in determining F.L.S.A. compensatory times under the preceding paragraphs.

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

## 6.04 Exemptions from F.L.S.A. (Overtime Compensation)

Certain employees are not eligible for overtime pay under the Fair Labor Standards Act (FLSA). These individuals are expected to work any necessary extra hours without receiving additional compensation, as their salaries are set with this expectation in mind. Additionally, some county positions are exempt due to the nature of their administrative role in relation to the elected official they support. Each county job description designates whether persons hired in that classification may be exempt from or covered by (non-exempt) the overtime provisions of FLSA depending on the level of wage assigned.

Exempt employees are eligible to accumulate up to 240 straight time hours worked as a benefit, provided these hours are properly documented. These accumulated hours may be utilized as paid leave. However, any accrued compensatory leave must be exhausted before these accumulated hours can be applied. The maximum allowable accumulation of straight time hours is capped at 240 hours. This is a county-provided benefit and is not mandated by the Department of Labor, meaning it is not payable upon termination. Employees involved in recreational or seasonal work, operating for no more than seven months a year and meeting other statutory requirements, are also exempt from minimum wage and overtime rules under FLSA. County job descriptions will specify whether a position is exempt from or subject to FLSA overtime provisions based on the assigned wage level.<sup>19</sup>

## 6.05 Special Circumstances

With approval from the Commissioners Court for special cases like grants, declared disasters, or other designated events, employees who volunteer or are called in for these additional duties alongside their regular roles may receive a higher pay rate specifically for these special circumstances. This increase in pay does not trigger the usual overtime rules and will not impact the time allocated to their regular duties. The enhanced pay rate, as set by the Commissioners Court, can apply to both non-exempt and exempt employees, based on the Court's decision. This provision is strictly for special circumstances that are explicitly approved and classified as such by the Commissioners Court under this guideline.

## 6.06 Overtime Compensation

In situations where emergencies demand extra work hours, non-exempt employees are compensated for their overtime based on the county's established preferences:

1. **Equivalent Time Off:** Employees are first given equal time off within the same work period—typically within a week or within 14 days for law enforcement officers and jailers.
2. **Compensatory Time Off:** If equal time off in the same pay period isn't feasible, employees can accrue FLSA time at a rate of one and a half times the hours worked. This can accumulate up to a cap of 240 hours for most employees and 480 hours for law enforcement personnel.

**Under the provisions of Special Circumstances in Section 6.05**The Commissioners Court discourages overtime pay at a time-and-a-half which may be authorized by the elected official or department head only if:

1. Adequate funds are available in the department's budget, the Commissioners Court has granted authority to pay overtime by a separate court order, and an emergency situation exists or Special Circumstances are approved;

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<sup>19</sup> U.S. F.L.S.A. of 1938.

2. Adequate funds are available in the department's budget, and the majority of the employee's essential duties include construction projects that cannot be completed in inclement weather or wet ground conditions; or
3. If an employee is in excess of 80 F.L.S.A. hours at the end of the fiscal year or has accrued the maximum allowable amount, as stated above.

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

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

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

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

### 6.07 Compensatory Time

For purposes of these policies, compensatory time applies only to non-exempt employees who actually work more than the maximum allowable straight time hours in the employee's official work period (7 days for non-law enforcement personnel and 14 days for certified law enforcement officers and certified jailers). Any F.L.S.A. compensatory time earned in excess of 80 hours must be used within the county's fiscal year or the employee will be paid at the end of the fiscal year to reduce the County's liability to no more than 80 hours of F.L.S.A. Compensatory time. This amount incurred will be compensated on the employee's last payroll of the fiscal year from the Departmental budget of the Employee. Elected officials and department heads are expected to work out mutually agreeable, **if possible**, time off for non-exempt employees who have worked overtime and earned compensatory leave during the allowable fiscal year. Offices and departments may schedule nonexempt employees to use or take their accrued FLSA compensatory time at specified times as directed by the Elected Official/Department Head to reduce accumulated compensatory time.

It is preferable for the supervisor and employee to schedule the use of the compensatory time off within the same pay period that the overtime was worked.

### 6.08 Straight Time

Straight Time earned is accrued by exempt employees, hour-for-hour worked in excess of 40 hours in a workweek or 80 hours in a work period for exempt certified law enforcement officers or exempt certified jailers. Straight Time is a benefit provided by Polk County that is not required by the Department of Labor and therefore is not compensated upon separation.

The following 7(k) positions are regularly scheduled forty hours per week and will accrue Straight Time earned for all hours worked between 80 and 86 per work period: Lieutenants, Detectives, CID Evidence Officers, Deputy Sheriff (Civil Division), Bailiffs, Inmate Work Crew Supervisors and Kennel Attendants.

## 6.09 Holidays Worked

The county's standard policy ensures that every regular full-time employee is granted a specific number of paid holidays each year, as outlined in these policies and decided annually by the Commissioners Court. Typically, if a regular employee is required to work on a scheduled holiday, they will receive an alternative day off, ideally within the same workweek or work period. For more details, refer to the "Work During Holidays" section 9.02 of this policy.

An employee who is required to work a full 40-hour week during a week in which there is a paid holiday will accrue 8 hours of Holiday Time to be used within the following twelve-month period.

## 6.10 Leave or Holidays Taken and Overtime

If an employee who is covered by the overtime rules under the FLSA works additional hours during a week in which they've used sick leave, vacation, or any other form of paid time off (like holiday leave), they will reduce the amount of leave time taken so that no more than 40 hours are reported for the work week. However, if the total number of hours physically worked exceeds 40 hours, the employee will use no leave time and will be compensated at one and a half times all hours over 40 in FLSA Comp time. For specific holiday-related policies, especially in departments that operate 24/7, refer to the Holidays section (9.02) of these guidelines.

## 6.11 Time Reporting

Employees are required to maintain records of all hours worked, any time off taken, and, when necessary, time credited to specific projects (required during a declared disaster). The necessary forms for this record-keeping are provided by the Human Resources Department and is also available on Tyler/Incode ESS.

Each time record covers a two-week period, starting at 12:01 a.m. on Monday and ending at midnight on the Sunday just before payday. These records must be signed by the employee as well as the relevant elected official or department head. It is advised that employees complete these forms daily to ensure an accurate and detailed account of time spent on specific projects.

Elected officials or department heads are tasked with ensuring that all worked hours and leave taken are accurately reported on the time sheets submitted via ESS to the Human Resources Department for payroll processing and recorded within their department. They must also ensure compliance with FLSA regulations regarding employee compensation. These timekeeping records are subject to audits by the U.S. Department of Labor.

Time records must be submitted to the Human Resources office by 10:00 AM on the Monday before payday. If a holiday occurs during payday week, the County Human Resources Department, responsible for payroll, may request earlier submission of time records to allow sufficient processing time and will inform all County departments of the adjusted deadline. Failing to submit the necessary time records or payroll documents by the set deadline may result in delayed payments for the individual or all employees in the department.

## 6.12 Emergency Closings

This section is relevant to employees working under the Commissioners Court and department heads appointed by the Court. Employees under separately elected officials or department heads appointed by other authorities might follow different policies regarding work hours and pay, at the discretion of their respective officials.

Short-term emergency closing of Polk County offices/departments may arise due to unexpected inclement weather, prolonged power failure, or other emergency situations. In the event that a situation

occurs during non-working hours which would necessitate emergency closings of Polk County offices/departments, elected officials and department heads will be notified by the County Judge's Office, and the Office of Emergency Management will send out an official closure notification to all employees registered to receive these messages through Alert Me Polk County. If an official announcement is not made by 7:30 a.m., Polk County offices/departments will operate under normal working conditions. Polk County ensures paid leave for all employees, whether essential or non-essential, during specific emergencies like hurricanes, tornadoes, floods, or other natural disasters, as well as in cases of nuclear, chemical, biological emergencies, terrorist attacks, or any other emergencies declared by the County. This policy does not alter the "at will" or exempt/nonexempt status of any Polk County employee. The Polk County Commissioners' Court has established the following procedures for emergency closures:

The County Judge, prioritizing the safety of County employees and the public, as well as ensuring the continuity of governmental services, will decide whether to close county buildings entirely or partially. Once a closure decision is made, the County Judge will notify local media to inform the public and alert the relevant County Department Heads and Elected Officials.

Each Elected Official or Department Head is responsible for determining and implementing the necessary measures to safeguard employees, customers, visitors, equipment, essential records, and other assets during the emergency and the subsequent recovery period. They should also keep up-to-date contact information for their employees.

The operational status of the County will be posted on the County Website [www.co.polk.tx.us](http://www.co.polk.tx.us). Polk County will also maintain updates on [the county Facebook page, www.facebook.com/PolkCountyTexas](https://www.facebook.com/PolkCountyTexas).

#### **Compensation during Emergency Closings:**

In the event that an emergency closing is ordered by the County Judge, regular (full time and part time) employees effected by such emergency will be paid their regular wages as the day(s) will be recorded as an official closed day(s). This time off is not considered time worked and will not be used to determine eligibility for overtime. Any employee who is off or scheduled to be off on sick leave, FMLA or disciplinary leave without pay during a period of emergency closure shall have their leave recorded as such. Any essential employee who is off on paid leave may be required to return to work immediately. In situations involving an "emergency evacuation order," as defined by Chapter 22, Texas Labor Code, any employee who fails to report to work as directed during inclement weather or disaster may be subject to disciplinary action, up to and including termination, if such employee is necessary to provide for the safety and well-being of the general public or is otherwise necessary for the restoration of vital services. Employees that have to work during an emergency closing will be compensated with Administrative Time equivalent to the number of hours worked during the emergency closure up to the total amount granted for closure, which must be used within 12 months from the date of accrual. Any remaining balance of Administrative Time will be forfeited. Administrative Time is a benefit provided by Polk County that is not required by the Department of Labor and therefore is not compensated upon separation.

Whenever there is an official emergency closure of all County operations, all essential employees (exempt or non-exempt) required to remain at work will be compensated as defined by Section 6.05, Special Circumstances. The maximum number of work hours which may be recorded for any work day is limited to 24 hours per day during the first 72 hours of the emergency closure and 18 hours per day thereafter.

All essential employees must be designated by the Elected Official/Department Head and made aware of their assignments prior to an emergency. A list of essential employees should be provided to the Emergency Management Coordinator and to Human Resources. Essential employees are those who are required to stay at their assigned areas performing necessary tasks during the emergency, or those who may be asked to return to work after an immediate threat is over. The list for each department should be updated annually. Such personnel may include Corrections Officers, Deputy Sheriffs, Road & Bridge crews, Emergency Management personnel, Human Resources personnel, Maintenance personnel, personnel designated by the County Judge, County Commissioners, Sheriff,

or other Elected Officials/Department Heads, and other employees not listed above could be considered essential personnel depending upon emergency circumstances. All other employees should report to their Elected Official/Department Head as soon as possible, via instructions from their Elected Officials/Department Heads.

There may be instances when only certain buildings/offices are officially closed. In these instances, the effected employees will be compensated in accordance with this policy (see paragraph "Compensation during Emergency Closings") and all non-effected employees' compensation will be the same as during regular working conditions.

If conditions are such that County offices are safe and normal operations are proceeding, *but travel may be extremely difficult*, the County may announce to non-essential staff to use their own discretion to decide whether or not to report to work. Any days/hours not worked will be charged to vacation, holiday, personal leave, compensatory leave, or leave without pay (while on leave without pay adjustments of vacation accrual date will apply per policy). An employee requesting to take the day off must notify his/her supervisor immediately. The supervisor will make the final determination as to the requested time off.

Use of accrued sick leave may be an option during emergencies concerning public health such as pandemics, or related events pending approval from Commissioners Court, when an employee is unable to attend work while *awaiting* test results due to illness of the employee or awaiting results for the employee's immediate family member as defined in Section 8.05. Proper documentation from a treating physician will be required. A maximum number of days while awaiting results will be determined by the information received from the Emergency Management Coordinator (who will make the determination consistent with recommendations from the Department of Health or other official agency).

When an emergency closing is not officially declared, employees who do not report to work will not be paid, unless the employee receives approval to use available Compensatory leave, Holiday leave, Personal leave, or Vacation leave for the period not worked. Employees who are not entitled to any of the stated leave will not be compensated for hours not actually worked.

### 6.13 On-Call

Time spent by employees who are "engaged to wait" is considered paid time. This term refers to situations where the employee must remain on County premises or nearby, limiting their ability to engage in personal activities. Conversely, time spent "waiting to be engaged" is not paid. In this case, the employee is on-call, free to use their time as they wish, but must be reachable by phone or pager. However, any time spent responding to calls while on-call is counted as hours worked and is compensable.



## 7.00 BENEFITS

### 7.01 Medical and Life Insurance

Regular full-time employees, elected officials, and appointed department heads are eligible for group hospitalization, medical, and life insurance coverage. Eligibility begins after 90 days of employment, with the waiting period waived for returning full-time employees who received County Retiree Health Benefits during retirement. Elected officials are immediately eligible for county insurance upon taking office without a waiting period. The county fully covers the employee's premiums, while dependent coverage can be added at the employee's expense.

Part-time employees do not qualify for group medical, hospitalization, prescription, life insurance, short or long-term disability, or any voluntary insurance. However, those in a Modified Category of Employment might become eligible for medical insurance under the Affordable Care Act if they exceed an average of 30 hours per week over a twelve-month period beginning October 1. Eligible employees receive an insurance booklet with detailed information upon employment. Continuation of Group Insurance details are available for those experiencing status changes.

### 7.015 Retiree Health Benefit

Full-time employees who retire under the Texas County and District Retirement System (TCDRS) guidelines with 20 years of service or elected officials with 16 years of service qualify for retiree health benefits. For those retiring on or after October 1, 2018, the county pays up to \$400 per month towards the senior health plan premium. Those retiring on or after October 1, 2019, receive up to \$800 per month for the group health plan. Premium payments must be automated and are due monthly. Retirees are responsible for premiums for spouses and dependents.

Employees retiring but not meeting continuous service requirements can continue participating in the county's health plans at their own expense until age 65, at which time they can choose to join the senior health plan or another supplemental coverage. Premiums for spouses and dependents continue as long as payments are timely.

Retirees re-employed by the county retain their original retirement date for health benefits calculation upon subsequent separation.

### 7.2 Social Security

All employees and elected officials are covered by social security, with the county contributing on behalf of each employee.

### 7.3 Pension Plan

Employees and elected officials participate in the TCDRS, with eligible employees required to join. New employees receive a booklet on the system during orientation.

### 7.4 Workers' Compensation

Employees and elected officials are covered by workers' compensation, with the county paying the premiums. This insurance provides medical and salary continuation for bona fide work-related injuries. Detailed information is available in the Health and Safety sections. (Legal reference: V.T.C.A., Labor Code, Chapter 504).

### 7.5 Unemployment Insurance

County employees are covered under the Texas Unemployment Compensation Insurance program, funded by the county. This program provides payments to unemployed workers under certain conditions. Elected officials are excluded. (Legal reference: V.T.C.A., Labor Code, Chapter 201)

## 7.6 Leave Time

Full-time employees are eligible for holidays, vacation leave, sick leave, and other types of leave time. Detailed information on leave and holidays is provided in the respective manual sections, and online at <https://www.co.polk.tx.us/page/polk.HR>.

## 8.00 LEAVE TIME

### 8.01 Definitions

- **Leave Time:** Leave time is the period during normal working hours when an employee is not performing job duties. It may be either paid or unpaid.
- **Holidays:** Days designated by the commissioners' court when county offices are closed on what would otherwise be regular business days.
- **Unauthorized Absence:** An unauthorized absence is when an employee is absent from regular duty without permission from the supervisor or appropriate elected official or department head. Employees are not paid for unauthorized absences, and such absences may lead to disciplinary action.

### 8.02 Approval of Leave

All leave taken by county employees must be approved by the employee's supervisor and the appropriate elected official or department head. Department heads appointed by the Commissioners Court must submit their leave requests to the County Judge. Elected officials and department heads are responsible for ensuring leave has been accrued and is available in the amounts requested by an employee. They must also ensure that all vacation and sick leave usage is recorded on the timesheet sent to the County Human Resources Department for payroll purposes, as well as being recorded in the individual's department. An employee out for 3 or more days consecutively using sick time MUST submit a Dr's Note to Human Resources prior to returning to work. This includes when an employee is out sick on a Friday and Monday, resulting in more than three consecutive days out of work.

### 8.03 Vacation Leave

All regular full-time county employees are eligible to accrue paid vacation leave. New county employees are not eligible for vacation leave benefits during their first six months of employment. After six months, five days of vacation leave are credited to the employee's account. On the anniversary date of each full year of employment thereafter, the appropriate amount of vacation leave is credited to the employee's account, and any unused vacation time from the previous year is forfeited. Under extraordinary circumstances, one extension not to exceed 60 days may be authorized by the employee's supervising elected official or department head.

Regular full-time employees earn vacation leave as follows:

- Completion of the first 6 months: 5 days
- Completion of 1 through 4 years: 10 days
- Completion of 5 through 9 years: 12 days
- Completion of 10 through 14 years: 15 days
- Completion of 15 through 19 years: 17 days
- Completion of 20 or more years: 20 days

Temporary employees (full-time or part-time), regular part-time employees, and labor pool employees do not earn vacation leave. When an employee leaves the service of the county, they will be paid for their accrued but unused vacation leave balance, up to 80 hours, determined by the salary rate in effect at the time of termination. Any employee who leaves county employment for any reason before the first full year of employment will not be paid for vacation leave. Elected officials and department heads should encourage their employees to schedule vacations and request leave well in advance. Vacation schedules must accommodate the county's work schedule. Provided departmental workloads permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference according to their seniority. If the desired leave schedules conflict with county requirements, the county's requirements are given first consideration. An employee may take earned vacation leave in increments of 15 minutes.

#### 8.04 Compensatory Leave

For information about earning compensatory time and using compensatory leave credits, see the section of this manual under the main heading Work Schedule and Time Reporting, specifically the section on "Overtime Compensation 6.06" of this policy.

#### 8.05 Sick Leave

An 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;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease;
4. Illness of a member of the employee's immediate family who requires the employee's personal care and attention. Immediate family is defined as the employee's spouse, child(ren), parent, or relative who resides in the employee's household and is dependent on the employee for care.

Regular full-time employees are entitled to paid sick leave after the completion of one full month of employment. After the first month, 8 hours of sick leave are credited to an employee's account on the first day of each month. If an employee is absent with permission because of illness during the first month, the missed number of hours' pay will be subtracted from the employee's regular pay before a paycheck is issued. Sick leave may be taken in increments of 15 minutes. Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance. In all other instances of the use of sick leave, the employee must notify their supervisor or the appropriate elected official or department head not less than 30 minutes before the scheduled work request that approval of sick leave is granted. Some departments may require earlier advance notification. The employee also must call the supervisor each subsequent day they will be out on sick leave unless other arrangements are made. Failure to provide the required notice may result in the employee being placed on leave-without-pay status and could result in disciplinary action. Employees are expected to return to work as soon as their reasons for leaving have been fulfilled. If an employee is out on sick leave for three or more consecutive days a doctor's note MUST be furnished to HR. An elected official or department head may request an employee to furnish, and the employee must provide upon request, written verification by a physician of medical disability precluding availability for duty. 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 480 hours (60 days). Any time an employee's sick leave balance reaches 480 hours, further sick leave will not be credited to that employee's account unless or until the use of sick leave causes the account to fall below the 480-hour maximum. An employee who has exhausted earned sick leave benefits may request to use accumulated vacation or other paid leave or may request a leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason. When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity, and the charge against vacation leave is reduced accordingly. A medical certificate or other acceptable evidence must support an application for such substitution. Unused sick leave is canceled upon termination of employment without compensation.

#### 8.06 Sick Leave Pool

Polk County has established a Sick Leave Pool Program for the benefit of county employees. Regular, full-time employees with 12 or more months of continuous employment with the county 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 may elect to transfer earned sick leave time to the County Sick Leave Pool. The leave time in this pool may then be used by eligible employees for catastrophic illness or injury, as defined and under the terms and conditions set by the Commissioners Court and described within this policy.

Participation in the County Sick Leave Pool is entirely voluntary, however, employees must have registered for the Pool with a minimum contribution of 8 hours of sick leave in the fiscal year in which they request to utilize the Pool to be eligible. The contribution from can be accessed on the ESS employee portal or you may request one from the Human Resources Department. The Human Resources Director administers the Sick Leave Pool. Responsibilities include developing and

maintaining the policy and procedures, interpreting policies regarding contributions and requests, maintaining the pool balance, and serving as the administrator and chair of the Sick Leave Pool Review. Contributions are voluntary and cannot be designated for specific individuals. Contributions are approved by the Pool Administrator. Withdrawals require a verifiable catastrophic illness or injury and the exhaustion of all other paid leave. The maximum pool leave per request or fiscal year is 90 working days (720 hours) but must not exceed 1/3 of the total pool balance.

You may also donate up to 5 days (40 hours) of sick leave to the sick leave pool while an employee. Upon separation, you may donate up to 10 days (80 hours) of sick leave to the sick leave pool.

### 8.07 Military Leave

Regular employees who are members of the United States Army, Navy-Marine Corps, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard, Air National Guard, the commissioned corps of the Public Health Service, or any other category of persons designated by the President in time of war or emergency are eligible for military leave for active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, or absence to determine the employee's fitness to serve in the Armed Forces. Employees must provide advance written or verbal notice to their immediate supervisor that they will be leaving the job for military service or training. Notice may also be provided by an appropriate officer of the uniformed service. Employees will be granted leave as required to fulfill their military obligations, generally limited to a cumulative period of five years. County employees who are members of the National Guard or active reserve components of the United States Armed Forces, or a member of the state or federally authorized Urban Search and Rescue Team, are entitled to up to fifteen working days off per year with pay to attend authorized training sessions and exercises. The fifteen working days of paid military leave apply to the calendar year and any unused balance at the end of the year is not carried forward. Pay for attendance at Reserve or National Guard training sessions or exercises is authorized only for periods that fall within the employee's normal work schedule. An employee may use annual leave, earned compensatory time, or leave without pay if they must attend training sessions or exercises in excess of the 15-day maximum. Employees on leave for military service are eligible for continued coverage for themselves and their dependents under Polk County's health plan for up to 24 months. If the employee is in military service for less than 31 days, they pay the same employee share of the premium as an active employee. If the service is for more than 31 days, they pay 102% of the full premium. An employee absent for military service is entitled to participate in any rights or benefits provided to other employees on leave of absence. Polk County will restore an employee returning from military leave to their previous or an equivalent position, provided they meet the requirements of USERRA. The employee must apply for re-employment within the required timeframes based on the duration of their service. An employee who knowingly provides written notice of intent not to return to work waives leave-of-absence rights and benefits.

### 8.08 Civil Leave

Employees are granted civil leave with pay for jury duty, serving as a subpoenaed witness in an official proceeding, and voting. When civil leave is completed, the employee must report to work for the remainder of the workday. If the employee will be absent for more than one workday on civil leave, they must notify the appropriate supervisor daily at the beginning of the workday.

### 8.09 Family and Medical Leave

Eligible employees (those who have worked for Polk County for at least 12 months and at least 1,250 hours over the previous 12 months) can take up to 12 weeks of paid or unpaid leave during any "rolling" 12-month period for the following reasons:

- Incapacity due to pregnancy, prenatal medical care, or childbirth
- Care for a newborn, adopted, or foster child
- Care for a spouse, child, or parent with a serious health condition
- Employee's own serious health condition

Both spouses employed by Polk County can take a combined total of 12 weeks (or 26 weeks if leave is to care for a covered service member). Under certain circumstances, employees may take FMLA leave

intermittently or on a reduced leave schedule. Health benefits continue during paid FMLA leave and may continue during unpaid FMLA leave with the employee paying their share of premiums. Employees must provide 30 days' notice of the need for leave when foreseeable. Polk County will notify employees of their FMLA eligibility and designate leave as FMLA-qualifying. An employee on Family Medical Leave must exhaust ALL accrued leave balances before being eligible for unpaid family leave.

### 8.10 Other Leaves of Absence Without Pay

Leaves of absence without pay are approved absences from duty in a non-pay status for not more than six months unless an extension is approved. Reasons for leave include military service, recovery from extended illness, educational purposes, public service assignments, and intergovernmental relations programs. Approval is at the discretion of elected officials and department heads and must be documented. Medical insurance can be continued if premiums are paid by the employee. Leaves of absence without pay may be revoked if the reason for the leave was misrepresented or has ceased to exist.

### 8.11 Emergency Leave

Three days per calendar year of emergency leave with pay may be granted in the event of a death or life-threatening illness of a member of the employee's immediate family. Immediate family includes the employee's spouse, child, parent, sibling, grandparents, or other dependents living in the household. Emergency leave cannot be used for the employee's own illness and is not payable upon separation.

### 8.12 Workers' Comp

All Polk County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses, with the exception of Law Enforcement employees who receive salary continuation.

Employees may use paid leave for all workers' compensation time off less than 8 days.

All employees who are placed on Worker's Compensation leave will fall under the Family Medical Leave Act. Polk County runs FMLA and Worker's Compensation concurrently.

Any employee who suffers a job related illness or injury is required to notify their supervisor as soon as possible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

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

An employee's workers' compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

### **Return To Work**

This policy covers employees who are on leave due to a work-related injury or illness. Because employees are our most valuable resource, Polk County attempts to help employees return to work as soon as possible.

An employee on leave due to a work related injury or illness may return to work only when Polk County receives a medical release from the treating doctor. It is a violation of Polk County policy for any employee receiving worker's compensation benefits of any kind to be employed with a third party on a full-time or part-time basis. Violation of this policy may result in termination.

### **Return to work options:**

- Return to prior position at full duty with doctor release stating that the injured employee can perform the job functions without restrictions.

- Light Duty – for any employee who is not able to return to their prior position and perform the regular duties of that job but can return with certain restrictions, Polk County will try to accommodate light duty when possible but **cannot guarantee** the availability of light duty.

Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time of injury or illness. The pay rate for light duty is based on the knowledge skills and abilities required for that job, as well as general market conditions. Employees in a light duty position are not permitted to supplement their workers' compensation benefits by using their vacation, holiday, compensatory or sick leave.

**Four (4) week limit** - Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be initially offered for a period of four (4) weeks and then will be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician (unless FMLA time is still available).

**Employee refusal of work** - In the event an employee refuses to return to regular or light duty work in response to a written, bona fide offer of employment by Polk County, the employee may be separated from employment with Polk County subject to FMLA qualification and his/her position may be filled permanently. A written, bona fide offer of employment must clearly state:

- The position offered and the duties of the position
- Polk County's agreement to meet the conditions set out by the treating doctor
- The job's wage, working hours and location.

#### **Medical Information**

All employees' medical information is held in strict confidence in accordance with the Americans with Disabilities Act Amendments Act (ADAAA). Medical inquiries are limited to those permitted under Texas Workers' Compensation Statute and applicable federal law.

#### **Coordination with FMLA**

Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law. It is Polk County's policy to designate an employee's leave due to a work-related injury or illness as FMLA, if eligible. Polk County counts the period of any employee's light duty assignment toward the employee's FMLA entitlement.

Until employees have exhausted their twelve (12) week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided they are able to perform the essential functions of the job.

### 8.13 Using Leave in Combination

A regular employee requesting extended leave must exhaust all accrued leave before being eligible for leave without pay. A request for this type of leave must be approved in advance by the elected official or department head. If an employee is sick or temporarily disabled for non-work-related reasons and exhausts accrued sick leave, the county will automatically begin applying any available accrued leave. Sick leave cannot be used for vacation purposes when vacation leave is exhausted. Other types of leave may be used in combination or coupled with holidays if approved by the elected official or department head.

### 8.14 Abandonment of Position

An unauthorized absence from work for three consecutive working days is considered a resignation unless determined otherwise by the department head or elected official. Such resignations are not in good standing, and the employee is not eligible for re-employment.

**Legal Reference:** Local Government Code, Chapter 157, Subchapter E, as amended, with locally specific alterations.

## 9.00 HOLIDAYS

### 9.01 General Policy

County holidays, set annually by the Commissioners Court, are compensated based on an eight-hour workday. Regular full-time employees observe these holidays:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Good Friday
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day/Indigenous Peoples' Day
- Veterans' Day
- Thanksgiving Day and the Friday after
- Christmas Eve and Christmas Day

Temporary and part-time regular employees do not receive holiday pay unless they work on those days. A yearly holiday list is distributed to department heads. Employees absent without approved leave immediately before or after a holiday do not receive holiday pay. Holidays falling on weekends are observed on the preceding Friday or following Monday, as decided by the Commissioners' Court.

Employees on a four-day, ten-hour work schedule must adjust to account for the eight-hour holiday by either:

1. Working additional hours to account for the 40-hour work week, or
2. Using sufficient hours of accrued leave to account for the 40-hour work week.

### 9.02 Work During Holiday

For operations requiring continuous staffing or emergency responses, some employees may be required to work on holidays. Employees working on holidays are compensated by either:

**1. Holiday Time Off:**

Employees can receive eight hours of holiday time off within the next 12 months, provided this does not exceed FLSA limits for the workweek; or

**2. Double Pay for 24/7/365 Positions:**

Employees in positions that must be staffed 24/7/365 are paid at their regular hourly rate for hours worked on the holiday in addition to their normal pay. To be eligible for double time pay:

- the employee must work their full, scheduled hours during the work period that included the holiday.
- If the employee misses any part of the scheduled work week (including the holiday), the time worked on the holiday will be compensated as time off in that week rather than double pay.
- Jail and Sheriff employees called in to work on a holiday they were not scheduled for will receive double-time pay for the hours worked.

### 9.03 Holiday Falling on Non-Workdays

If a holiday falls on a regular full-time employee's day off, they are paid their regular salary and will accrue eight holiday hours to take in the following twelve-month period.

### 9.04 Holiday During Vacation

If a holiday occurs during an employee's vacation, they are granted eight holiday hours and not charged vacation time for those hours.



## 9.05 Holiday Compensation for Section 7(K) Employees

Employees in the Sheriff's Department and Jail who must undertake shifts longer than the standard eight hours because of the 24/7 nature of their duties will receive holiday pay equivalent to their regular shift length—for example, 12-hour shifts will earn 12 hours of holiday time. This compensated holiday time will accumulate as an alternative day off and must be taken within twelve months from the holiday date, otherwise it will be lost without any payout. This policy ensures that those working extended hours for essential operations are properly rewarded with proportional holiday time.

## 10.00 HEALTH AND SAFETY

### 10.01 Safety Policy

The county is committed to ensuring a safe and healthy working environment for all employees.

### 10.02 Employee Responsibilities and Reports

Employees must work in ways that protect their health and safety and that of others. All accidents, no matter how minor, must be reported to a supervisor within 24 hours. Supervisors must file written reports immediately with department heads which must be forwarded to Human Resources. Serious incidents are reported to the County Judge immediately.<sup>20</sup> Failure to report can result in disciplinary action.

### 10.03 Employee Suggestions

Employees should promptly report any conditions that threaten health or safety to their supervisors and are encouraged to suggest improvements for a safer workplace.

### 10.04 On-the-Job Injuries

**Insurance:** The county provides workers' compensation insurance for on-the-job injuries, covering medical expenses and weekly payments if the employee is absent for more than a week.<sup>21</sup> Claims must be submitted to Human Resources immediately.

**Medical Attention:** Employees must contact Human Resources for approved medical facilities following an injury. In emergencies, notify Human Resources as soon as possible after receiving emergency care. A physician's statement is required to return to work, and an independent physician's examination may be necessary.

**Injury Leave Initiation:** Employees on injury leave receive a copy of the county's policy. Leave starts on the first scheduled workday of disability and lasts until the employee returns to work or eligibility expires.

**Compensation:** Employees may supplement their workers' compensation with accrued leave for the first seven days. After this period, they can continue supplementing with leave payments to match their regular pay, provided they sign a leave request form.

**Duration and Termination:** Injury leave is available for up to one year, provided the injury prevents the employee from working. Medical insurance is continued for up to 90 days after FMLA leave is exhausted, after which employees must pay premiums to maintain coverage.

**Exclusion:** Injuries due to self-harm, intoxication, acts of God, or personal reasons are not covered.

**Reporting Requirements:** Employees are required to stay in communication with their immediate supervisor. They should provide medical progress reports to Human Resources, which submits them to department heads. Failure to report can lead to leave revocation and disciplinary action. Periodic contact with supervisors is required

**Return to Service:** A physician's release is required to return to work, detailing work capabilities and limitations. Failure to return as directed can result in discharge.

**Temporary Light Duty:** If released for light duty, employees may be assigned temporary roles. If no light duty is available, they remain inactive until fully released. Light duty may involve different departments and duties, with pay adjusted accordingly.

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<sup>20</sup> U.S. Occupational Safety and Health Act of 1970

<sup>21</sup> Workers' Compensation Act V.T.C.A. Labor Code Chapter 504.

**Final Release:** Upon final release, a physician's certificate is required, and the county evaluates the employee's ability to perform their previous job. If unable to return to previous duties and no suitable position is available, the employee may be separated with accrued benefits paid.

### 10.05 Drug-Free Workplace

The county prohibits the unlawful manufacture, distribution, possession, or use of controlled substances or alcohol in the workplace. Violations result in disciplinary action, up to discharge.

The county maintains a drug-free awareness program and requires employees to report any workplace drug statute convictions within five days. The county notifies funding agencies within 10 days of such convictions. The county continues efforts to maintain a drug-free workplace through this policy.<sup>22</sup>

Please refer to Substance Abuse Policy for more information.

### 10.06 Non-Employee Incident/Injury Report

**Policy:** Records are kept for any accidents or incidents on county property resulting in bodily injury to the public.

**Scope:** Applies to all county offices and departments, provided it does not conflict with Texas law.

#### **Procedures/Requirements:**

- Contact emergency services for immediate medical attention and complete the Non-Employee Incident/Injury Report Form.
- Collect information from the injured party if no immediate medical attention is needed.
- Separate reports are filed for each injured individual.
- Reports are delivered to the County Judge's Office and forwarded to the county's insurance agents.

This process does not imply county responsibility for the injury.

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<sup>22</sup> U.S. Drug-Free Workplace Act of 1988; Texas Workers' Compensation Act V.T.C.A. Labor Code Chapter 41.

**POLK COUNTY  
NON-EMPLOYEE INCIDENT/INJURY REPORT FORM**

**This is an injury report form for record-keeping purposes only. Please complete the form and deliver it to the County Judge's Office.**

---

**PART ONE – INJURED PARTY INFORMATION**

DATE \_\_\_/\_\_\_/\_\_\_      TIME OF INCIDENT \_\_\_:\_\_\_ AM / PM      TIME NOTIFIED \_\_\_:\_\_\_ AM / PM      **INJURED**

**PARTY NAME** \_\_\_\_\_ **AGE** \_\_\_\_\_

**ADDRESS** \_\_\_\_\_ **CITY** \_\_\_\_\_ **STATE** \_\_\_\_\_

**SOC.SEC.#** \_\_\_/\_\_\_/\_\_\_

**PHONE NUMBERS: HOME** (\_\_\_) \_\_\_-\_\_\_-\_\_\_ **WORK** (\_\_\_) \_\_\_-\_\_\_-\_\_\_

**PARENT/GUARDIAN NAME** \_\_\_\_\_

**HOME PHONE** (\_\_\_) \_\_\_-\_\_\_-\_\_\_ **WORK PHONE** (\_\_\_) \_\_\_-\_\_\_-\_\_\_

**ADDRESS** \_\_\_\_\_ **CITY** \_\_\_\_\_ **ST** \_\_\_\_\_

**WAS THE AMBULANCE CALLED? YES \_\_\_ NO \_\_\_ OFFERED? YES \_\_\_ NO \_\_\_**

**VICTIM'S RESPONSE: YES \_\_\_ NO \_\_\_**

**LOCATION OF INCIDENT** \_\_\_\_\_

**EXTENT & TYPE OF INJURY** \_\_\_\_\_

**NARRATIVE** (Explain what happened, how victim was removed from scene, where taken, any treatment given at scene, any other pertinent information – **use back of form if necessary**)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ **NAME, POLICY**

**NUMBER AND GROUP NUMBER OF THE INJURED PARTY'S HEALTH INSURANCE PROVIDER:**

\_\_\_\_\_

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**PART TWO – TO BE COMPLETED BY COUNTY EMPLOYEE REPORTING INCIDENT**

**ASSESSMENT OF CONDITIONS WHICH CONTRIBUTED TO INJURY**

\_\_\_\_\_

**SIGNATURE OF REPORTING PARTY** \_\_\_\_\_

**ADDRESS AND PHONE NUMBER OF REPORTING PARTY**

\_\_\_\_\_

\_\_\_\_\_

**NAME, ADDRESS, PHONE OF WITNESSES**

\_\_\_\_\_

\_\_\_\_\_

**DATE RECORDED BY COUNTY JUDGE'S OFFICE:**

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## 11.00 USE OF COUNTY PROPERTY

### 11.01 General Policy

The county ensures employees have adequate tools, equipment, and vehicles, expecting safe and courteous use in compliance with all regulations.

### 11.02 Use of Tools, Equipment, Property, and Vehicles

Employees assigned county property are responsible for its proper use and maintenance. Upon separation, all property must be returned prior to the issuance and release of final payroll check. Personal or political use of county property is forbidden. Violations may lead to discharge and prosecution.

### 11.03 Valid Driver's License

All county vehicle operators must have a valid Texas driver's license and notify their supervisor of any changes. Driving records are periodically checked. A safe driving record is mandatory; violations may result in disciplinary action, including defensive driving courses, demotion, or discharge.

### 11.04 Vehicle Insurance

The county insures its vehicles. Employees using personal vehicles for county business must maintain liability insurance as required by Texas law. Non-compliance can lead to disciplinary action. The county is not responsible for damage to personal vehicles or insurance deductibles beyond travel reimbursements.

### 11.05 Accident Reporting

Employees must report all vehicular accidents and property damage to their supervisor and law enforcement immediately. Accidents must be officially reported, and the Human Resources Department and the Health and Safety Officer must be notified. Failure to comply can result in disciplinary action. All third-party claims and litigation notices must be forwarded to the County Judge.

### 11.06 Take-Home (or Assigned) Vehicle Policy

County employees may use a county vehicle if approved by their supervisor. Vehicles must be operated lawfully and safely. Driving privileges can be revoked at any time. Vehicles should be stored securely during off-duty periods. Personal use is restricted and subject to scrutiny. Misuse can result in criminal prosecution under Texas Penal Code Section 39.02. Maintenance and repairs should follow county procedures.

#### **General Rules:**

- Valid Texas driver's license required.
- No personal use except minimal tasks while on duty.
- No alcoholic beverages or controlled substances may be stored or transported in the vehicle unless for law enforcement tasks.
- Vehicles not to be used outside the county except for official duties.
- Maintenance must be timely, and county property secured during service.

**II. Vehicle Maintenance** Assigned vehicles must be kept in good condition and clean. Regular service should follow maintenance schedules. Unauthorized installation of equipment is prohibited.

Please refer to the [County Driver / Vehicle Policy](#) for more information.

### 11.07 Computer, Electronic Mail, and Internet Use

County computers and electronic communication equipment are primarily for business use. Limited personal use of the Internet is allowed if it does not interfere with job responsibilities. Unauthorized software installation is prohibited. Computers should not be used in disruptive or inappropriate ways. Sensitive information should not be sent via email. Software must be used in accordance with licensing agreements. Internet use must adhere to professional standards and virus protection should be enabled. Misuse can result in disciplinary action or legal penalties. Non-county employees require prior authorization from the I.T. Department to use county equipment. Completion of annual Cyber Security

Training is required for any employee to use computers or equipment that access the county's network. Failure to complete this state-mandated course will result in the user profile being deactivated.

### 11.08 County Issued Cell Phones

County issued cell phones are intended for County business only. Employees issued a cell phone are discouraged from using them for personal use. They must never use them for private business and/or political purposes. Use of County issued cell phones for illegal, unethical, sexual or purposes that interfere with or affect the ability of the employee to perform their duties is expressly prohibited. Personal use of the cell phone could result in cost to the employee if minutes, data or messages exceed the contracted amount. The employee must re-pay the County for all charges plus taxes, by the end of the payroll period in which the billing is received. The County Auditor's office will review all billing statements and any discrepancies will be reported to the elected official or department head. If you misuse or fail to return the issued property when requested to do so you will be liable for full replacement cost of the equipment. Failure to comply with this policy as stated could result in disciplinary action up to and including termination.

#### Cellular Telephone Agreement

Employees acknowledge that county-issued cell phones are for legitimate business purposes and understand the county's right to audit usage. Negligence may result in charges for damage. Phones must be returned upon termination. Communications are subject to the Freedom of Information Act. Deleting or destroying records is a Class "A" misdemeanor.

#### Acknowledgment

Employees must certify they understand and will comply with the county's cell phone policy.

**Polk County Cellular Telephone Agreement**

As an employee of Polk County, I, the undersigned, acknowledge that cell phones issued by the County are intended solely for business operations and must be used for legitimate business purposes. I understand that this equipment is the property of Polk County and must be used responsibly, ethically, efficiently, and in accordance with all applicable laws and the Polk County Cell Phone Policy.

I am aware that Polk County reserves the right to review, audit, and inspect cell phone records associated with my assigned device at any time, with or without prior notice. I accept responsibility for the proper care and maintenance of the cell phone assigned to me and acknowledge that I may be held financially responsible for any damage resulting from my negligence.

I understand that the County has the authority to reassign or revoke my assigned cell phone at any time, at the discretion of my supervisor, with or without prior notice. Upon termination of my employment, whether voluntary or involuntary, including retirement, I agree to return the County-issued cell phone. I am aware that any use of the cell phone after my employment ends is unauthorized.

I recognize that all work-related communications conducted on the County-issued cell phone are considered records of Polk County and are subject to the Freedom of Information Act. Deleting, destroying, or rendering inaccessible any business records related to Polk County is a violation of this policy and constitutes a Class "A" misdemeanor.

By signing below, I certify that I have read, understand, and agree to comply with Polk County's Cell Phone Policy as stated.

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Cell Phone Number Assigned:** \_\_\_\_\_

## 12.00 DISCIPLINE

### 12.01 General

County employees serve at will, and may be dismissed at any time under state and federal employment laws, with or without notice, and for any reason. Grounds for discipline include, but are not limited to:

- Insubordination
- Absence Without Leave (unauthorized absence, failure to notify of sick leave, repeated tardiness/early departure)
- Endangering Safety through negligent or willful acts
- On-duty use or workplace involvement with alcohol or illegal drugs, violating the county's substance abuse policy
- Unauthorized use of public funds or property
- Felony conviction
- Conviction of official misconduct, oppression, or perjury
- Unauthorized possession of firearms or lethal weapons
- Document or record falsification
- Unauthorized use/disclosure of official/confidential information
- Unauthorized or abusive use of official authority
- Sexual harassment policy violations
- Incompetence or neglect of duty
- Disruptive behavior affecting others' performance
- Violations of personnel or other non-conflicting departmental policies

**All County employees are “at will” employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in their job.**

Polk County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with or without notice. The County also retains the right to change any condition, benefit, privilege, or policy of employment at any time, with or without notice.

### 12.02 Progressive Discipline

Elected officials and department heads may take disciplinary action against employees at any time. The nature of the infraction determines the severity. While not mandatory, the county may implement a progressive discipline system, which includes:

- Oral Warnings, recorded by the elected official or department head
- Conferences involving the department head, employee, and supervisor, with documented summaries
- Written Reprimands, filed in the employee's personnel file by the supervisor
- Pay reduction without demotion (up to 90 days)
- Suspension with or without pay, up to 30 days, renewable after reviewing circumstances
- Demotion
- Involuntary dismissal

Except for oral warnings, disciplinary actions require prior notice to the employee, explaining the cause and potential consequences of further unsatisfactory behavior. Such notices are documented in the personnel file. Disciplinary actions don't permanently affect future promotional opportunities or benefits. Severe offenses might necessitate immediate dismissal without notice, subject to approval by a department head, with records maintained as with other disciplinary actions. Further details on involuntary dismissal procedures are available in the manual's separations sections.



## 13.00 SEPARATION

### 13.01 Types of Separations

Employees may be separated by:

- Resignation
- Retirement
- Reduction in Force
- Dismissal
- Disability
- Death

### 13.02 Resignation

Employees intending to resign should notify their supervisor in writing at least 10 working days before their last day. Supervisors must inform the appropriate elected official or department head and Human Resources immediately.

### 13.03 Retirement

Retirement requires the same notice as resignation but may need a longer notice to start retirement payments. Refer to the Texas County and District Retirement System's brochure for more details.

A 90-day Bona Fide Separation is required before considering re-hiring. No agreements or understandings for re-hiring retirees are allowed. Retirees do not have a "right" to return to work and any decision to re-hire is at the county's discretion, without preferential treatment.

### 13.04 Reduction in Force

An employee's separation due to their position being abolished, or due to lack of funds or work, is classified as a reduction in force. Decisions on separations consider:

1. Position necessity
2. Employee performance
3. Employee qualifications for other county positions
4. Length of service

Dismissed employees due to a reduction in force receive a minimum of two weeks' notice and are paid in full, including accrued benefits. They may reapply and are given priority if equally qualified compared to other candidates.

### 13.05 Dismissal

Polk County adheres to the employment-at-will doctrine and can dismiss employees anytime, with or without notice, and for any reason or none, complying with state and federal laws. These policies do not form a contract of employment. Dismissal can result from inadequate job performance, inappropriate behavior, disciplinary issues, or any other lawful reason.

### 13.06 1B-15 Whistleblower

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

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

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

An employee who, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact (Human Resources Director, District Attorney, and/or County Judge).

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

### 13.07 Disability

When an employee is disabled not due to a job-related injury, a county-appointed physician assesses their ability to work. If the disability is temporary, the county will try to keep the position open and may find alternative work. If the employee cannot return to work within a reasonable time, they will be separated from employment. Voluntary separations due to disability require medical evidence, especially if relevant to the employee's retirement plan.

### 13.08 Death

Upon an employee's death, their estate receives all due pay and earned benefits as of the date of death.

### 13.09 Calculation of Separation Pay

Upon separation, employees receive payment for accrued/unused vacation leave up to 80 hours, (after completion of 1 year of employment) included in their final paycheck. Calculation involves:

- Total work time and allowable vacation/compensatory leave time
- Current hourly rate at the time of separation
- FLSA Overtime pay for nonexempt employees at one and one-half times the hours worked paid at the hourly rate.
- Straight time accrued will not be paid.

Unused sick leave is canceled without compensation. Final paychecks are issued on the next regular payday after termination.

### 13.10 Exit Interviews and Records

Employees are requested to participate in an exit interview to document the type of dismissal and reasons for leaving. Suggestions on employment matters are recorded on an exit interview form. This form is available in Human Resources and employees are encouraged to return a completed form to HR upon separation.

### 13.11 Continuation of Group Insurance

COBRA allows eligible individuals to continue their group health insurance at their expense under specific conditions. An insurance certificate explaining these options is provided at employment and with any subsequent revisions.

Employees must notify HR of any change in family status that affects eligibility for county-supplemented group insurance. An "Insurance Coverage Continuation Form" must be completed for continued coverage, meeting specific time periods, and paying full premiums promptly. Failure to pay premiums by the 10th of the month results in coverage termination without county payment arrangements.

#### References:

- U.S. Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985.

## 14.00 GRIEVANCES

### 14.01 Policy

The county aims to prevent grievances where possible and address them quickly when they arise. No employee will face repercussions for exercising their grievance rights. Regular employees may file grievances for reasons such as improper rule application, unfair treatment, illegal discrimination (race, gender, religion, color, sex—including sexual harassment, age, disability, national origin), disciplinary actions, fringe benefits issues, or poor working conditions. The process grants employees' rights to representation, defense, and written responses in the resolution process. Terminated employees cannot access this grievance process.

### 14.02 Final Authority

Grievances may be escalated through the employee's supervisor to the relevant elected official or, if the department head is appointed, to HR for submittal to the commissioners' court, whose decision is definitive. For grievances involving discrimination or sexual harassment unresolved at the department level, employees must inform the Human Resources department providing all related documentation.

### 14.03 Procedure

Applicable solely to regular employees. Elected officials follow the procedure outlined in Chapter 149, Sec. 152.014 of the Local Government Code; appointed heads and temporary staff have no grievance rights.

- **Informal Grievances:** Begin with a supervisor meeting to try resolving issues informally.
  - **Formal Grievances:** If unresolved, grievances must be formally written, signed, and submitted within 10 working days post-incident, detailing the remedial action sought. Representation by another county employee is permissible if they haven't represented another grievance in the past year.
1. Following formal grievance submission, the supervisor will investigate, attempt resolution, and must respond in writing within 10 working days, with outcomes escalated as needed.
  2. If unsatisfactory, grievances are appealed to higher authorities (elected officials or commissioners' court) within a further 10 working days.
  3. These authorities review and decide, providing a response within another 10 days.
  4. Final appeals to the commissioners' court must also be filed within 10 working days if initial responses are inadequate, with their decisions being final.

**Documentation:** All documents from the grievance process are sent to Human Resources for inclusion in the employee's file.

**Special Grievances:** Concerns specifically about sexual harassment or discrimination need to be sent to the Human Resources Director immediately, skipping earlier steps to allow thorough investigation by senior officials or designated investigators. The cumulative time for this process remains the same as in regular grievances.

### Failure to Appeal

If the employee does not appeal within the set timeframe following a resolution proposal, it is assumed they accept the outcome. This concludes the grievance section, ensuring all details are systematically addressed and documented.

## 15.00 JOB CLASS DESCRIPTIONS AND PERFORMANCE EVALUATIONS

### 15.01 Job Description

The Commissioners' Court is responsible for establishing and periodically reviewing official job descriptions for each county position.

### 15.02 Distribution

Each employee receives their job description, reviews it, and has it placed in their personnel file with a signed statement confirming their review. Additionally, employees keep a copy of their job description.

### 15.03 Requests for Clarification

Without specific requests for clarification from an employee, it is assumed that they understand their job responsibilities.

### 15.04 Employee Performance Evaluations

Department Heads, appointed by the Commissioners Court, should conduct written performance evaluations and interviews annually for each employee. These records are kept in the personnel files. While elected officials are encouraged to perform evaluations, they are not mandatory.

## 16.00 PERSONNEL FILES

### 16.01 General

Permanent records including employment, benefits, and payroll details are stored in the Human Resources (HR) office. Other records may be held by department heads or officials. Employee file information is public unless legally exempted. Disclosure is controlled by relevant officials, and employees can restrict public access to their contact details unless opted otherwise. Law enforcement contact details remain confidential. Employees have the right to review their files and request copies, but not remove documents. Supervisors require authorization to access files under their charge. Employees must update their records with any personal information changes (Legal Reference: V.T.C.S., Article 6252-17a).

### 16.02 Personnel Action Form

This form standardizes employment details like category, title, and pay and must be completed before employment commences and upon any status changes. Any changes in position or pay must be effective at the start of a pay period. No payroll changes can occur without a completed and commissioner's court court-approved Personnel Action Form, which is stored in the employee's file.

### 16.03 Contents of Personnel Files

Each official personnel file includes:

1. **Employment Record:** Documentation of the employment history.
2. **Application and Resume:** A copy of the job application and resume.
3. **I-9 Form:** Verification of employment eligibility.
4. **Policy Acknowledgment and Job Description:** A signed acknowledgment that the employee has reviewed the Personnel Policies Manual and understands their job description.
5. **Confidentiality Election Form:** Document where employees choose whether to keep their home address and phone number confidential.
6. **Benefits Enrollment Forms:** If applicable, documentation related to employee benefits.
7. **Identification Copies:** Includes Social Security card and driver's license.
8. **Personnel Action Forms:** Documents detailing any changes in employment status.
9. **Citations and Awards:** Records of any recognitions or awards for good performance.
10. **Disciplinary Records:** Documentation of any disciplinary actions taken.
11. **Performance Evaluations:** Assessments of the employee's performance.
12. **Grievances:** Copies of any grievances filed and related documents.
13. **Miscellaneous Documents:** Any other relevant information affecting the employee's status and written statements from the employee regarding the contents of the file.

The employee personnel file excludes medical and drug testing information, which is confidential and accessed only by authorized personnel (Legal Reference: U.S. Americans with Disabilities Act of 1990).

### 16.04 Leave Records

Leave availability, accrual, and usage records are maintained by HR, updated each pay period, and include any remaining leave entitlements. It is the responsibility of department heads to report leave data to HR.

## 17.00 PROFESSIONAL DEVELOPMENT POLICY

### 17.01 General Policy

The county promotes educational or training opportunities and professional memberships for regular full-time employees that enhance their work performance.

### 17.02 Tuition Reimbursement

Regular full-time employees may be reimbursed for tuition for courses at accredited institutions related to their work, upon prior approval from their department head and given budget availability. Employees must provide proof of course completion with a grade of 'B' or better to qualify for reimbursement.

### 17.03 Required Attendance at Seminars and Conferences

If required by the county, employees will be granted paid time off to attend educational courses, conferences, or seminars. Reimbursement covers tuition, registration fees, and approved travel, meals, and lodging expenses, with required itemized documentation. The county may also directly prepay certain costs like registration fees and travel expenses. Refer to the manual's main section on Travel and Subsistence for more details.

### 17.04 Professional Memberships and Seminars

With prior department head approval and budget availability, employees may be reimbursed for professional association dues and necessary travel expenses for meetings that provide beneficial training or information specific to the employee's role in the County. Similarly, reimbursement for conference or seminar expenses is possible if they relate to the employee's county role, contingent on department head approval and budget provisions.

## 18.00 TRAVEL/EXPENSE REIMBURSEMENT POLICY MANUAL

### 18.01 General Policy

Polk County reimburses employees for job-related expenses within budget limits. This includes travel and other business-related costs. Prepayments for registration fees, hotels, and transportation may be made directly to vendors. Employees receive per diem allowances for meals and incidentals as outlined in Section 18.04. Travel expenses should be reasonable and necessary, with shared travel encouraged to minimize costs. Unauthorized expenses per grants or contracts are non-reimbursable.

This policy ensures prudent use of county funds while supporting employees' necessary business-related travel and expenses. By adhering to these guidelines, employees can manage travel costs effectively, ensuring transparency and accountability in the use of public resources.

### 18.02 Travels Within the General Work Area

Travel within Polk County requires authorization from department heads or elected officials. Mileage reimbursements, submitted monthly, are based on the IRS-approved rate at the time of travel, as set by the County Auditor.

### 18.03 Travels Outside the General Work Area

Travel outside Polk County must be pre-approved and budget-compliant. Reimbursement is based on the most economical travel method available. When using personal vehicles, reimbursement is calculated by point-to-point mileage or the equivalent cost of economy airfare, whichever is less. Rental car insurance is a reimbursable expense.

### 18.04 Allowances for Meals and Incidental Expenses

Employees receive meal reimbursements on a per diem basis, up to \$60 per day. If meals are provided at conferences, the per diem must be adjusted:

- Breakfast: \$15
- Lunch: \$20
- Dinner: \$25

Conference programs must be attached to expense reports to reflect provided meals.

### 18.05 Lodging Expenses

Overnight lodging reimbursements match the federal CONUS rates, except when attending conferences with designated hotels. In such cases, reimbursement matches the conference hotel rate. Receipts are required for reimbursement. The county will not pay for additional nights if the employee opts to go to the conference venue early or staying past the completion of the event. Conferences scheduled to start after 12 p.m. are not eligible for reimbursement of the preceding day's hotel stay, unless the location of the conference is more than 5 hours away via the most efficient route.

### 18.06 Other Expenses

Reimbursable expenses include registration fees, official calls, parking, tolls, and taxis. Itemized receipts must be provided. These expenses must be within department budget limits and necessary for county business.

### 18.07 Personal Vehicle

Mileage reimbursements for personal vehicle use are based on the IRS rate, with travel distances calculated using the Official State of Texas Mileage Guide. Commuting expenses are not reimbursed. Only the shortest travel routes are eligible for reimbursement.

### 18.08 Expense Report

Employees must submit detailed expense reports within seven days of returning from a trip. Reports must include prepaid expenses, meal allowances, and itemized receipts. Late submissions (after 30 days) will not be reimbursed.

### 18.09 Exceptions

Elected officials with monthly automobile allowances cannot claim mileage unless traveling outside Polk County. County vehicle users will be reimbursed for necessary expenses like fuel and oil during official business use. Only one traveler per vehicle will receive mileage reimbursement. Conference checks are payable to the hosting organization only.

### 18.10 Prohibited Expenditures

Personal entertainment, spouse expenses, amusements, social activities, alcohol, traffic citations, and illegal activities are not reimbursable.



## 19.00 MISCELLANEOUS POLICIES

### 19.01 Smoking

Smoking and vaping in County Buildings is strictly prohibited. Employees found violating this policy are subject to disciplinary action up to termination.

### 19.02 Chain of Command

County employees report to their respective department heads or designated supervisors. Elected officials are answerable to county voters. The chain of command dictates directives on work responsibilities, performance evaluations, and grievances.

### 19.03 Service Award Program

All active County & District Employees, including full-time and part-time, are eligible for the County Service Award Program. Awards are granted every five years of cumulative service, accounting for employment across multiple departments or service interruptions. Eligibility and award accrual are determined based on employment anniversaries, with service periods combined for award calculations.