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Welcome New Employee:

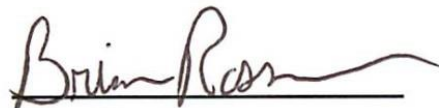
On behalf of your colleagues, welcome to Gaines County. We believe that each employee contributes directly to Gaines County's growth and success, and we hope you will take pride in being a member of our team.


This handbook provides you with information about policies and benefits that affect your employment. You should familiarize yourself with the contents as soon as possible, for it describes many of your responsibilities and will answer questions about employment with Gaines County.

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

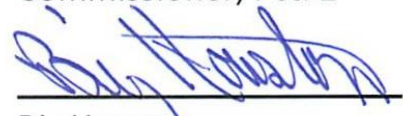
Sincerely,


Cindy Therwhanger
County Judge


Brian Rosson
Commissioner, Pct. 1


Josh Elder
Commissioner, Pct. 2


David Murphree
Commissioner, Pct. 3



Biz Houston
Commissioner, Pct. 4



Resolution for Gaines County


We the undersigned have read the Gaines County Employee Handbook that the Gaines County Commissioner's Court and County Judge have adopted. As ELECTED OFFICIALS of Gaines County, we endorse and approve the Gaines County Employee Handbook. We approve the document as it reflects our commitment to the employees of Gaines County and our commitment to conform to state and federal laws.


County Judge


Commissioner, Pct. 1


Commissioner, Pct. 2


Commissioner, Pct. 3


Commissioner, Pct. 4



County Treasurer


District Clerk


County Clerk



County Tax Assessor


County Attorney


Justice of the Peace, Pct. 1


Justice of the Peace, Pct. 2


County Sheriff


County Constable

ABOUT YOUR HANDBOOK....

This is your personal copy of the Gaines County Employee Handbook. It is intended to give you useful information about County policy.

This Handbook is not a contract of employment. In order to retain necessary flexibility in the administration of policies and procedures, the County reserves the right to change or delete the policies or benefits described in this handbook at any time, without prior notice to employees. It is anticipated that Gaines County will produce written revisions to this handbook. Copies of revisions will be provided to all employees.

Gaines County is an “at-will” employer and, within the provisions of State and Federal law regarding public employment, can dismiss employees at any time, with or without notice, for any reason or no reason at all. Employees are free to resign their position at any time for any reason or no reason at all.

GAINES COUNTY	SECTION: 1.00	PAGE: 1
LAST CHANGE DATE:	SUBJECT: GENERAL AUTHORITY: AUTHORITY RESPONSIBILITY OF POLICIES PURPOSE OF POLICIES	

1.01 AUTHORITY:

These policies are established by the Commissioners' Court, the governing body of Gaines County, and any deletions, amendments, revisions, or additions to the policies must be approved by that body.

These policies completely replace and supersede any and all Gaines County general personnel policies previously adopted, individually or as a set of policies, by the Commissioners' Court. These policies may be modified or withdrawn by the Gaines County Commissioners at any time with or without prior notice.

1.02 RESPONSIBILITY OF POLICIES:

If an employee finds an apparent inconsistency or unclear language in these policies, the employee should immediately bring it to the attention of their Supervisor and the Gaines County Treasurer's Department.

1.03 PURPOSE OF POLICIES:

These policies set forth guidelines concerning employment in the County and inform employees of the benefits and obligations of employment with the County. These policies have been prepared to provide general information only. All employees are at-will, and as such are free to resign at any time with or without reason. The County likewise retains the right to terminate employment at any time with or without reason or notice. Nothing in these policies is intended to be nor should be construed as a guarantee that employment will be continued for any period of time. Nothing in these policies is intended to form an employment contract.

The personnel policies apply equally to all full time employees of Gaines County.

GAINES COUNTY	SECTION: 1.00	PAGE: 2
LAST CHANGE DATE:	SUBJECT: GENERAL AUTHORITY: POLICY DISSEMINATION POLICY REVISION	

1.04 POLICY DISSEMINATION:

The Commissioners’ Court maintains the official set of personnel policies with all revisions for reference by employees. Each employee will be given a copy of the most current Handbook on the first day of employment. Copies of amendments, revisions or new policies will be provided to employees by the Gaines County Treasurer’s Department. In addition, each department will maintain a current Handbook.

Every employee is required to sign an acknowledgment of receipt of the Employee Handbook. Employees are responsible for reading and complying with all policies.

1.05 POLICY REVISION:

The Policy Handbook will be revised as needed. Revisions will be distributed through payroll inserts. The most current edition of the Employee Handbook is available in the Gaines County Treasurer’s Department.

GAINES COUNTY	SECTION: 2.00	PAGE: 1
LAST CHANGE DATE:	SUBJECT: EMPLOYMENT PRACTICES AT-WILL STATUS EQUAL EMPLOYMENT OPPORTUNITY WORKPLACE HARASSMENT	

2.01 AT-WILL EMPLOYMENT STATUS:

Gaines County is an “at-will” employer and, within the provisions of State and Federal law regarding public employment, can dismiss employees at any time, with or without notice, for any reason or no reason at all. Employees are free to resign their position at any time for any reason or no reason at all.

2.02 EQUAL EMPLOYMENT OPPORTUNITY:

Gaines County is an equal opportunity employer. The County does not discriminate on the basis of race, color, national origin, creed, gender, religion, age or disability in employment for the provision of services.

The County prohibits retaliation or discrimination against any employee for reporting an unlawful or discriminatory employment practice, for participating in an investigation of an allegation of discrimination, or for any other reason.

2.03 WORKPLACE HARASSMENT:

It shall be the policy of Gaines County to provide a workplace free from harassment for all employees and to take active steps to eliminate any harassment of which Gaines County becomes aware. Gaines County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, race, color, religion, national origin, age, pregnancy, disability, family or military leave status or veteran’s status. Such conduct becomes harassment when:

- The submission to the conduct is made a condition of employment;
- The submission to, or rejection of, the conduct is used as the basis for an employment decision; or

GAINES COUNTY	SECTION: 2.00	PAGE: 2
LAST CHANGE DATE:	SUBJECT: EMPLOYMENT PRACTICES WORKPLACE HARASSMENT	

2.03 WORKPLACE HARASSMENT (CONTINUED):

- The conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

Harassment is strictly prohibited by Gaines County whether committed by an Elected/Appointed Official, department head, co-worker or nonemployee the County does business with.

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

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

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

GAINES COUNTY	SECTION: 2.00	PAGE: 3
LAST CHANGE DATE:	SUBJECT: EMPLOYMENT PRACTICES WORKPLACE HARASSMENT	

2.03 WORKPLACE HARASSMENT (CONTINUED):

Every reported complaint will be investigated promptly and thoroughly. The Elected/Appointed 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.

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

Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons. All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly as is consistent with the investigation; confidentially. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance that the investigation can be conducted with complete confidentiality.

No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment or those employees who cooperate in the investigation of a complaint.

GAINES COUNTY	SECTION: 2.00	PAGE: 4
LAST CHANGE DATE: 10/1/13	SUBJECT: EMPLOYMENT PRACTICES WORKPLACE HARASSMENT NEPOTISM AGE REQUIREMENTS EMPLOYMENT PROCEDURES	

2.03 WORKPLACE HARASSMENT (CONTINUED):

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

2.04 NEPOTISM: (Employment of Relatives)

No person related within the second degree of affinity (marriage) or within the third degree of consanguinity (blood) to the County Judge, members of the Commissioners’ Court, Elected/Appointed Officials or

Supervisors shall be hired to work in the department directly supervised by them. (See following chart)

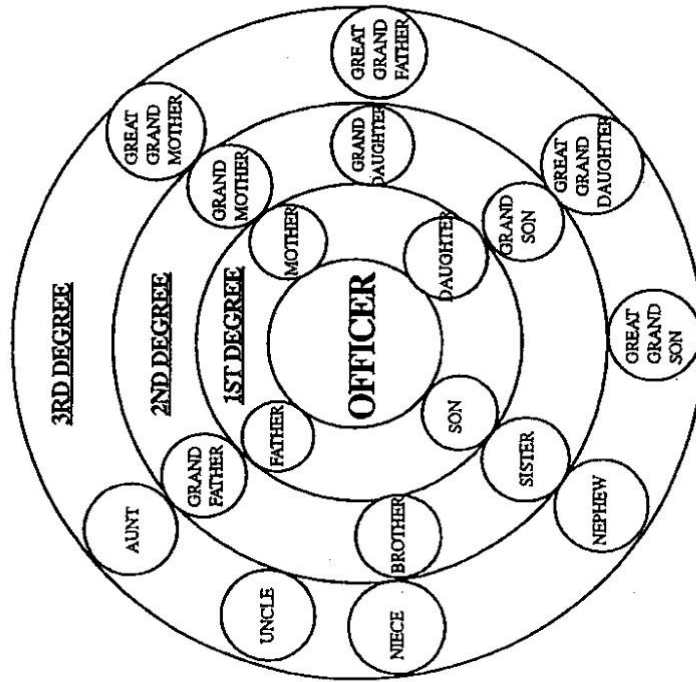
2.05 AGE REQUIREMENTS:

Age limits may be prescribed by law for employment in certain positions. Gaines County will comply with specific state laws or any federally imposed age requirements.

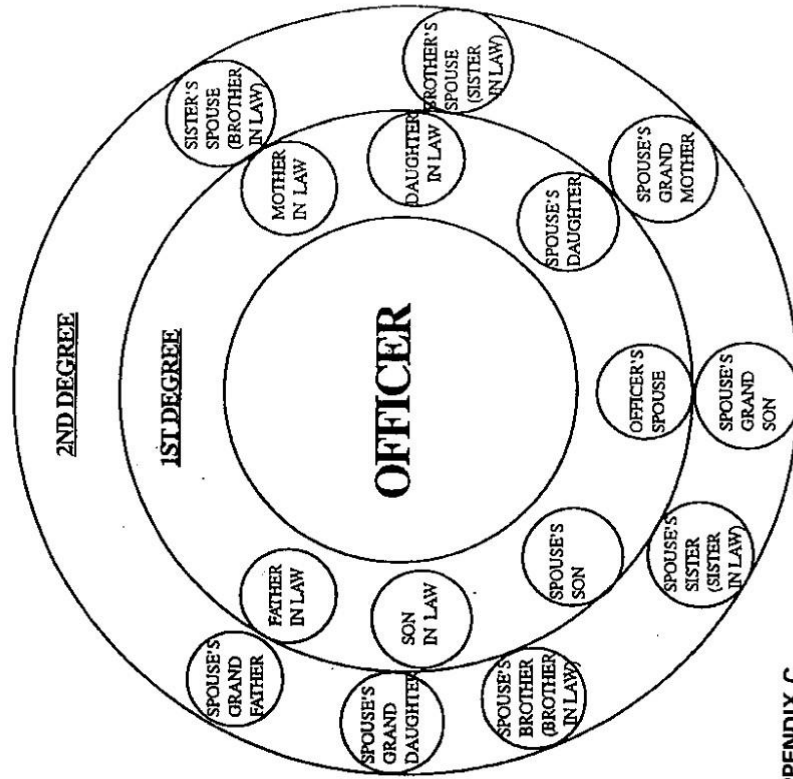
2.06 EMPLOYMENT PROCEDURES:

A copy of all job applications should be retained in the Gaines County Treasurer's Office. Copies of all applications, resumes, and job advertisements for vacancies should be submitted to the Gaines County Treasurer's Department as soon as the position is filled. If an Elected/Appointed Official wishes to handle his/her own applications, all applicable recordkeeping, as required by state or federal regulations, will also be his/her responsibility.

Consanguinity Kinship Chart
(Relationship by Blood)



Affinity Kinship Chart
(Relationship by Marriage)



GAINES COUNTY	SECTION: 2.00	PAGE: 5
LAST CHANGE DATE: 10/01/13	SUBJECT: EMPLOYMENT PRACTICES EMPLOYMENT PROCEDURES CATEGORIES OF EMPLOYMENT	

2.06 EMPLOYMENT PROCEDURES (CONTINUED):

Gaines County Treasurer's Department will be responsible for:

- posting employment opportunities
 - posting employment opportunities on bulletin board
 - posting employment opportunities online
 - forwarding employment applications to the hiring department
 - notifying applicants when positions are filled

As a general rule, applications handled through the Treasurer's office may be accepted only when positions are posted as open. If an Elected/Appointed Official wishes to handle his/her own applications, all applicable recordkeeping, as required by state or federal regulations, will also be his/her responsibility.

Gaines County may re-employ Gaines County retirees, after a separation of greater than 60 days, without suspension of their monthly TCDRS annuity. Gaines County retirees who are re-employed in accordance with this policy shall establish a new membership with TCDRS.

2.07 CATEGORIES OF EMPLOYMENT:

Each employee is designated as either Exempt or Non-Exempt from federal and state wage and hour laws. Exempt employees are generally excluded from specific provisions or overtime pay. Non-Exempt employees are entitled to overtime pay under the specific provision of federal and state law.

All full time employees are eligible for Gaines County benefits.

Elected/Appointed Officials do not necessarily meet the other attributes of employment. They are considered full-time and enjoy all benefits offered to regular employees. They do not accrue sick or vacation time. Time off for illness, vacation, or other reasons is at the sole discretion of the Elected/Appointed Officials.

GAINES COUNTY	SECTION: 2.00	PAGE: 6
LAST CHANGE DATE: 10/01/13	SUBJECT: EMPLOYMENT PRACTICES DRIVING RECORD DRUG TESTING REQUIREMENTS (CDL)	

2.08 DRIVING RECORD:

Every Gaines County employee who is required to drive a Gaines County vehicle on Gaines County business must maintain a safe driving record. For this reason, Gaines County shall check the driving record of a prospective employee applying for a job which requires operating a Gaines County vehicle. Gaines County may recheck an employee’s driving record as needed after employment in such a capacity. Employees who drive Gaines County vehicles are required to report any violations involving a motor vehicle to their Supervisor. This reporting requirement applies to violations incurred both on and off duty. Poor driving records may result in termination of employment. Employees with a Commercial Drivers License (CDL) are checked every year by the Gaines County insurance company.

2.09 DRUG TESTING REQUIREMENTS:

Certain positions of employees, including but not limited to Law Enforcement and Commercial Drivers License (CDL), must comply with applicable state and federal laws. All applicants for these positions must submit to a drug test. The Gaines County Treasurer’s Office will schedule an appointment for the applicant. Gaines County will be responsible for all costs related to testing.

Affected employees who have left employment with Gaines County must also undergo drug screening upon re-employment with the County, if more than six months have passed since leaving employment. Employees with a Commercial Drivers’ License (CDL) are required to submit to random alcohol and drug testing. Employees holding a position that requires a Commercial Drivers’ License (CDL) shall be tested on a random, unannounced basis for drugs and alcohol. Gaines County contracts a licensed professional service to perform these tests.

GAINES COUNTY	SECTION: 2.00	PAGE: 7
LAST CHANGE DATE: 10/01/13	SUBJECT: EMPLOYMENT PRACTICES ORIENTATION VERIFICATION OF ELIGIBILITY OF WORK PROFESSIONAL APPEARANCE	

2.10 ORIENTATION:

Employees who fail to complete the orientation paperwork process will not be entered in the payroll system until the paperwork is completed. The Gaines County Treasurer’s Office will introduce each new employee to the County organization. The information given to the new employee is general and designed to apply to all Gaines County employees. Orientation includes completion of paperwork, information about benefits and receipt of information.

2.11 VERIFICATION OF ELIGIBILITY OF WORK:

In order to comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete and sign an INS Form I-9 by his/her **third day** of employment to provide proof of his/her identity and employment eligibility. False information on the application, resume or employment test is grounds for disqualification or termination. If Form I-9 is not complete by the **third day**, employment must terminate.

2.12 PROFESSIONAL APPEARANCE:

Employees of Gaines County are hired to provide services to our citizens and to perform specific tasks in a professional manner. In order to assist employees in determining what is appropriate, the following guidelines have been established:

- Employees in an office setting with high public visibility and contact should wear appropriate professional attire. Dress and hairstyle should be conservative and appropriate for business hours.
- In general, employees should be neat and wear conservative and well fitted clothing appropriate to their scope of responsibilities.
- Employees who are provided uniforms will follow departmental policies regarding wear and care.

GAINES COUNTY	SECTION: 2.00	PAGE: 8
LAST CHANGE DATE: 10/01/13	SUBJECT: EMPLOYMENT PRACTICES CONFLICT OF INTEREST	

2.13 CONFLICT OF INTEREST:

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

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination.

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

- Soliciting, accepting, or agreeing to accept a financial benefit, gift or favor, other than from Gaines County, that might reasonably tend to influence the employee's performance of duties for Gaines County

or that the employee knows or should know is offered with the intent to influence the employee's performance;

- Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his/her duties for the County; or
- Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a Gaines County employee in favor of that person.

GAINES COUNTY	SECTION: 2.00	PAGE: 9
LAST CHANGE DATE: 10/01/13	SUBJECT: EMPLOYMENT PRACTICES POLITICAL ACTIVITY	

2.14 POLITICAL ACTIVITY:

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

Gaines County employees shall not:

- 1.** Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
- 2.** Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or
- 3.** Use any equipment, property or material owned by the county for political activity or engage in political activity while on duty for Gaines County.

GAINES COUNTY	SECTION: 3.00 PAGE: 1
LAST CHANGE DATE:	SUBJECT: EMPLOYEE RESPONSIBILITIES RESPONSIBILITIES UNDER TEXAS PUBLIC INFORMATION ACT LITIGATION NOTICES

3.01 RESPONSIBILITIES UNDER TEXAS PUBLIC INFORMATION ACT:

Every employee is responsible for making a determination whether or not to allow public access to information that relates to their home address, telephone number, social security number and whether the employee has family members. A signed form must be in the employee's personnel file. If an employee fails to execute the form, Gaines County will assume confidentiality. A peace officer's home address, home phone number,

social security number, and any information about family members are all automatically confidential while employed by Gaines County.

3.02 LITIGATION NOTICES:

Employees shall immediately notify their supervisor and the County Attorney's Office if they are served with a copy of any work related lawsuits or demand letters.

GAINES COUNTY	SECTION: 3.00	PAGE: 2
LAST CHANGE DATE:	SUBJECT: EMPLOYEE RESPONSIBILITIES PROGRESSIVE DISCIPLINE	

3.03 PROGRESSIVE DISCIPLINE:

CORRECTIVE ACTION:

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

OPTIONS FOR CORRECTIVE ACTION:

Depending on the facts and circumstances involved in each situation, the Elected/Appointed Official may choose to begin corrective action at any step up to and including a recommendation for immediate dismissal.

1. **Oral Warning** – For infractions Gaines County deems to be minor, the employee should at a minimum be issued an oral warning. If the situation does not improve within a reasonable time as determined by the Elected/Appointed Official, the measure may be repeated or a more serious option implemented.
2. **Written Warning** – For repeated minor infractions, or a more substantial infraction, the employee should at a minimum be issued a written warning notice. If the situation does not improve immediately, and is not sustained, steps may be taken to move to a more serious option, including suspension or termination of employment.

The written warning should be prepared following a corrective action discussion with the employee. Documentation of corrective action will become part of the employee’s personnel record.

GAINES COUNTY	SECTION: 3.00	PAGE: 3
LAST CHANGE DATE:	SUBJECT: EMPLOYEE RESPONSIBILITIES PROGRESSIVE DISCIPLINE	

3.03 PROGRESSIVE DISCIPLINE (CONTINUED):

The employee will be given an opportunity to comment in writing and should be asked to sign the written warning notice, acknowledging the receipt. Failure or refusal by the employee to acknowledge the written warning notice with a signature does not invalidate either the notice or the disciplinary action.

Documentation of corrective action will become part of the employee's personnel record.

3. **Suspension** – In certain instances, it is appropriate for employees to be suspended. These instances could include but are not limited to:
- A. As a last effort to rehabilitate an employee prior to termination for performance related issues
 - B. Events compel a Supervisor to take immediate action when discharge appears possible, pending an investigation.

During a suspension, the employee will be required to leave Gaines County premises immediately, and should not communicate with any Gaines County employee or official at his/her workplace or during work hours until the suspension is lifted, except for communications with the Elected/Appointed Official.

Suspension may be with or without pay depending on the circumstances. When the suspension is intended as a disciplinary action, it would normally be without pay. An individual disciplined by suspension may not use vacation or compensatory time to make up the lost hours of pay. In the second case, the suspension would begin as without pay, and if the result of the investigation found that

GAINES COUNTY	SECTION: 3.00	PAGE: 4
LAST CHANGE DATE:	SUBJECT: EMPLOYEE RESPONSIBILITIES PROGRESSIVE DISCIPLINE	

3.03 PROGRESSIVE DISCIPLINE (CONTINUED):

termination was appropriate, the termination date would be effective the first day of suspension. However, if the investigation determined that termination was not appropriate, the suspension could be changed from without

pay to with pay at the discretion of the Elected/Appointed Official who initiated the suspension.

4. **Termination** – For infractions your Elected/Appointed Official deems to be sufficiently serious, or continued failure to respond appropriately to prior corrective action, termination of employment is appropriate.

GAINES COUNTY	SECTION: 3.00	PAGE: 5
LAST CHANGE DATE:	SUBJECT: EMPLOYEE RESPONSIBILITIES GRIEVANCES	

3.04 GRIEVANCES:

It is the expressed desire of Gaines County that any complaint of any nature be informally resolved to the mutual satisfaction of all concerned parties. In the event that you feel all informal processes have been

exhausted and feel that you must exercise your right to file a formal complaint, you should follow the following procedure.

PROCEDURE:

1. Any employee having a grievance related to his/her employment should present the grievance in writing to his/her immediate Supervisor within ten (10) days of the matter complained of. The supervisor shall respond to the employee within ten (10) days of receipt of the employee's written grievance.

2. If the grievance to the immediate Supervisor does not resolve the grievance, and, if the immediate Supervisor is not the Elected/Appointed Official with final responsibility of the employee's department, the employee shall have the right to present the grievance to the appropriate Elected/Appointed Official. The employee shall do so in writing within five (5) days of receipt of the employee's Supervisor's oral or written response to the employee's original grievance. The Elected/Appointed Official shall respond within ten (10) days of receipt of the employees appeal of the Supervisor's decision.

3. The decision of the Elected/Appointed official with final responsibility for the employee's department shall be final in all grievances.

GAINES COUNTY	SECTION: 3.00	PAGE: 6
LAST CHANGE DATE:	SUBJECT: EMPLOYEE RESPONSIBILITIES GRIEVANCES	

3.04 GRIEVANCES (CONTINUED):

4. This policy shall apply to both active and terminated employees. Any grievance from a terminated employee must be presented within ten (10) days of termination.

5. An employee who believes he/she has been, or is being, retaliated against for a good faith report of a violation of the law shall file a grievance on this issue in writing to his/her Supervisor. In the event his/her Supervisor is the individual believed to be violating the law, the employee shall make this report to the Elected/Appointed Official with final responsibility for the employee's department or alternatively to the Gaines County Judge. This grievance shall be filed within ten (10) days of the alleged retaliation. The Elected/Appointed Official who receives the grievance or his designee shall respond to the employee within ten (10) days of the receipt of this grievance.

GAINES COUNTY	SECTION: 4.00	PAGE: 1
LAST CHANGE DATE:	SUBJECT: COMPENSATION SALARY & WAGES PAYDAYS PAYCHECKS	

4.01 PAYDAYS:

Gaines County pay period is bi-weekly. The pay date is every other Friday for the preceding pay period unless the pay day falls on a Holiday. Direct deposit is mandatory to all Gaines County employees as approved by the Gaines County Commissioners' Court on July 23, 2008.

4.02 PAYCHECKS:

Elected/Appointed Officials, salaried, exempt and non-exempt employees will receive 26 paychecks. Calendars for pay periods will be provided in the Gaines County Treasurer's Office.

- 1) Paystubs are delivered and picked up from the Gaines County Treasurer's office on Thursday before pay day. Paystubs will be mailed to employees in Seminole, Seagraves and Loop or it will be given to the appropriate Elected/Appointed Official or the Department Head.**
- 2) Paystubs may not be withheld from any employee, except in accordance of a request for travel expense advance.**
- 3) Direct deposit is mandatory to all Gaines County employees. Direct Deposit Authorization forms are available in the Gaines County Treasurer's office.**
- 4) No salary advances or loans against future salary will be made to any employee for any reason.**
- 5) An employee must bring any discrepancy in pay (such as overpayment, underpayment, incorrect payroll deductions, or incorrect sick, compensation time, vacation, etc.) to the attention of the Gaines County Treasurer's Department. The Gaines County Treasurer's Department will correct the discrepancy on the following pay period.**

LAST CHANGE DATE:	SUBJECT: COMPENSATION SALARY & WAGES PAYROLL ALLOWANCES
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4.03 PAYROLL ALLOWANCES:

CELL PHONE ALLOWANCE:

To establish Commissioners’ Court approved policies regarding the use of an allowance granted for cell phone use, an allowance of \$65.00 per month for all Gaines County Officials/Personnel based upon the nature of their duties. The allowance will be paid through payroll, (on the 2nd pay period of the month), for each authorized user. In the event of termination, the allowance will be prorated.

Each Official or employee that receives this allowance is required to submit proof of cell phone service in their name to the Gaines County Treasurer **BEFORE THE CELL PHONE ALLOWANCE IS STARTED.**

Additionally, each allowance recipient must be prepared to show proof of existing service to the Gaines County Treasurer and/or the Gaines County Auditor at any time. Failure to do so will result in the immediate termination of this allowance.

MILEAGE ALLOWANCE:

The Gaines County Judge and each Gaines County Commissioner shall be reimbursed for in-County expense and use of their personal vehicles within Gaines County. Each Gaines County Commissioner shall be reimbursed to use their vehicle for out-of-county travel.

Gaines County Officials/Personnel based upon the nature of their duties shall be reimbursed for frequent use of privately owned vehicle on county business. The mileage allowance will be paid through payroll, (on the 2nd pay period of the month) for each authorized vehicle. In the event of termination, the allowance will be prorated.

LAST CHANGE DATE:	SUBJECT: COMPENSATION SALARY & WAGES PAYROLL DEDUCTIONS
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4.04 PAYROLL DEDUCTIONS:

Deductions will be made from each employee’s pay for the following:

- 1. Federal Social Security;**
- 2. Federal Income Taxes;**
- 3. Court Ordered Child Support;**
- 4. Retirement Contributions;**
- 5. Other deductions as required or allowed by law;**
- 6. Other deductions as allowed by law and authorized by Commissioners’ Court.**

In addition, deductions from an employee’s pay may be authorized in writing by the employee for:

- 7. Group health, medical, life, or dental premiums for the employee and dependents;**
- 8. Credit Unions;**
- 9. Deferred compensation; and other deductions as may be authorized by Commissioners’ Court.**

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

GAINES COUNTY	SECTION: 4.00 PAGE: 4
LAST CHANGE DATE:	SUBJECT: COMPENSATION SALARY & WAGES PAYROLL DEDUCTIONS

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4.04 PAYROLL DEDUCTIONS (CONTINUED):

The form entitled “Travel Expense Report Form” and receipts must be submitted to the Treasurer along with any payment due Gaines County within seven (7) days of the travel return date **whether** or **not** there is a **balance due Gaines County**. If the report is not timely, the **entire** amount of the advance shall be deducted from the recipient’s next paycheck and the Travel Expense Report, if and when it is eventually submitted, shall be treated as though no expense advance was issued in the first place. Such payroll deductions shall be credited to the department account from which the advance was debited.

Most employees of Gaines County are covered by Social Security. There are exceptions for election workers. Contributions to the Social Security System/Medicare are shared equally by Gaines County and the employee.

Gaines County Golf Course Superintendent and Gaines County Parks Superintendent assigned to a Gaines County vehicle will be charged payroll taxes on three dollars (\$3.00) a day because they reside on the premises.

Gaines County employees assigned to a Gaines County vehicle in all other divisions will be charged the current cents-per-mile rate issued by the IRS. If an employee rides with another employee, that employee will also be charged the current cents-per-mile rate issued by the IRS.

Law Enforcement and Emergency Management vehicles are exempt from these payroll taxes.

Gaines County employees wearing uniforms will be charged the amount determined by the uniform provider. The payroll taxes from this amount will be deducted from each paycheck. The Sheriff’s Department is exempt from the payroll taxes on uniforms.

LAST CHANGE DATE:	SUBJECT: COMPENSATION SALARY & WAGES TRAVEL EXPENSE REIMBURSEMENT
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4.05 TRAVEL EXPENSE REIMBURSEMENT:

1. Expense Advances may be requested, and a check issued during the next Accounts Payable cycle. The form entitled “Request For Travel Expense Advance” is self-explanatory. To obtain an expense advance, the form must be submitted to the Gaines County Auditor’s Office no sooner than fifteen working days prior to the date of departure and no later than 12:00 noon on the Monday the week prior to the Commissioners Court meeting when accounts payable are approved—usually the 2nd and 4th Wednesday of each month. Holidays or other circumstances may affect the deadline or the meeting schedule.

2. The form entitled “Travel Expense Report Form” and receipts must be submitted to the Gaines County Treasurer along with any payment due Gaines County within **seven (7) days** of the travel return date **whether or not** there is a **balance** due Gaines County. If the report is not timely, the **entire** amount of the advance shall be deducted from the recipient’s next paycheck. The Travel Expense Report, if and when it is eventually submitted, shall be treated as though no expense advance was issued in the first place.

3. Such payroll deductions shall be credited to the department account from which the advance was debited.

GAINES COUNTY	SECTION: 4.00	PAGE: 6
LAST CHANGE DATE: 01/09/17	SUBJECT: COMPENSATION SALARY & WAGES TRAVEL EXPENSE REIMBURSEMENT	

4.05 TRAVEL EXPENSE REIMBURSEMENT (CONTINUED):

4. The IRS mileage and daily per diem rates will be reviewed annually and, as the IRS dictates, will be used as a guideline for setting reimbursement amounts for Gaines County Officials and employees. 1)
- If proceeding to or returning from travel involves an overnight stay, the per diem rate is \$65.00 a day.
- 2) Mileage reimbursement will be calculated and paid using the mileage, as calculated by Google Maps software, for the most direct route to the destination. Round trip mileage will be calculated by doubling the mileage for the direct route to the destination.
5. All Officials and employees can ask for reimbursement for all hotels, mileage and other public purpose travel expense that require overnight lodging (IRS requirement) while traveling for training or on other Gaines County business.
6. No reimbursement shall be paid for meals purchased within Gaines County (juries and court witnesses excepted). Only the expense of meals consumed by employees and Officials or legal wards of or witnesses for Gaines County shall be reimbursed. A request for reimbursement of day meal expenses for meals purchased during escort or transport of prisoners, witnesses, or other wards of the county must be submitted to the Gaines County Auditor’s Office on a “Travel Expense Report Form”. Eligible meal expenses will be reimbursed through payroll to comply with IRS regulations.

LAST CHANGE DATE: 10/18/15

**SUBJECT: COMPENSATION SALARY
& WAGES
WORK SCHEDULE & TIME REPORT**

4.06 WORK SCHEDULE & TIME REPORTING:

Official County business hours, except in the Sheriff's Department, Library and Precincts, are 8:00 a.m. – 5:00 p.m. Monday through Friday. Library hours vary but employees will normally work a forty (40) hour week.

Precinct hours are 10 hours a day, 4 days a week.

Some departments may allow or schedule break periods for employees. Break periods are not required by law and are at the discretion of the Elected/Appointed Officials.

Part time employees may not exceed 28 hours worked per week on average or 728 hours worked in a six month period.

Seasonal/Temporary employees may not exceed 40 hours worked per week on average or 728 hours worked in a six month period.

For additional information regarding specific hours allowed per position in your department, refer to the salary section of the budget book.

Deputies are on an eight (8) hour shift forty (40) hour work week.

GAINES COUNTY	SECTION: 4.00	PAGE: 8
LAST CHANGE DATE: 10/18/15	SUBJECT: COMPENSATION SALARY & WAGES OVERTIME WORKED	

4.07 OVERTIME WORKED:

Employees may be required to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the (FLSA) Fair Labor Standards Act (29 CFR 553.211K): 40 hours per seven-day work period. Under the (FLSA) Fair Labor Standards Act, overtime applies only to employees who are not exempt from the Act's overtime provisions.

Employees who work unapproved overtime are subject to disciplinary action.

GAINES COUNTY	SECTION: 4.00	PAGE: 9
LAST CHANGE DATE: 10/18/15	SUBJECT: COMPENSATION SALARY & WAGES OVERTIME WORKED	

4.07 OVERTIME WORKED (CONTINUED):

Sheriff's Department: Deputies, Jailers/Dispatchers, if a Holiday falls on their day off, the Holiday is paid at regular pay (8 hours).

If the Deputy, Jailer/Dispatcher worked on a Holiday, he/she would be paid eight (8) hours of Holiday pay at time and one half plus the number of hours worked that day at regular pay; unless during that time period any vacation, compensation time or sick leave was taken, then he/she would be paid eight (8) hours Holiday pay at regular pay plus the number of hours worked that day at regular pay.

GAINES COUNTY	SECTION: 4.00	PAGE: 10
LAST CHANGE DATE: 08/01/22	SUBJECT: COMPENSATION SALARY & WAGES OVERTIME COMPENSATION	

4.08 OVERTIME COMPENSATION:

- A. Non-exempt employees (hourly wages) shall be paid up to forty (40) hours per average work week at straight time whether such time is worked or taken as vacation, sick leave or compensatorytime.**
- B. For non-exempt monthly salaries, the straight time hourly wage shall be calculated as follows:
Monthly salary + Longevity X 12 divided by 2080 = hourly rate**
- C. Overtime payment will be made only after the employee has actually worked 40 hours in a week excluding any leave time taken.**
- D. Compensatory Time will be paid at one and one-half times the number of hours worked only after the employee has actually worked 40 hours in a week excluding any leave time taken.
Compensatory Time is limited to 240 hrs accrued.**

Overtime payments, (overtime pay or compensatory time-off)—options C and D, are subject to budgetary limitations and are at the discretion of your Elected/Appointed Official.

Overtime payments are subject to budgetary limitations and Elected/Appointed Officials must not exceed their budget when considering allowing employees overtime pay.

The hourly rate for overtime pay shall be calculated as follows:
Monthly salary + Longevity x 12 divided by 2080 x 1.5 = overtime hourly rate

Every legal effort to avoid overtime work shall be administered by your Supervisor.

GAINES COUNTY	SECTION: 4.00 PAGE: 11
LAST CHANGE DATE: 10/18/15	SUBJECT: COMPENSATION SALARY & WAGES OVERTIME PAID EXEMPTIONS FROM FLSA TIME REPORTING

4.09 OVERTIME PAID:

Overtime will be paid during the payroll period in which it is earned. Compensatory Time will be credited during the payroll period in which it is earned. This is dependent on what your Elected/Appointed Official has decided to choose as compensation for overtime work.

4.10 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION):

Elected/Appointed Officials are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation.

4.11 TIME REPORTING:

Sheriff's Department: Time cards will be submitted to the Treasurer's Office no later than 9:00am each Monday.

GAINES COUNTY	SECTION: 4.00	PAGE: 12
LAST CHANGE DATE: 10/18/15	SUBJECT: COMPENSATION SALARY & WAGES TIME CARDS	

4.12 TIME CARDS:

Time Cards must be submitted to the Gaines County Treasurer's Office on a weekly basis. If Monday falls on a Holiday, time cards should be submitted on Tuesday no later than 9:00 a.m. Failure to submit time cards in a timely fashion will result in delayed payment.

Time Cards are provided by the Gaines County Treasurer's Department.

Employee payment is based on the reported hours on the time cards.

- 1. Each employee is required to fill out a time card to be turned in to his/her supervisor every week.**
- 2. Corrections on time cards will be marked through with a single line and shall be initialed by employee and Elected/Appointed Official.**

GAINES COUNTY	SECTION: 4.00	PAGE: 13
LAST CHANGE DATE:	SUBJECT: COMPENSATION SALARY & WAGES TIME CARDS	

4.12 TIME CARDS (CONTINUED):

5. If an employee is absent on the day time cards are due, the Supervisor or Elected/Appointed Official will submit the employee's time card. Upon the employee's return, the employee shall sign the time card.

Time cards must be signed by the employee and by the Elected/Appointed Officials.

Elected/Appointed Officials are responsible for insuring that time cards reflect actual hours worked and leave time used.

GAINES COUNTY	SECTION: 4.00	PAGE: 14
LAST CHANGE DATE: 08/01/2022	SUBJECT: COMPENSATION SALARY & WAGES COMPENSATORY TIME HOLIDAYS	

4.13 COMPENSATORY TIME:

Compensatory time will be credited at the rate of 1½ times the hours worked during the payroll period in which it is earned. The maximum compensatory time accrued is 240 hours. Compensatory time should be encouraged to be taken in the year that is earned. Compensatory time is dependent on what your Elected/Appointed Official has decided to choose as compensation for overtime work.

4.14 HOLIDAYS:

The following days each year are paid legal holidays for Gaines County employees. **Holidays are 8 hour days and 4 hours for a half of day.**

- New Year’s Day
- Martin Luther King Day
- President’s Day
- Good Friday
- Memorial Day
- Juneteenth Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

If a holiday occurs during your vacation, sick or surgery leave the holiday is not counted as vacation time, sick or surgery leave.

HOLIDAYS are subject to change yearly,
AS VOTED BY THE COMMISSIONER’S COURT.

GAINES COUNTY	SECTION: 4.00	PAGE: 15
LAST CHANGE DATE: 10/01/14	SUBJECT: COMPENSATION SALARY & WAGES LONGEVITY PAY POLICY	

4.15 LONGEVITY PAY POLICY:

The Gaines County Commissioners' Court has long recognized and rewarded full time employees for their continued service to Gaines County. Starting in FY2007 the Court added Officials to the longevity pay schedule using their original hire or elected dates as applicable. However, because a prior court cannot obligate a future court, this policy will be subject to review and modification each year during budget hearings. Any future changes will be contingent upon other budgetary considerations and subject to the availability of funds in the budget.

GAINES COUNTY	SECTION: 4.00	PAGE: 16
LAST CHANGE DATE: 10/1/14	SUBJECT: COMPENSATION SALARY & WAGES LONGEVITY PAY POLICY	

4.16 LONGEVITY PAY POLICY (CONTINUED):

PROCEDURE

A. All Gaines County Officials/Employees shall be eligible for longevity pay upon completion of one (1) year of continuous service:

B. The amount of longevity pay shall be adjusted annually on the Employee's Longevity Date.

C. Employees shall accrue longevity pay up to and including 30 years follows:

Years of Service		Longevity Pay	
\$10.00 per month for each year of service to the County			
Years of Service	Monthly Amount	Years of Service	Monthly Payroll Service Payroll Amount
1	0	11	\$110.00
23	\$20.00	12	\$120.00
4	\$40.00	14	\$140.00
5	\$50.00	15	\$150.00
6	\$60.00	16	\$160.00
		17	\$170.00
8	\$80.00	18	\$180.00
109	\$100.00	19	\$190.00
		20	\$200.00
		21	\$210.00
		22	\$220.00
		23	\$230.00
		24	\$240.00
		25	\$250.00
		26	\$260.00
		27	\$270.00
		28	\$280.00
		29	\$290.00
		30	\$300.00

D. Officials/Employees who have at least 30 years of service as of September 30, 2003, will Continue to receive longevity pay at their current rate until separation from County.

E. All full time new hires will be assigned a Longevity Date that is the same as their Hire Date.

F. Employees returning within one year of previous service: Anniversary/Longevity Date is the same as the original hire date. Employees returning after more than one year of absence:

Anniversary/Longevity date is the rehire date.

G. Officials/employees shall receive longevity pay on the second pay period of each month after their first year of service.

H. Employees who separate from Gaines County will receive their longevity pay balances in their final paycheck prorated based upon the voluntary/involuntary day of termination.

GAINES COUNTY	SECTION: 5.00	PAGE: 1
LAST CHANGE DATE: 10/01/11	SUBJECT: EMPLOYEE BENEFITS MEDICAL, LIFE & DENTAL INSUR.	

5.01 MEDICAL, LIFE AND DENTAL INSURANCE:

In accordance with the general procedures approved by the Commissioners' Court, all full time employees are eligible for group medical, life and dental insurance. If the employee elects group medical and dental insurance coverage, the premium due will be paid through payroll deduction. An eligible employee may elect dependent coverage at their own expense and such dependent coverage premium expense will be paid by the employee through payroll deduction. All premiums will be taken out bi-weekly except on the months where there are three pay periods. All premiums are paid in advance of the effective date.

Upon employment, each employee who is eligible as defined in the plan for insurance coverage is given detailed information about the County's insurance programs. Employees have a **thirty (30) day eligibility waiting period** before medical, dental or life coverage becomes effective.

Employees who have a change in family status (i.e. marriage, divorce, birth, adoption or death) or loss of other coverage may apply for the County insurance coverage **within thirty (30) days of date of the change or loss of coverage**. Applications received after the thirty (30) day eligibility period will be considered late entrants and must wait for the next annual enrollment period to apply for coverage.

Please refer to your Policy or the Gaines County Treasurer's Office to determine who qualifies as a dependent on your insurance. Eligible dependents may be covered until attainment of age 26.

Employees on FMLA or other unpaid leave are responsible for delivering premium payments for supplemental and dependent coverage in a timely manner. Failure to make the payments will result in termination of coverage.

GAINES COUNTY	SECTION: 5.00	PAGE: 2
LAST CHANGE DATE: 10/1/14	SUBJECT: EMPLOYEE BENEFITS WELLNESS BENEFITS	

5.02 WELLNESS BENEFITS:

Beginning October 1, 2014, by approval of Commissioners' Court, Gaines County will pay 100% of the monthly fee for any full time employee and any elected/appointed official who becomes a member of the M.S. Doss Fitness Center.

The Fitness Center membership includes many benefits and services for members such as:

- **Any offered exercise group classes**
- **Free body fat composition testing**
- **Free blood pressure check**
- **Weight analysis**
- **Orientations/Clinics for weight machines, and cardio equipment** □

Use of facility equipment, such as:

- **Hot tub**
- **Swimming Pool**
- **Dry Sauna**
- **Racquetball Courts**
- **Free Weights**
- **Machine Weights**
- **Aerobic Equipment**

IRS Publication 15-B states that employers must tax the fringe benefits. The total amount of the monthly fee will be added to the paycheck of

each employee utilizing this benefit. The taxes will be paid, then the amount will be removed from the paycheck to comply with this law.

Also by Commissioners' Court decision, the county will pay **green fees only** at the Gaines County Golf Course for all full time employees and all elected/appointed officials who wish to play.

GAINES COUNTY	SECTION: 5.00	PAGE: 3
LAST CHANGE DATE: 10/01/14	SUBJECT: EMPLOYEE BENEFITS WELLNESS BENEFITS	

5.02 WELLNESS BENEFITS (CONTINUED):

These health and wellness benefits will help prevent employee illness and lower health care cost.

Copies of class schedules for the fitness center will be provided in the County Treasurer's Office.

Full time employees will become eligible for the wellness benefits after a 30 day waiting period.

Wellness benefits are for full time employees only.

GAINES COUNTY	SECTION: 5.00	PAGE: 4
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS RETIREES BENEFITS	

5.03 RETIREES BENEFITS:

Employees who retire in accordance with the provisions of the TCDRS, Texas County and District Retirement System are eligible for Blue Cross/Blue Shield Health Insurance at their own expense until age sixtyfive (65).

Employees who retire in accordance with the provisions of the TCDRS, Texas County and District Retirement System are eligible for (TAC) County Choice Silver Health Insurance/UnitedHealthcare at their own expense.

Employees who retire and choose to elect (TAC) County Silver Health Insurance/UnitedHealthcare; it will be a **secondary** insurance to your Medicare Plan.

GAINES COUNTY	SECTION: 5.00	PAGE: 5
LAST CHANGE DATE: 10/01/2023	SUBJECT: EMPLOYEE BENEFITS RETIREMENT PLANS (TCDRS) TEXAS COUNTY AND DISTRICT RETIREMENT PLAN	

5.04 RETIREMENT PLANS:

Gaines County offers a retirement plan through the (TCDRS) Texas County and District Retirement System. In addition, Gaines County participates in Social Security, Medicare, and offers a Deferred Compensation plan.

Full time and part time employees will participate in the (TCDRS) Texas County and District Retirement System.

- 1.** Contributions are made through a payroll deduction at 7% of an employee's gross salary. Contributions are deducted before income taxes are withheld, as specified under Section 414 of the Internal Revenue Code.

- 2.** Currently, vested employee contributions receive matching contributions from the County at a ratio of 1.65:1, or \$1.65 for every \$1.00 you contribute. The County contribution amount is subject to change annually. All contributions earn interest annually.

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

GAINES COUNTY	SECTION: 5.00	PAGE: 6
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS RETIREMENT ELIGIBILITY RETIRES RE-EMPLOYED	

5.05 RETIREMENT ELIGIBILITY:

Gaines County employees are vested after (8) eight years of service.

- A. Vesting at age 60 – Employees must have eight years of service credit to retire at age 60.**
- B. “Rule of eligibility – This allows vested employees to retire before age 60. Under this rule a vested employee can retire if his or her age and years of service credit add up to 80.**
- C. 30- Year retirement at any age --- This lets employees retire when they have 30 years of service credit, regardless of age.**
- D. Employees with Military Service may apply to TCDRS to have their service time credited after the eight (8) year vesting period.**
- E. Employees with State of Texas (ERS), Judicial Retirement System (Administered by ERS), Teachers Retirement System of Texas (TRS), Texas Municipal Retirement System (TMRS), or City of Austin Employees Retirement System may apply to TCDRS to have their service time credited after the eight (8) year vesting period.**

5.06 RETIREES RE-EMPLOYED:

Gaines County retirees who are reemployed by Gaines County after the required two month (60) day separation period are required to establish a new membership with the (TCDRS) Texas County and District Retirement System.

GAINES COUNTY	SECTION: 5.00	PAGE: 7
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS DEFERRED COMPENSATION	

5.07 DEFERRED COMPENSATION:

Gaines County allows employees to participate in a Deferred Compensation plan through payroll deduction. The plan is administered according to provisions of applicable Internal Revenue Service regulations.

- 1. The purpose of the plan is to allow an employee to set aside a portion of their salary and receive its value at retirement. The amount of deferred earnings (plus investment earnings) is not considered income for federal tax purposes until its value is paid as provided in the plan.**
- 2. Participation is on a voluntary basis and is available to full time employees. Withdrawals are permitted only upon termination or retirement. Early withdrawals will be subject to a penalty by the Deferred Compensation Plan Provider as well as the Internal Revenue Service.**
- 3. Employees may take out loans by borrowing against their own earnings and has to be repaid within (5) years.**
- 4. Information booklets are available through the Gaines County Treasurer's Department and the Deferred Compensation Plan Provider.**

GAINES COUNTY	SECTION: 5.00	PAGE: 8
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS 125/CAFETERIA PLAN	

5.08 CAFETERIA PLAN:

- 1.** The 125 Plan is a flexible benefit plan provided to all full time employees. The 125 Plan is designed to give employees more value for their benefits. With the 125 Plan, costs for certain optional insurance premiums, are taken out of an employee's total pay before taxes. This lowers an employee's taxable income.
- 2.** Employees may enroll in the 125 Plan only when initially hired, during the annual election period or after a change of family status. Once the election time period has ended, employees must wait until the next open enrollment period to participate in the 125 Plan.
- 3.** All new employees have 30 days from the date of hire to enroll in the 125 Plan. An employee cannot change or cancel their 125 Plan election until the next open enrollment period unless there is a change in family status or an increase in health insurance rates. Once the contribution amount has been set for the year, it may only be changed if a qualifying event occurs. A change in family status includes any of the following: marriage, divorce, birth or adoption of a child, a change in dependent custody, death of spouse or child, or change in employment status for the employee or the employee's spouse.

Employees who experience a change in family status have 30 days from the date the change occurred to modify 125 Plans and apply for coverage or drop coverage. Additions to coverage require payment one month in advance of the effective date.

GAINES COUNTY	SECTION: 5.00	PAGE: 9
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS CONTINUATION OF GROUP INSURANCE (COBRA)	

5.09 CONTINUATION OF GROUP INSURANCE (COBRA):

The Federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) provides individuals with the option of continuing group health, dental and vision insurance coverage for both the employee and covered dependents under specified conditions and at the individual's full expense when the insurance would otherwise terminate (termination, death, divorce, age, etc.).

Employer must notify employees of the availability of The Federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) coverage when they enter the plan and again within thirty (30) days of the occurrence of a qualifying event.

Employees must notify the employer within sixty (60) days of a qualifying event. Employees who fail to provide this notice risk the loss of continued coverage. The County Treasurer's Department has information regarding the continuation of these benefits.

GAINES COUNTY	SECTION: 5.00	PAGE: 10
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS CONTINUATION OF GROUP INSURANCE HIPPA REQUIREMENTS	

5.09 CONTINUATION OF GROUP INSURANCE COBRA (CONTINUED):

COBRA Qualifying Events and Coverage Requirements:

<u>Qualifying Event</u>	<u>Length of Coverage</u>
Employee death	36 months
Divorce or legal separation	36 months
Dependent child no longer covered	36 months
Reduction in hours	18 months
Reduction in hours when disabled*	29 months
Employee termination	18 months
Employee termination when disabled*	29 months
Eligibility for SSA benefits	18 months Termination
for gross misconduct	0 months

*An employee who is disabled within 60 days of a reduction in hours or a termination becomes eligible for an additional 11 months of COBRA coverage

Failure to make the payments for COBRA insurance will result in termination of coverage. Payments must be made in the County Treasurer's Office.

5.10 OTHER BENEFITS HIPPA REQUIREMENTS:

HIPAA prohibits discrimination on the basis of health status as evidenced by an individual's medical condition or history, claims experience, utilization of health care services, disability, or evidence of insurability. It also places limits on health insurance restrictions for preexisting conditions, which are defined as conditions for which treatment was given within six months of enrollment in the plan. **By law HIPAA prohibits any medical claims information or health status to be release to anyone other than the employee. See policy following. (3 pages) GAINES COUNTY HIPPA POLICY**

This notice describes how health information about you (as an employee of Gaines County) may be used and disclosed and how you can gain access to this information. This Notice provides you with information to protect the privacy of your confidential health care information, hereafter referred to as protected health information (PHI). The Notice also describes the privacy rights you have and how you can exercise those rights. Please review it carefully.

OUR COMMITMENT REGARDING YOUR PERSONAL HEALTH INFORMATION

Gaines County is committed to maintaining and protecting the confidentiality of our employees' personal information. This Notice of Privacy Practices applies to Gaines County's TAC Health and Employee Benefits Pool and Ameritas Dental and Vision Plans (collectively, the Plans). The Plans are required by federal and state law to protect the privacy of your individually identifiable health information and other personal information. We are required to provide you with this Notice about our policies, safeguards and practices. When the Plans use or disclose your PHI, the Plans are bound by the terms of this Notice.

HOW WE MAY USE AND DISCLOSE MEDICAL INFORMATION ABOUT YOU

This notice describes how medical information about you may be used and disclosed and how you can get access to this information. **Please review it carefully.**

IF YOU HAVE QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT:

**Gaines County Treasurer's Dept., 101 S. Main Street, Rm 103, Seminole, TX 79360
Phone: (432) 758-4009**

OUR OBLIGATIONS

We are required by law to:

- Maintain the privacy of protected health information
- Give you this notice of our legal duties and privacy practices regarding health information about you
- Follow the terms of our notice that is currently in effect

HOW WE MAY USE AND DISCLOSE HEALTH INFORMATION

The following describes the ways we may use and disclose health information that identifies you (“Health Information”). Except for the purposes described below, we will use and disclose Health Information only with your written permission. You may revoke such permission at any time by writing to our practice Privacy Officer, the Gaines County Treasurer.

For Treatment. We may use and disclose Health Information for your treatment and to provide you with treatment-related health care services. For example, we may disclose Health Information to doctors, nurses, technicians, or other personnel, including people outside our office, who are involved in your medical care.

For Payment. We may use and disclose Health Information so that we or others may bill and receive payment from you, an insurance company or a third party for the treatment and services you received. For example, we may give your health plan information about you so that they will pay for your treatment. **For Health Care Operations.** We may use and disclose Health Information for health care operations purposes. These uses and disclosures are necessary to make sure all of our patients receive quality care and to operate and manage our office. For example, we may use and disclose information to make sure the obstetrical or gynecological care you receive is of the highest quality. We also may share information with other entities that have a relationship with you (for example, your health plan) for their health care operation activities.

SPECIAL SITUATIONS

As Required by Law. We will disclose Health Information when required to do so by international, federal, state or local law.

To avert a Serious Threat to Health or Safety. We may use and disclose Health Information when necessary to prevent a serious threat to your health and safety or the health and safety of the public or another person. Disclosures, however, will be made only to someone who may be able to help prevent the threat.

Business Associates. We may disclose Health Information to our business associates that perform functions on our behalf or provide us with services if the information is necessary for such functions or services. For example, we may use another company to perform billing services on our behalf. All of our business associates are obligated to protect the privacy of your information and are not allowed to use or disclose any information other than as specified in our contract.

Organ and Tissue Donation. If you are an organ donor, we may use or release Health Information to organizations that handle organ procurement or other entities engaged in procurement, banking or transportation of organs, eyes or tissues to facilitate organ, eye or tissue donation and transplant. **Military and Veterans.** If you are a member of the armed forces, we may release Health Information as required by military command authorities. We also may release Health Information to the appropriate foreign military authority if you are a member of a foreign military.

Workers’ Compensation. We may release Health Information for workers’ compensation or similar programs. These programs provide benefits for work-related injuries or illness.

Public Health Risks. We may disclose Health Information for public health activities. These activities generally include disclosures to prevent or control disease, injury or disability; report births and deaths; report child abuse or neglect; report reactions to medications or problems with products; notify people of recalls of products they may be using; a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition; and the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.

Health Oversight Activities. We may disclose Health Information to a health oversight agency for activities authorized by law. These oversight activities include, for example, audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

Data Breach Notification Purposes. We may use or disclose your Protected Health Information to provide legally required notices of unauthorized access to or disclosure of your health information.

Lawsuits and Disputes. If you are involved in a lawsuit or a dispute, we may disclose Health Information in response to a court or administrative order. We also may disclose Health Information in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

Law Enforcement. We may release Health Information if asked by a law enforcement official if the information is: (1) in response to a court order, subpoena, warrant, summons or similar process; (2) limited information to identify or locate a suspect, fugitive, material witness, or missing person; (3) about the victim of a crime even if, under certain very limited circumstances, we are unable to obtain the person's agreement; (4) about a death we believe may be the result of criminal conduct; (5) about criminal conduct on our premises; and (6) in an emergency to report a crime, the location of the crime or victims, or the identity, description or location of the person who committed the crime.

Coroners, Medical Examiners and Funeral Directors. We may release Health Information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We also may release Health Information to funeral directors as necessary for their duties.

National Security and Intelligence Activities. We may release Health Information to authorized federal officials for intelligence, counter-intelligence, and other national security activities authorized by law.

Protective Services for the President and Others. We may disclose Health Information to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or to conduct special investigations.

Inmates or Individuals in Custody. If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release Health Information to the correctional institution or law enforcement official. This release would be if necessary: (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) the safety and security of the correctional institution.

The following uses and disclosures of your Protected Health Information will be made only with your written authorization:

1. Uses and disclosures of Protected Health Information for marketing purposes; and
2. Disclosures that constitute a sale of your Protected Health Information

Other uses and disclosures of Protected Health Information not covered by this Notice or the laws that apply to us will be made only with your written authorization. If you do give us an authorization, you may revoke it at any time by submitting a written revocation to our Privacy Officer and we will no longer disclose Protected Health Information under the authorization. But disclosure that we made in reliance on your authorization before you revoked it will not be affected by the revocation.

YOUR RIGHTS

You have the following rights regarding Health Information we have about you:

Right to Inspect and Copy. You have a right to inspect and copy Health Information that may be used to make decisions about your care or payment for your care. This includes medical and billing records, other than psychotherapy notes. To inspect and copy this Health Information, you must make your request, in writing, to Michael Lord, Jr. We have up to 30 days to make your Protected Health Information available to you and we may charge you a reasonable fee for the costs of copying, mailing or other supplies associated with your request. We may not charge you a fee if you need the information for a claim for benefits under the Social Security Act or any other state or federal needs-based benefit program. We may deny your request in certain limited circumstances. If we do deny your request, you have the right to have the denial reviewed by a licensed healthcare professional who was not directly involved in the denial of your request, and we will comply with the outcome of the review.

Right to an Electronic Copy of Electronic Medical Records. If your Protected Health Information is maintained in an electronic format (known as an electronic medical record or an electronic health record),

you have the right to request that an electronic copy of your record be given to you or transmitted to another individual or entity. We will make every effort to provide access to your Protected Health Information in the form or format your request, if it is readily producible in such form or format. If the Protected Health Information is not readily producible in the form or format you request, your record will be provided in either our standard electronic format or if you do not want this form or format, a readable hard copy form.

Right to Get Notice of a Breach. You have the right to be notified upon a breach of any of your unsecured Protected Health Information.

Right to Amend. If you feel that Health Information we have is incorrect or incomplete, you may ask us to amend the information. You have the right to request an amendment for as long as the information is kept by or for our office. To request an amendment, you must make your request, in writing, to the Gaines County Treasurer.

Right to an Accounting of Disclosures. You have the right to request a list of certain disclosures we made of Health Information for purposes other than treatment, payment and health care operations or for which you provided written authorization. To request an accounting of disclosures, you must make your request, in writing, to the Gaines County Treasurer.

Right to Request Restrictions. You have the right to request a restriction or limitation on the Health Information we use or disclose for treatment, payment, or health care operations. You also have the right to request a limit on the Health Information we disclose to someone involved in your care or the payment for your care, like a family member or friend. For example, you could ask that we not share information about a particular diagnosis or treatment with your spouse. To request a restriction, you must make your request, in writing, to the Gaines County Treasurer. We are not required to agree to your request unless you are asking us to restrict the use and disclosure of your Protected Health Information to a health plan for payment or health care operation purposes and such information you wish to restrict pertains solely to a health care item or service for which you have paid us "out-of-pocket" in full. If we agree, we will comply with your request unless the information is needed to provide you with emergency treatment.

Out-of-Pocket-Payments. If you paid out-of-pocket (or in other words, you have requested that we not bill your health plan) in full for a specific item or service, you have the right to ask that your Protected Health Information with respect to that item or service not be disclosed to a health plan for purposes of payment or health care operations, and we will honor that request.

Right to Request Confidential Communications. You have the right to request that we communicate with you about medical matters in a certain way or at a certain location. For example, you can ask that we only contact you by mail or at work. To request confidential communications, you must make your request, in writing, to the Gaines County Treasurer. Your request must specify how or where you wish to be contacted. We will accommodate reasonable requests.

Gaines County
101 S. Main Street
Seminole TX 79360
(432) 758-4009
2014

GAINES COUNTY	SECTION: 5.00	PAGE: 11
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS CREDIT UNIONS OTHER BENEFITS	

5.11 CREDIT UNIONS:

Employees of Gaines County are eligible to become members of the Caprock Credit Union and First Basin Credit Union. Additional information is available in the Gaines County Treasurer’s Department.

5.12 OTHER BENEFITS:

Gaines County employees should become thoroughly familiar with all aspects of their benefits. The Gaines County Treasurer’s Department is responsible for informing new employees of available benefits through the orientation. The Gaines County Treasurer’s Department also provides additional benefits information to full time employees.

Department’s Supervisory personnel should become familiar with fundamental aspects of the benefits programs in order to answer routine questions. The Gaines County Treasurer’s Department is available to answer questions of a difficult or technical nature and will gladly listen to any employee regardless of the situation.

GAINES COUNTY	SECTION: 5.00	PAGE: 12
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS WORKERS' COMPENSATION	

5.13 WORKERS' COMPENSATION:

Gaines County Elected/Appointed Officials, full time, part-time and temporary employees, are covered by Texas Workers' Compensation Act. Gaines County pays the premiums. Workers' Compensation Insurance Carrier is JI Specialties through (TAC) Texas Association of Counties.

Gaines County employees are covered by the Texas Workers' Compensation Act and are entitled to receive all benefits as prescribed by law. Employees are covered only if injuries occur on the job. No provision of these rules shall be read to give any employee less protection or fewer benefits than required by law.

Gaines County employees are required to obtain medical care for their injuries through a certified Workers' Compensation Physician. Employees can obtain more information in the Gaines County Treasurer's Department.

- 1) Any injury or duty-related injury, which does not require medical treatment, shall be reported to the appropriate immediate supervisor by the end of the workday schedule in which the injury occurred. This will require an injury report to be completed and turned in to the Gaines County Treasurer's**

Department within a 24 hour period. Failure to fill out these forms may result in some loss of benefits to the employees.

- 2)** An injured employee may make a request to change treating physicians through the Gaines County's Workers' Compensation Administrator with their approval. If an employee receives treatment by a non-approved provider, the employee may be responsible for those costs.

GAINES COUNTY	SECTION: 5.00	PAGE: 13
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS WORKERS' COMPENSATION	

5.13 WORKERS' COMPENSATION (CONTINUED):

- 3)** Gaines County may require an injured employee to submit to a medical examination by the treating physician to define the compensable injury and to identify the job functions which the employee is able to perform. Preauthorization may be required before treatment is rendered.

An employee who suffers a job-related injury shall be eligible to have all medical expenses paid for such injury. If unable to work for more than seven (7) calendar days, the employee shall be eligible on the eighth (8) day of absence from regular duty to compensation. The employee will begin to receive his/her workers' compensation benefits at 70% of his/her current salary, in compliance with standards set by the Texas Department of Insurance, Division of Workers' Compensation.

- 4)** All job-related injuries, no matter how slight, must be immediately reported to your immediate supervisor on a Notification of Injury Form. Supervisors must ensure that this form is completed, in detail, and delivered to the County Treasurer's Department within 24 hours of the injury. Failure to report job-related injuries in a timely manner may affect an

employee's eligibility to receive workers' compensation benefits or may delay benefit payments.

- 5) The Gaines County Treasurer's Department will ensure the appropriate forms are filed with the Gaines County's Workers' Compensation Administrator and the Texas Department of Insurance, Division of Workers' Compensation as provided by law.

GAINES COUNTY	SECTION: 5.00	PAGE: 14
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS WORKERS' COMPENSATION	

5.13 WORKERS' COMPENSATION (CONTINUED):

- 6) While on Workers' Compensation leave, the employee must provide a detailed progress report from each appointment with the attending physician to the immediate Supervisor. The progress report should include an overview of the employee's condition, physical abilities (as they relate to the employee's job), and an estimated date of when the employee may return to full duty. Failure to maintain this level of communication with your immediate Supervisor could result in disciplinary action up to and including termination.
- 7) If an employee is on Workers' Compensation leave, the employee must contact his/her Supervisor every week throughout the duration of the Workers' Compensation leave period. Failure to maintain this level of communication with a Supervisor could result in disciplinary action up to and including termination, as well as interruption of benefits.
- 8) An employee who has been receiving Workers' Compensation salary benefits shall be required to provide the Gaines County

Treasurer’s Department a release from the attending physician (with or without restrictions) before returning to work. A release to work with restrictions must be approved by your Supervisor. Employees with work-related injuries which cause the restriction of regular work must be evaluated by a medical provider regarding their return to work.

- 9) Employees on Workers’ Compensation will receive longevity pay on the second pay period. Employees on Workers’ Compensation receiving cell phone allowance will receive the allowance on the second pay period.

GAINES COUNTY	SECTION: 5.00	PAGE: 15
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS WORKERS’ COMPENSATION	

5.13 WORKERS’ COMPENSATION (CONTINUED):

- 10) The County is authorized to and will run Workers’ Compensation leave concurrently with Family Medical Leave if the requirements of the Family Medical Leave Act are met. **After (12) twelve weeks, the employee may be separated from employment if still unable to perform the essential functions of his/her position.**
- 11) Failure of an employee to return to work when released by the attending physician may result in disciplinary action up to and including termination.
- 12) Insurance coverage for the employee will continue to be furnished during Workers’ Compensation leave. The employee will be responsible for timely payment of premiums to continue dependent coverage.

- 13)** Coverage under the Act does not apply in instances where an employee has intentionally injured him/herself or unlawfully injured another; if the employee was injured as result of intoxication as defined in Section 40.01 of Texas Penal Code, or if the injury resulted from the act of a third party for reasons unrelated to employment with Gaines County.
- 14)** If a County employee is injured while in the course and scope of outside employment separate and apart from Gaines County employment, the employee cannot file a Workers' Compensation claim with Gaines County for benefits related to the injury. Any attempt to do so may be grounds for disciplinary action up to and including termination.

GAINES COUNTY	SECTION: 5.00	PAGE: 16
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS WORKERS' COMPENSATION	

5.13 WORKERS' COMPENSATION (CONTINUED):

- 15)** Employees are prohibited from receiving compensation while on Workers' Compensation if such compensation is derived from work that directly conflicts with the existing medical restrictions. Employees determined to be engaged in such employment may be subject to disciplinary action up to and including termination.
- 16)** Any change in the employee's condition which may affect entitlement to Workers' Compensation payments must be reported to your immediate Supervisor. The County Treasurer's Department must be notified immediately to report to Workers' Compensation Insurance.

GAINES COUNTY	SECTION: 5.00	PAGE: 17
LAST CHANGE DATE:	SUBJECT: EMPLOYEE BENEFITS WC CONTINUING COVERAGE WC RETURN TO WORK	

5.14 WORKERS' COMPENSATION CONTINUING COVERAGE:

Gaines County will continue to pay Health, Dental and Life Insurance for employees on Workers' Compensation. Employees are required to pay dependent coverage, and for any other insurance the employee would normally pay through payroll deductions or the coverage will be discontinued.

Employees with elected benefits, such as Health, Dental, Vision and other elected insurance premiums on their family will need to make their payments in advance while on Workers' Compensation. **Failure to make the payments will result in termination of coverage.**

5.15 WORKERS' COMPENSATION-RETURN TO WORK:

Employees on Workers' Compensation leave due to a work related injury can return to work only when Gaines County receives the attending physician's written medical release authorizing such return.

GAINES COUNTY	SECTION: 6.00 PAGE: 1
LAST CHANGE DATE: 10/1/14	SUBJECT: LEAVE TIME LEAVE TIME UNAUTHORIZED LEAVE

6.01 LEAVE TIME:

Leave time is the time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid, and must be approved by your Supervisor. No advance of unearned leave will be given for any reason. Leave time taken should be reflected on time cards. Nothing in this leave time policy is intended to conflict with the provisions of the Family and Medical Leave Act (FMLA), as more fully described in **Section 6.07**. If there is a conflict, the provisions of (FMLA) prevail. All leave time, Surgery/Maternity, Sick, Workers' Compensation, Compensatory, and Vacation, will run concurrent

with FMLA if taken due to a qualifying event under FMLA. Once your decision has been made to sever employment with Gaines County through retirement or resignation, leave times such as vacation and compensation time may not be used. These leave times are “paid out” with your last paycheck.

In the unfortunate event all applicable leave time has been exhausted and an employee continues to be unable to resume his/her duties, County paid insurance(s) will no longer be provided. COBRA coverage will be offered when applicable. The employee will then be responsible for payment of his/her insurance(s) by the 23rd of the month prior to the month of coverage.

6.02 UNAUTHORIZED LEAVE:

When an employee is absent from regular duty without permission from his/her Supervisor, the employee will not be paid, will not accrue benefits and is subject to disciplinary action, including termination. An employee who does not report for work for one or more work days without notification, will be presumed to have abandoned their job and will be removed from the payroll.

GAINES COUNTY	SECTION: 6.00	PAGE: 2
LAST CHANGE DATE: 10/18/15	SUBJECT: LEAVE TIME HOLIDAY LEAVE	

6.03 HOLIDAY LEAVE:

Holidays are designated each year by the Commissioners’ Court and are days when Gaines County Offices will be closed for business. Full time forty (40) hour employees are eligible for all holiday pay upon hire. Holidays occurring during any other paid leave time (such as vacation, sick or surgery) will be paid as Holiday.

Part-time and temporary employees are not eligible for holiday pay.

Holiday leave may not be accrued and is not paid upon resignation, retirement or termination, nor may it be carried over to another calendar year.

GAINES COUNTY	SECTION: 6.00	PAGE: 3
LAST CHANGE DATE:	SUBJECT: LEAVE TIME VACATION LEAVE	

6.04 VACATION LEAVE:

Vacation shall accrue per pay period based on the employee's years of service as follows:

Years of Service	Vacation Hours	# of Days	Pay Period Accrual
1 - 10 years	96	12	3.69 hours
11 & over	136	17	5.23 hours

Accruals will be rounded to an even amount for 12 months accrual.
(3.69x26=96.00 hours) (5.23x26=136.00 hours)

Accruals will begin the first day the employee begins work for Gaines County.

New, full-time employees must work 180 days (6 months) to be eligible to take vacation leave. Vacation leave shall be used only with the approval of your Supervisor.

Vacation will be carried over to the following year up to the following maximums:

Years of Service	Maximum Accrual
1 - 10 years	120 hours
11 & over	160 hours

GAINES COUNTY	SECTION: 6.00	PAGE: 4
LAST CHANGE DATE: 10/1/11	SUBJECT: LEAVE TIME VACATION LEAVE	

6.04 VACATION LEAVE (CONTINUED):

Gaines County encourages all employees to take their vacation leave; therefore, the County does **not** pay for accrued vacation leave in lieu of actual vacation time off with the following exceptions:

Gaines County does provide payment for vacation leave upon resignation, retirement or termination. An employee must be employed by the County for six (6) months to be eligible to receive vacation leave pay upon resignation, retirement or termination.

Gaines County employees resigning or retiring may not use their vacation leave in lieu of two (2) weeks notice.

Part-time and temporary employees are **not** eligible for vacation leave.

Vacation leave will run concurrent with FMLA if taken due to a qualifying event under FMLA.

GAINES COUNTY	SECTION: 6.00	PAGE: 5
LAST CHANGE DATE:	SUBJECT: LEAVE TIME SICK LEAVE	

6.05 SICK LEAVE:

Accumulating sick leave is a good way of assuring you will continue to be paid in the event you are sick for several weeks. Full time employees will earn sick leave at the rate of **3.08 hours per pay period** or two (2) weeks, eighty (80 hours) per year. Accumulations will begin the day you begin work for Gaines County.

Sick leave hours will carryover annually and shall not exceed 240 hours of sick leave at any one time. Each Elected/Appointed Official is responsible for their employees taking sick leave.

Sick leave may **not** be used by new employees before 90 days of employment.

In the event you are absent from work due to personal illness **three (3)** consecutive working days, you may be **required** to bring a physician's statement upon your return to work. The physician's statement must include the dates you were under his/her care and a release to work **with** or **without** restrictions. A release to work with restrictions **must be** approved by your Elected/Appointed Official. If the Treasurer's Department does not receive *the physician's statement or *release to work or *approval (noted and initialed on your time card by your Elected/Appointed Official), time off will be charged as follows:

(1) Compensatory Time (2) Vacation

When all leave time has been exhausted, your pay will be reduced by the number of hours you were unable to work.

GAINES COUNTY	SECTION: 6.00	PAGE: 6
LAST CHANGE DATE: 10/01/11	SUBJECT: LEAVE TIME SICK LEAVE	

6.05 SICK LEAVE (CONTINUED):

In the case of a family member's illness (parent, spouse or child) that causes you to be absent from work **three (3)** consecutive working days, you may be required to bring a physician's statement upon your return to work. The physician's statement must include the dates your family member (parent, spouse or child) required your care. If the Treasurer's Department does not receive the physician's statement or release or approval (noted and initialed on your time card) by your Elected/Appointed Official, time off will be charged as follows:

(1) Compensatory Time (2) Vacation

When all leave time has been exhausted, your pay will be reduced by the number of hours you were unable to work.

Part-time and Temporary employees shall not receive the benefit of sick leave.

Gaines County does not provide payment for sick leave upon resignation, retirement, or termination.

Sick leave will run concurrent with FMLA if taken due to a qualifying event under FMLA.

GAINES COUNTY	SECTION: 6.00	PAGE: 7
LAST CHANGE DATE: 10/01/14	SUBJECT: LEAVE TIME SURGERY LEAVE	

6.06 SURGERY LEAVE:

Surgery leave is provided to Gaines County employees after completion of one year of service.

Surgery leave is for Gaines County Employees only. The employee may not use this leave for any family member undergoing Surgery/Maternity.

Surgery involves cutting, abrading, suturing, or otherwise physically changing body tissues and organs. Procedures **not** considered surgery are, blood work, mammograms, sonograms, magnetic resonance imaging (MRI), etc. These procedures will be charged under sick leave.

- **Surgery leave may only be used for medically necessary surgery.**
- **Surgery leave is 240 hours (6 weeks) per calendar year.**
- **Surgery leave runs concurrent with FMLA. (See Section: 6.06 Page 8)**

GAINES COUNTY	SECTION: 6.00	PAGE: 8
LAST CHANGE DATE: 10/01/14	SUBJECT: LEAVE TIME SURGERY LEAVE	

6.06 SURGERY LEAVE (CONTINUED):

Employees requesting the use of surgery leave must provide a statement from his/her physician that includes the date of surgery. Employees must also provide a physician’s release after surgery stating the date he/she may return to work. If the Treasurer’s Department does not receive the statement or release, time off must be charged as follows:

(1) Sick (2) Compensatory Time (3) Vacation

When all leave time has been exhausted, your pay must be reduced by the number of hours you were unable to work.

If the employee has donated to the Catastrophic Sick Leave pool, he/she may apply to the pool for additional time.

Gaines County does not provide payment for Surgery leave upon resignation, retirement or termination.

Part-time and temporary employees are not eligible for Surgery leave.

Surgery leave will run concurrent with FMLA.

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- for incapacity due to pregnancy, prenatal medical care or child birth,
- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son, daughter or parent, who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is: (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

***The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition".**

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least 12 months, have 1,250 hours of service in the previous 12 months*, and if at least 50 employees are employed by the employer within 75 miles.

***Special hours of service eligibility requirements apply to airline flight crew employees.**

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and

a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

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

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; and
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulation 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV

U.S. Department of Labor | Wage and Hour Division



WHD Publication 1420 Revised February 2013

GAINES COUNTY	SECTION: 6.00	PAGE: 9
LAST CHANGE DATE:	SUBJECT: LEAVE TIME FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE	

6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE

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

- Have worked for Gaines County at least twelve (12) months (it is not required that these twelve (12) months be consecutive; however a continuous break in service of seven (7) years or more will not be counted toward the twelve (12) months.
- Have worked at least 1250 hours during the previous twelve (12) months.
- Have not used all FMLA time in the past twelve (12) months.

QUALIFYING EVENTS: Family or Medical Leave under this policy may be taken for the following situations:

- Medically Necessary Surgery;
- Incapacity due to pregnancy, prenatal medical care or childbirth;
- The birth of a child and in order to care for that child;
- The placement of a child in the employee's home for adoption or foster care;
- To care for a parent, spouse or child with a serious health condition;
- The serious health condition of the employee that makes the employee unable to perform the essential functions of their job

GAINES COUNTY	SECTION: 6.00	PAGE: 10
LAST CHANGE DATE:	SUBJECT: LEAVE TIME FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE	

6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE:

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

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

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

- A period of incapacity of more than **three (3)** consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - 1) Treatment two or more times within thirty (30) days of incapacity,**
 - 2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment by a health care provider. This treatment must occur within the first seven days of incapacity.**

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**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE
CONTINUING TREATMENT (CONTINUED):**

- Any period of incapacity due to pregnancy or pre-natal care.
- Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
- Any period of incapacity which is permanent or long term due to a condition that treatment is not effective.
- Any period of incapacity or absence to receive multiple treatments by a health care provider.

Gaines County requires Medical Certification for these conditions.

CERTIFICATION REQUIREMENTS: Gaines County shall have the right to ask for Certification of the serious health condition of the employee or the employee’s eligible dependent when the employee requests or is using leave under this policy.

Gaines County may send, to an employee who has been absent for **three (3)** or more days, a Medical Certification to determine the employees FMLA eligibility. The employee should have their physician complete and return the certification within fifteen (15) days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA.

Employees will be required to provide a Fitness-for-Duty Certification prior to returning to work.

The employee must respond to the request within fifteen (15) days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.

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**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE
CERTIFICATION REQUIREMENTS (CONTINUED):**

Certification of the serious health condition of the employee shall include:

- The date the condition began;
- Its expected duration;
- The diagnosis of the condition;
- A brief statement of the treatment; and
- A statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee’s job.

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

- The date the condition began;
- Its expected duration;
- The diagnosis of the condition;
- A brief statement of treatment; and
- A statement that the patient requires assistance and that the Employees’ presence would be beneficial or desirable.

LEAVE AMOUNT: Up to twelve (12) weeks leave per twelve (12) month period may be used under this policy. Gaines County will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy.

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LAST CHANGE DATE:	SUBJECT: LEAVE TIME FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE	

**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE
LEAVE AMOUNT (CONTINUED):**

All leave taken under this policy during the prior **twelve (12)** month period shall be subtracted from the employee's **twelve (12)** week leave eligibility and the balance is the leave the employee is entitled to take at that time.

If a husband and wife both work for Gaines County the maximum combined leave they shall be allowed to take in any **twelve (12)** month period for the birth or placement of a child, or care for a parent with a serious health condition is **twelve (12)** weeks.

PAID AND UNPAID LEAVE: If an employee has accrued leave, the employee shall be required to use the paid leave as detailed below: surgery (if applicable), sick, compensatory time, vacation and any other paid leave. The remainder of the leave shall be unpaid.

An employee who is taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to use all surgery (if applicable), sick, compensatory time, vacation, and any other available paid leave, with the remainder of the **twelve (12)** week leave period being unpaid leave.

An employee taking leave for the birth of a child shall be required to use paid sick leave, compensatory time, vacation and any other available paid

leave for the recovery period after the birth of the child and prior to being on unpaid leave.

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LAST CHANGE DATE:	SUBJECT: LEAVE TIME FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE	

**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE
PAID AND UNPAID LEAVE (CONTINUED):**

After giving birth to a child, the employee shall be required to first use surgery, sick, compensatory time, vacation and any other available paid leave with the remainder of the **twelve (12)** week leave period being unpaid leave.

An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned compensatory time, then vacation and other available paid leave with the remainder of the **twelve (12)** week leave period being unpaid leave.

INSURANCE: While on leave under this policy, Gaines County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work.

The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued.

Payment for coverage under **Section 4.04 Page 3** of this policy shall be made through regular payroll deduction while the employee is on paid leave.

While on unpaid leave, the employee shall be required to pay for premiums due to Gaines County under **Section 5.01 Page 1** of this policy no later than **thirty (30)** days after the due date which Gaines County sets or the coverage shall be discontinued.

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6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE INSURANCE (CONTINUED):

At the end of the **twelve (12)** weeks leave, all eligible employees will be offered COBRA if they are unable to return to work.

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

INTERMITTENT LEAVE AND REDUCED SCHEDULE: Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee or the employee’s eligible family member.

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

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's **twelve (12)** week leave eligibility.

Gaines County will require Medical Certification for intermittent leave and reduced schedule leave.

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6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE:

MEDICAL CERTIFICATION FOR INTERMITTENT LEAVE AND REDUCED

SCHEDULE: Certification for intermittent or reduced schedule leave may be requested every **six (6)** months in connection with an eligible absence.

Gaines County shall have the right to ask for a second opinion from a physician of Gaines County's choice, at the expense of Gaines County, if Gaines County has reason to doubt the Certification.

If there is a conflict between the first and second Certifications, Gaines County shall have the right to require a third Certification, at the expense of Gaines County, from a health care practitioner agreed upon by both the employee and Gaines County, and this third opinion shall be considered final.

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

Where practicable, an employee should give his or her immediate Supervisor at least **thirty (30)** days notice before beginning leave under this policy.

Where it is not reasonably practicable to give **thirty (30)** days notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable.

If an employee fails to provide **thirty (30)** days notice for foreseeable leave the leave request may be denied until at least **thirty (30)** days from the date Gaines County receives the notice.

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6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE:

REINSTATEMENT: Employees returning from leave under this policy, and who have not exceeded the **twelve (12)** week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave.

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

Gaines County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum **twelve (12)** weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this

includes employees who may still have sick leave or vacation leave available.

OTHER BENEFITS: While on leave without pay under this policy, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy.

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6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE:

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

SPECIFICS OF MILITARY FAMILY LEAVE (MFLA):

QUALIFYING EVENTS:

- A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member (National Guard or Reserves) on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or
- A veteran who is undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred any time during the five years preceding the date of treatment.
- To care for a covered service member or his/her family member (Regular Armed Forces, National Guard or Reserves) with a serious

injury or illness if the employee is the spouse, child, parent or next of kin(nearest blood relative) of the service member.

QUALIFYING EXIGENCY LEAVE: Eligible employees may take FMLA leave when an employee’s covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in support of a contingency operation. The following qualify as exigency leave:

- Leave may be taken to address any issue that arises because the covered military member was given seven or less days notice for active duty deployment in support of a contingency operation. Eligible employee may take up to seven (7) days beginning on the date the covered military member receives the call or order to active duty.

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**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE
QUALIFYING EXIGENCY LEAVE (CONTINUED):**

- Leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty or call to active duty status of a covered military member.
- Leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status of a covered military member.
- Leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age nineteen (19) when it is necessitated by the active duty or call to active duty status of a covered military member.

- Leave may be taken to make or update financial or legal arrangements to address the covered member’s absence while on active duty or call to active duty status.
- Leave may be taken to act as the covered military member’s representative before a Governmental Agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status and for a period of ninety (90) days following the termination of the covered member’s active duty status.
- Leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status of a covered military member.

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**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE
QUALIFYING EXIGENCY LEAVE (CONTINUED):**

- Leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to five (5) days of leave for each instance of rest and recuperation.
- Leave may be taken to attend post-deployment activities for the covered military member for a period of ninety (90) days following the termination of the covered member’s active duty status.
- Leave may be taken to address issues that arise from the death of a covered military member while on active duty status.
- Leave may be taken to address any other additional events that may arise out of the covered military member’s active duty or call to active duty status provided Gaines County agrees the leave shall

qualify as an exigency and agree to both the timing and the duration of such leave.

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

- A copy of the covered military member’s active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in support of a contingency operation;
- The dates of the covered military members active duty service;
- A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave;

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**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE:
CERTIFICATION FOR LEAVE (CONTINUED):**

- The approximate date on which the qualifying exigency will start and end;
- If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency;
- If the qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title organization, address, telephone number, fax number and e-mail address and a brief description of the purpose of the meeting.

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

- If the injury or illness was incurred in the line of duty while on active duty;
- The approximate date on which the illness or injury occurred and the probable duration;
- A description of the medical facts regarding the covered military members health condition, sufficient to support the need for care;
 - If the covered military member is a current member of the regular Armed Forces, the National Guard or Reserves and the covered military member’s branch, rank and unit currently assigned to;
- The relationship of the employee and the covered military service member;

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**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE:
CERTIFICATION FOR LEAVE (CONTINUED):**

- In lieu of Certification, an Invitational Travel Orders (ITO) or an Invitational Travel Authorizations (ITA) issued is sufficient certification for an eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the covered family relationship to the seriously injured or ill covered military member. If the employee plans to take intermittent leave or work a reduced schedule, the Certification shall also include dates and the duration

of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

LEAVE AMOUNT: The combined limit is twenty-six (26) weeks in a single twelve (12) month period if leave is to care for a covered service member with a serious injury or illness.

An eligible employee is entitled up to twenty-six (26) work weeks of leave to care for a covered service member with a serious injury or illness during a single twelve (12) month period.

- The single twelve (12) month period begins on the first day the eligible employee takes FMLA to care for covered service member and ends twelve (12) months after that date.
- If an eligible employee does not take all of their twenty-six (26) work weeks during this twelve (12) month period, the remaining part of the twenty-six (26) work weeks of leave entitlement to care for the covered service member is forfeited.

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LAST CHANGE DATE:	SUBJECT: LEAVE TIME FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE (MFLA)	

**6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE
LEAVE AMOUNT (CONTINUED):**

- This leave entitlement is applied on a per injury basis such that an eligible employee may be entitled to take more than one period of **twenty-six (26)** work weeks of leave if the leave is to care for different covered service members or to care for the same covered service member with a subsequent serious illness or injury except that no more than **twenty-six (26)** work weeks may be taken within any single **twelve (12)** month period.

- If an eligible employee has already taken any portion of their eligible FMLA leave they will only be entitled to a combined total of **twenty-six (26)** work weeks for any FMLA qualifying event in the single **twelve (12)** month period.

PAID AND UNPAID LEAVE: An employee is taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the **twelve (12)** week leave period being unpaid leave.

An employee taking leave for the care of a covered service member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the **twenty-six (26)** week leave period being unpaid leave.

The maximum amount of paid and unpaid leave that may be used under this policy in any **twelve (12)** month period is **twenty-six (26)** weeks.

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6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE:

INTERMITTENT LEAVE AND REDUCED SCHEDULE: Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee’s eligible family member or the care of a covered military member.

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

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's **twenty-six (26)** week leave eligibility in a single **twelve (12)** month period.

Gaines County will require Medical Certification for intermittent leave and reduced schedule leave.

Certification for intermittent or reduced schedule leave may be requested every **six (6)** months in connection with an eligible absence.

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LAST CHANGE DATE:	SUBJECT: LEAVE TIME FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE (MFLA)	

6.07 FAMILY MEDICAL LEAVE AND MILITARY FAMILY LEAVE:

REINSTATEMENT: Employees returning from leave under this policy, and who have not exceeded the **twenty-six (26)** week maximum, in a single **twelve (12)** month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or a job equivalent to the job they held prior to going on leave.

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

Gaines County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave available.

Insurance: At the end of the **twenty-six (26)** weeks in a single **twelve (12)** month period, all eligible employees will be offered COBRA if they are unable to return to work.

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LAST CHANGE DATE: 10/01/14	SUBJECT: LEAVE TIME JURY/CIVIC LEAVE EMERGENCY LEAVE	

6.08 JURY/CIVIC LEAVE:

Full time employees are entitled to civic leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding not initiated by the employee, and for the purpose of voting. Employee may retain any fees received for performing jury duty. When an employee has fulfilled the reason for the civic leave, he or she must report to Gaines County for duty for the remainder of the workday. Your Elected/Appointed Official must be notified in advance of any of these civic leave obligations.

Parttime and temporary employees are not eligible.

Jury/Civic leave is paid to employees at a maximum of eight (8) hours per day.

6.09 EMERGENCY LEAVE:

Full-time employees who have worked more than ninety (90) days (3 months) will be granted Emergency Leave (with pay) up to a maximum of

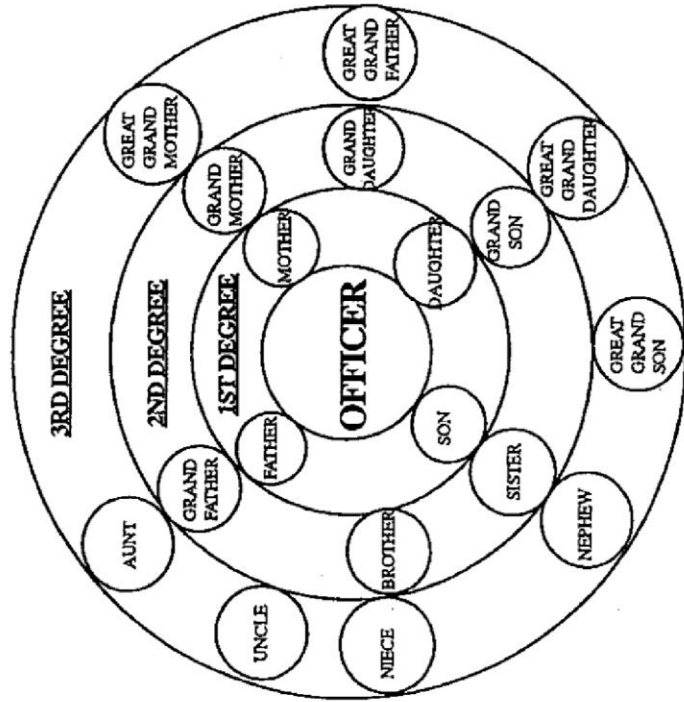
three (3) days (24 hours) per year in the event of a death and/or funeral of immediate family of the 1st and 2nd degree. Three days is equivalent to three (3) days at eight (8) hours a day for a total of twenty-four (24) hours per calendar year. If more days are required, the time will be charged as follows:

(1) Compensatory Time (2) Vacation.

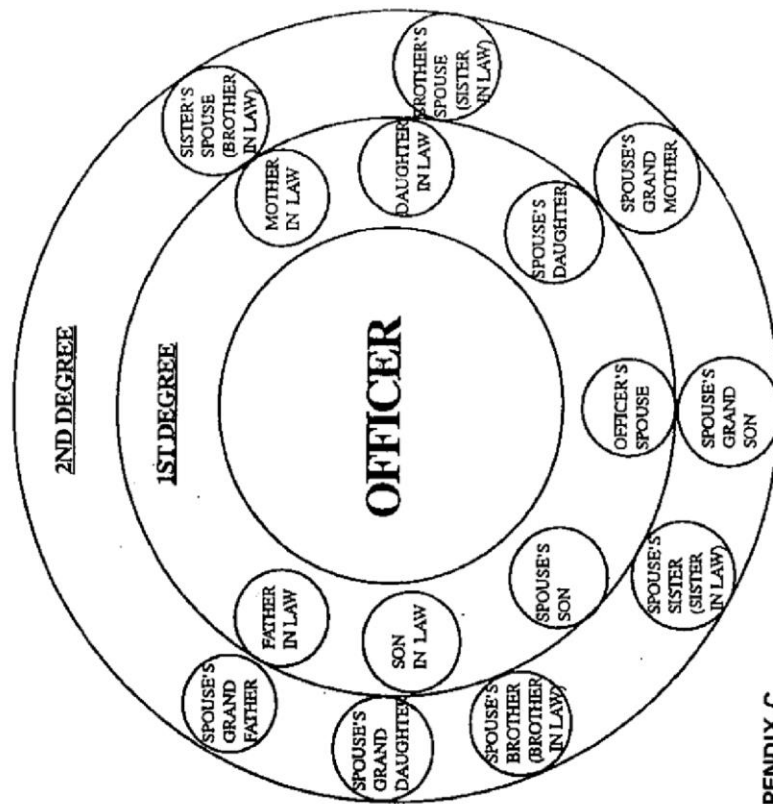
When all leave has been exhausted, your pay will be reduced by the number of hours you were unable to work.

Immediate family of the 1st and 2nd degree includes: anyone related to a person within the 1st and 2nd degree of Consanguinity Kinship (Relationship by Blood) or Affinity Kinship (Relationship by Marriage), as defined by Texas Government Code 573.021-573.025. (See following chart.)

Consanguinity Kinship Chart
(Relationship by Blood)



Affinity Kinship Chart
(Relationship by Marriage)



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LAST CHANGE DATE:	SUBJECT: LEAVE TIME CATASTROPHIC SICK LEAVE POOL	

6.10 CATASTROPHIC SICK LEAVE POOL POLICY:

PURPOSE: To establish guidelines for the creation and operation of a Catastrophic Sick Leave Pool to benefit Gaines County employees who suffer a **Catastrophic** injury or illness. A Catastrophic injury or illness is defined by the Commissioners’ Court as:

“A severe condition or combination of conditions affecting the mental or physical health of the employee or the employee’s immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by the employee and to lose compensation from Gaines County for the employee.”

Licensed practitioner means a practitioner, as defined in the Texas Insurance Code, who is practicing within the scope of his/her license.

Immediate family of the 1st and 2nd degree is defined as those individuals; Consanguinity Kinship (Relationship by Blood), adoption, marriage, or foster children who are so certified by the Texas Department of Human Services, who are living in the same household or if not in the same household are totally dependent upon the employee for personal care or services on a continuing basis. (See previous chart)

ADMINISTRATION OF THE POOL: The Pool Administrator is the Gaines County Treasurer appointed by Commissioners’ Court to be responsible for developing mechanisms to transfer accrued Sick Leave into and out of the Catastrophic Sick Leave Pool.

LAST CHANGE DATE: 10/01/13	SUBJECT: LEAVE TIME CSLP POLICY CONTRIBUTING TO THE CSLP POOL
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6.10 CATASTROPHIC SICK LEAVE POOL POLICY (CONTINUED):

COMMITTEE SELECTION:

The Treasurer will select five (5) members and two (2) elected officials to serve on the committee upon approval of Commissioners' Court.

Five (5) members will serve for a two (2) year term. Elected Officials will serve for one (1) year only.

GENERAL PROVISIONS:

1. Employees may use the Catastrophic Sick Leave Pool for their own Catastrophic illness or injury or for one of their immediate family members, as defined above.
2. Employees must exhaust all qualified paid leave time such as sick leave, compensatory time, vacation and surgery before becoming eligible for leave from the Catastrophic Sick Leave Pool. Employees who use the Catastrophic Sick Leave Pool are **not** required to pay back time taken from it.

6.11 CONTRIBUTING SICK LEAVE TO THE POOL:

1. All full-time employees of Gaines County are eligible to participate in the Catastrophic Sick Leave Pool after twelve (12) months of continuous employment. Participation is voluntary, but requires contribution to the pool. Only a contributor shall be permitted to use the pool for payment for a qualifying, incapacitating condition during regularly scheduled work days.

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LAST CHANGE DATE:	SUBJECT: LEAVE TIME CONTRIBUTING TO THE CSLP POOL REQUESTING LEAVE FROM THE POOL	

6.11 CONTRIBUTING SICK LEAVE TO THE POOL (CONTINUED):

2. Eligible employees who elect not to join the Catastrophic Sick Leave Pool after their first twelve (12) months of continuous employment shall be permitted to join on the next annual open enrollment period.
3. Contributions to the Catastrophic Sick Leave Pool are strictly voluntary, and only active members will be allowed to apply for Catastrophic Sick Leave Pool benefits.
4. Eligible employees may contribute one to three days of sick leave to the Catastrophic Sick Leave Pool.
5. Employees who contribute leave to the Catastrophic Sick Leave Pool cannot get it back unless they are eligible to use it.

6.12 REQUESTING LEAVE FROM THE POOL:

1. Applications for use of the Catastrophic Sick Leave Pool shall be made on the required form and submitted to the Catastrophic Sick Leave Pool (CSLP) committee. If a Catastrophic Sick Leave Pool member does not use all the days granted from the Catastrophic Sick Leave Pool, the unused Catastrophic Sick Leave Pool days shall be returned to the Catastrophic Sick Leave Pool.

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LAST CHANGE DATE: 10/01/11	SUBJECT: LEAVE TIME REQUESTING LEAVE FROM THE POOL	

6.12 REQUESTING LEAVE FROM THE POOL (CONTINUED):

- 2.** Requests for Catastrophic Sick Pool Leave will be forwarded to the Catastrophic Sick Leave Pool (CSLP) committee through appropriate supervisory channels. The Catastrophic Sick Leave Pool (CSLP) committee will consider the request and make its recommendations to the Catastrophic Sick Leave Pool Administrator. The Catastrophic Sick Leave Pool administrator will have five work days from the date the request is received to present the request to the Catastrophic Sick Leave Pool (CSLP) committee for decision and approval.
- 3.** The maximum amount of Catastrophic Sick Pool Leave granted for each catastrophic illness or injury will be determined by the number of days donated by member.
- 4.** Any unused balance of Catastrophic Sick Pool Leave granted to an employee returns to the Catastrophic Sick Leave Pool. The estate of a deceased employee is not entitled to payment for unused Catastrophic Sick Pool Leave.

Employees have the option of donating one to three days of their sick leave to the Catastrophic Sick Leave Pool.

- **One (1) day donated sick leave = ten (10) days catastrophic leave**
- **Two (2) days donated sick leave = twenty (20) days catastrophic leave**
- **Three (3) days donated sick leave = thirty (30) days catastrophic leave**

The amount of Catastrophic Sick Pool Leave cannot exceed thirty (30) days. The 30 day maximum applies to all employees once their previous additional time under the old policy has been used. Employees that use

their Catastrophic Sick Leave will be required to wait until the following year to donate or receive more Catastrophic Sick Leave. **Part-time and temporary employees shall not receive the benefit of Catastrophic Sick Leave. Gaines County does not provide payment for Catastrophic Sick Leave upon resignation, retirement or termination.**

GAINES COUNTY	SECTION: 7.00	PAGE: 1
LAST CHANGE DATE:	SUBJECT: HEALTH & SAFETY SAFETY POLICY EMPLOYEE RESPONSIBILITIES & REPORTS	

7.01 SAFETY POLICY:

Gaines County makes a concerted effort to provide a safe working environment free from hazard and harm for all employees.

7.02 EMPLOYEE RESPONSIBILITIES AND REPORTS:

- a) Gaines County Judge and Commissioners are responsible for monthly departmental safety meetings and maintaining the departmental safety notebook. Accident investigations and followup training to ensure that problems are corrected are an essential part of prevention.
- b) Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as that of other employees. Situations that could endanger employees and others must be reported to a Supervisor immediately.
- c) An employee must report every on-the-job accident to their Supervisor immediately. The Supervisor is responsible for completing or assisting the employee in completing a notification of injury form within 24 hours and forwarding to the Gaines County Treasurer’s Department.
- d) An employee involved in an accident shall immediately contact their Supervisor and may be required to submit to a professionally

administered test to determine the presence or absence of drugs or alcohol.

GAINES COUNTY	SECTION: 7.00	PAGE: 2
LAST CHANGE DATE:	SUBJECT: HEALTH AND SAFETY EMPLOYEE RESPONSIBILITIES & REPORTS VIOLENT BEHAVIOR	

7.02 EMPLOYEE RESPONSIBILITIES AND REPORTS (CONTINUED):

The Supervisor may also request that the employee involved in the accident be given a physical screening to determine if the accident was a result of the employee not currently meeting the job's physical requirements.

➤ **If a County vehicle is involved in an accident, for reporting and testing requirements see Section: 8.05 page 5.**

- e) Failure to report an on-the-job injury or to report a work-related accident may be grounds for disciplinary action up to and including termination.
- f) Refusal to comply with the Supervisor request to submit to a professionally administered test and/or job requirements physical may be grounds for disciplinary action up to and including termination.

7.03 VIOLENT BEHAVIOR:

- a. Gaines County will not tolerate violent behavior in the work environment.

- b. Employees (except Licensed Peace Officers) are prohibited from carrying firearms, with or without a license, on County Premises, in County Vehicles or during working hours. Exceptions will be granted by direct application to Commissioners' Court.
- c. Employees are required to report workplace violence to their Supervisor, or the Gaines County Treasurer's Department immediately.

GAINES COUNTY	SECTION: 7.00	PAGE: 3
LAST CHANGE DATE:	SUBJECT: HEALTH AND SAFETY VIOLENT BEHAVIOR MATERIAL SAFETY DATA SHEETS SMOKE FREE ENVIRONMENT	

7.03 VIOLENT BEHAVIOR (CONTINUED):

- d. Immediately, upon becoming aware of a disruptive employee or of a threat to others or property, Elected/Appointed Officials will take appropriate action, including notification of the Sheriff's Office/Dispatch.
- e. Employees who obtain a Restraining Order or Protective Order shall immediately notify their Supervisor and the Sheriff. A copy of the Order and a photo of the individual named in the Order should be provided.

7.04 MATERIAL SAFETY DATA SHEETS (MSDS):

Each Precinct's Commissioner shall maintain a file containing all MSDS forms for any chemical product used in the work setting. Buildings Supervisor shall maintain MSDS forms for all buildings. MSDS forms for offices housed in the Courthouse shall be

maintained in the Treasurer’s Department. Annual staff training is the responsibility of each Precinct.

7.05 SMOKE FREE ENVIRONMENT:

Gaines County has established and maintains a working environment which promotes and enhances the good health and safety of its employees. Therefore, smoking is prohibited in all indoor and enclosed areas of Gaines County owned or occupied buildings and facilities. Smoking is strictly prohibited by any employee while interacting with the public in an official capacity.

GAINES COUNTY	SECTION: 7.00	PAGE: 4
LAST CHANGE DATE:	SUBJECT: HEALTH AND SAFETY DRUG AND ALCOHOL POLICY	

7.06 DRUG AND ALCOHOL POLICY:

Gaines County provides for a drug and alcohol-free workplace. This policy shall apply uniformly to all employees of Gaines County.

DEFINITIONS: For the purpose of this policy, the following definitions apply:

- 1. Gaines County Premises-** Any buildings, land or other property or vehicles owned.
- 2. Illegal, non-prescription drugs and inhalants-** Any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal under any federal, state, or local law or regulation.
- 3. Legal Drugs-** Any prescription medication taken as prescribed and over the counter medications taken as directed.

4. Under the Influence- The state of having blood alcohol concentrations of .02 or more; or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction.

GAINES COUNTY	SECTION: 7.00	PAGE: 5
LAST CHANGE DATE:	SUBJECT: HEALTH AND SAFETY DRUG AND ALCOHOL POLICY	

7.06 DRUG AND ALCOHOL POLICY (CONTINUED):

An employee is subject to immediate discipline, up to and including discharge, if found violating this policy. The conduct described below is prohibited:

- 1.** Use, possession, manufacture, distribution, dispensation, or sale of illegal drugs on Gaines County Premises or businesses, in County supplied vehicles or during working hours;
- 2.** Unauthorized use or possession, or any manufacture, distribution, dispensation or sale of a illegal drugs on Gaines County Premises or businesses, in County supplied vehicles or during working hours;

3. Unauthorized use, manufacture, distribution, dispensation or possession or any sale of alcohol on Gaines County Premises or businesses, in County supplied vehicles or during working hours;
4. Storing of illegal drugs, controlled substances or alcohol in a locker, desk, motor vehicle or other repository on Gaines County Premises or businesses, in County supplied vehicles or during working hours;
5. Use of alcohol or drugs, legal or illegal, during non-working hours that adversely affects the individual's work performance, his own safety or the safety of others at work;
6. Employees must report any use of legal, over-the-counter, or prescription drugs which are marked with warnings of potential dizziness, drowsiness, or cautions about operating automobiles or machinery to their supervisor until it is known how the drug will affect their performance.
7. Possession, use, manufacture, distribution, dispensation or sale of illegal drugs during non-working hours or on premises that adversely affects the individual's work performance, his own safety or the safety of others at work;

GAINES COUNTY	SECTION: 7.00	PAGE: 6
LAST CHANGE DATE:	SUBJECT: HEALTH AND SAFETY DRUG AND ALCOHOL POLICY	

7.06 DRUG AND ALCOHOL POLICY (CONTINUED):

8. Conviction under any criminal drug statute for violation occurring in the workplace;
9. Failure to notify the Gaines County Treasurer's department of any arrest or conviction under any criminal drug statute within five (5) days of the arrest or conviction;

10. Refusal to sign a statement agreeing to abide by Gaines County's Drug and Alcohol Policy;
11. The possession, storage and transport of illegal drugs, controlled substances, and alcohol is permitted for Gaines County Law Enforcement Officers, Gaines County Judicial Officials and County Prosecutorial Officers, when such possession, storage, and transport are required as part of their Official duties and in their Official capacities. This paragraph (#11) supersedes all other paragraphs sections, and provisions of this Policy.

GAINES COUNTY	SECTION: 8.00 PAGE: 1
LAST CHANGE DATE:	SUBJECT: COUNTY PROPERTY USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES

8.00 COUNTY PROPERTY:

Gaines County provides each employee with the necessary equipment and vehicles to perform the job assigned. Each employee shall observe

safe work practices and safe courteous operation of vehicles and equipment in compliance with all applicable laws and regulations.

8.01 USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES:

A. Employees who are assigned tools, equipment, vehicles, or any other Gaines County property by their departments are responsible for them and for their proper use and maintenance. The assigned tools, equipment, vehicles or other Gaines County property must be returned immediately when so instructed by the supervisor.

1. No personal or political use of any Gaines County property, electronic devices, materials, supplies, tools or equipment is permitted. Vehicles owned by Gaines County are for County business use only.
2. A Supervisor may impose additional restrictions for the use of County property, materials, supplies, tools or equipment. If in doubt about a circumstance, he/she should check with their Supervisor before proceeding.
3. Property that is stolen or lost must be reported immediately to your Supervisor.

GAINES COUNTY	SECTION: 8.00	PAGE: 2
LAST CHANGE DATE:	SUBJECT: COUNTY PROPERTY COUNTY VEHICLES	

8.02 COUNTY VEHICLES:

- A.** Employees driving Gaines County vehicles shall be aware that their actions in Gaines County vehicles are observed by the public. This necessitates good conduct and driving habits for employees.
- B.** All Gaines County vehicles shall be operated in a safe, courteous, lawful manner, setting an example for Gaines County Citizens.
- C.** Gaines County vehicles are to be used solely for Gaines County business. Gaines County vehicles may not be taken outside Gaines County unless travel authorization has been approved, except for Law Enforcement or Gaines County road maintenance purposes.
- D.** Gaines County vehicles will only be operated with a current Driver's License. Gaines County Golf Course Superintendent and Gaines County Parks Superintendent assigned to a Gaines County vehicle will be charged payroll taxes on \$3.00 dollars a day because they reside on the premises.
 Gaines County employees assigned to a Gaines County vehicle in all other divisions will be charged the current cents-per-mile rate issued by the IRS. If an employee rides with another employee, that employee will also be charged the current cents-per-mile rate issued by the IRS.
 Law Enforcement and Emergency Management vehicles are exempt from the payroll taxes.
- E.** During vacations or extended periods of absence, when the employee will be out of Gaines County, the vehicle will be locked and equipment secured.
 - 1.** Upon return to work, the employee is responsible for inspecting the vehicle to ensure no damage has been sustained. Damage shall be reported to your Supervisor prior to moving the vehicle.

GAINES COUNTY	SECTION: 8.00	PAGE: 3
LAST CHANGE DATE: March 14, 2016	SUBJECT: COUNTY PROPERTY COUNTY VEHICLES	

8.02 COUNTY VEHICLES:

2. To report damages for insurance purposes, the Supervisor must notify the Gaines County Auditor's Department and Gaines County Treasurer's Department within 24 hours of receipt of the employee's written notification.
 3. All Gaines County owned vehicles shall be securely locked when unattended.
- F.** Authorized equipment will not be relocated, added to, or taken off of any Gaines County vehicle by the employee to whom the vehicle is assigned.
- G.** Unauthorized or non-issued items (including bumper stickers) will not be placed or stored in Gaines County vehicles, other than items of a personal preference which would not tend to disrupt operations, procedures, or otherwise violate County Policy, State, or Federal Law.
1. County employees have the right to carry concealed weapons as authorized by law. County employees must meet all statutory requirements in order to carry a weapon in their workplace. Other policies concerning the carrying of a weapon will be found at 10.01 in the Employee Handbook, and are applicable to County Vehicles. The following requirements also apply when carrying a weapon in county vehicles:
 - a) Weapons may not be left unattended in the passenger compartment of Gaines County vehicles at any time, for any reason.
 - b) Weapons may not be left unsecured in county vehicles at any time.
 2. Alcoholic beverages will not be stored or transported in a Gaines County vehicle unless they are evidence in a criminal case.

GAINES COUNTY	SECTION: 8.00	PAGE: 4
LAST CHANGE DATE: 01/12/15	SUBJECT: COUNTY PROPERTY COUNTY VEHICLES	

	VALID DRIVER'S LICENSE
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8.02 COUNTY VEHICLES (CONTINUED):

H. No persons may ride or be transported in Gaines County vehicles except for work-related purposes, or in the best interest of Gaines County.

Under no circumstances will family members be allowed to drive County Vehicles.

8.03 VALID DRIVER'S LICENSE:

All operators of Gaines County vehicles or their own personal vehicle on Gaines County business are required to have a valid Texas Driver's License necessary for legal operation of that vehicle in the State of Texas and must keep their Supervisors informed of any change of status in their license. Employees who are required to have a valid Texas Driver's License are required to report all violations involving a motor vehicle to their Supervisor.

Gaines County has the right to have the employee evaluated for licensing requirements. Gaines County will periodically check the driving records of all employees who operate Gaines County vehicles or who are required to have a Commercial Driver's License (CDL) License. Failure of those employees to maintain a safe driving record or required licensure may result in a demotion or dismissal.

All Gaines County employees required to have a physical/certification to maintain their CDL license will be entitled to reimbursement equal to Gaines County's insurance co-pay for an in-network doctor visit.

The employee may use any provider they choose to perform this physical/certification, however only the County co-pay in force at the time will be reimbursed.

LAST CHANGE DATE:	SUBJECT: COUNTY PROPERTY VALID DRIVER'S LICENSE VEHICLE INSURANCE CO. VEHICLE ACCIDENT REPORTS
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8.03 VALID DRIVER'S LICENSE (CONTINUED):

Suspension or revocation of the Driver's License of an employee who operates a Gaines County vehicle, or is required to drive a personal vehicle on Gaines County business, may result in demotion or dismissal.

8.04 VEHICLE INSURANCE:

Gaines County maintains insurance coverage on all vehicles owned by Gaines County. Employees are responsible to carry insurance cards in their vehicles. Supervisors are responsible for insurance cards. Insurance cards are issued by the Gaines County Auditor's Department.

8.05 COUNTY VEHICLE ACCIDENT REPORTING:

Any employee operating Gaines County vehicles must report all vehicular accidents and property damage, personal injury or liability claims, regardless of the amount of claim or damage, to their supervisor. Employees involved in accidents should exchange coverage information and refer all claims and calls to the Gaines County Auditor's Department.

A copy of any accident report involving Gaines County equipment or vehicles must be forwarded to the Supervisor as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

Any employee involved in an accident shall immediately contact their Supervisor and submit to a professionally administered test to determine the presence or absence of drugs or alcohol.

GAINES COUNTY	SECTION: 8.00	PAGE: 6
LAST CHANGE DATE: April 14, 2014	SUBJECT: SEAT BELT POLICY	

8.06 SEAT BELT POLICY:

A. This policy is intended to protect county employees operating or riding in motor vehicles including construction equipment from the hazards of motor vehicle accidents.

B. This policy is mandatory for all county employees operating motor vehicles and visitors riding in county-owned vehicles. This includes all county employees operating county-owned vehicles, passengers in county-owned vehicles, and all employees operating personal vehicles while engaged in county business, and employees riding as a passenger in a vehicle while on county business.

C. All county-owned vehicles will be equipped with seat belts. This includes the vehicle cab or operator’s compartment, passenger seating area and jump seats.

Operators of tractors or other off-road vehicles equipped with “Roll-Over Protection Structures” (ROPS) **will use seat belts.**

Vehicle passengers will be permitted to ride only in areas of the vehicle designed for that purpose.

Seat belts shall be used by all employees riding in a vehicle while the vehicle is in motion.

There are no vehicle exemptions to this policy.

Violation of this policy will result in disciplinary action by the department head. Employees who have a medical condition which may preclude wearing a seat belt may carry a physician’s Note indicating a waiver for medical reasons.

GAINES COUNTY	SECTION: 8.00	PAGE: 7
LAST CHANGE DATE: April 14, 2014	SUBJECT: CELL PHONE USAGE POLICY	

8.07 CELL PHONE USAGE:

A. Cell phone use while operating any vehicle is strongly discouraged by Gaines County. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

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

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

GAINES COUNTY	SECTION: 9.00	PAGE: 1
LAST CHANGE DATE:	SUBJECT: COMPUTER/PC USE INTERNET POLICY	

9.01 INTERNET POLICY:

- A.** As the use of information resources technology has increased exponentially during the past few years, Gaines County has taken advantage of this opportunity to help serve the citizens of our County. We recognize that giving public Officials and employee's use of electronic resources such as electronic mail (E-mail) and Internet Services is inexpensive and offers the potential for increased productivity. As we all know the Internet can be used to facilitate cost effective and efficient business.
- B.** This means that the Internet can be seen as a tool – a catalyst for streamlining agency business practices, completing transactions without paper, reducing the number of forms and incoming calls, answering commonly asked questions, etc. Offices can better serve their customer by linking with other Internet sites such as State Agencies and Local Governments.
- C.** Because nobody is in charge, the Internet environment lacks consistency, predictability and organization. Ethical and legal issues have surfaced in connection with what is permissible for employees to distribute electronically and what is not. Additionally, anyone can abuse the privilege of access, either by promoting inappropriate activities or by misusing access time. It is easy to spend hours on the Internet browsing around and following search paths, while normal job duties go undone.
- D.** Accordingly, Gaines County will require all officials and other employees that use Gaines County equipment to access the Internet to adhere to some guidelines and restrictions.

GAINES COUNTY	SECTION: 9.00	PAGE: 2
LAST CHANGE DATE: 10/01/14	SUBJECT: COMPUTER/PC USE INTERNET POLICY	

9.01 INTERNET POLICY (CONTINUED):

- E.** This policy applies to all internal access, electronic communications, software and computer equipment attached to or used on the Gaines County network system including equipment owned by outside agencies, and applies to all Gaines County owned software and hardware regardless of location or connectivity. This policy applies to all individuals using the Gaines County network system whether or not they are employees of Gaines County. The intent of this policy is to permit maximum freedom of use consistent with federal and state law, Gaines County policy and a productive working environment.
- F.** Use of Gaines County computers and communication devices must comply with Texas Law and Gaines County policies. Therefore, Gaines County computers and communication devices may not be used for commercial, profit-making or political purpose, or to disseminate unsolicited information regarding religious or political beliefs. With the rapidly changing nature of electronic media developing among users of external on-line services and the Internet, this policy cannot provide guidelines for every possible situation. Instead, it expresses Gaines County's philosophy and sets forth general principles for the use of Internet service and E-mail by all Gaines County Departments.

GAINES COUNTY	SECTION: 9.00	PAGE: 3
LAST CHANGE DATE:	SUBJECT: COMPUTER/PC USE INTERNET POLICY GENERAL GUIDELINES	

9.01 INTERNET POLICY (CONTINUED):

G. Employees are responsible for complying with these policies. Elected/Appointed Officials and Department Heads are responsible for disciplinary action for employees in violation of these policies.

9.02 GENERAL GUIDELINES:

- Personal use of the Internet is a privilege, not a right. As such, use should be limited (for example, personal use could be allowed on a limited basis during lunch or other breaks, and during limited periods before and after the employee’s regularly scheduled working hours). The privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.
- Employees need to keep in mind that all Internet usage can be recorded and stored along with the source destination.
- Employees have no right to privacy with regard to Internet usage. Management has the ability and right to view employees’ usage patterns and take action to assure that agency Internet resources are devoted to maintaining the highest levels of productivity.
- The Internet path record is the property of the agency and therefore the taxpayers of Gaines County.

- Supervisors should work with employees to determine the appropriateness of using the Internet for professional activities and career development. Supervisor permission is needed and should be included in the employee’s job description.

GAINES COUNTY	SECTION: 9.00	PAGE: 4
LAST CHANGE DATE:	SUBJECT: COMPUTER/PC USE GENERAL GUIDELINES RESTRICTIONS	

9.02 GENERAL GUIDELINES (CONTINUED):

- Each employee using the Internet shall identify him/herself honestly, accurately, and completely (including one’s office affiliation and function where requested) when providing such information.
- Only those officials and employees who are expressly authorized to speak to the media or to the public on behalf of the agency may represent the agency within any news group or chat room. Other employees may participate in news groups or chat rooms in the course of business when relevant to their duties, but they should do so as individuals speaking for themselves and must include a disclaimer in their comments similar to the following.

“This contains the thoughts and opinions of (employee name) and does not represent official (office name) policy.”

9.03 RESTRICTIONS:

- Personal use of the Internet should not impede the conduct of Gaines County business; only incidental amounts of employee time-- --time periods comparable to reasonable coffee breaks during the day-----should be used to attend to personal matters.

GAINES COUNTY	SECTION: 9.00	PAGE: 5
LAST CHANGE DATE:	SUBJECT: COMPUTER/PC USE RESTRICTIONS	

9.03 RESTRICTIONS (CONTINUED):

- Accessing, posting, or sharing any racist, sexist, threatening, obscene or otherwise objectionable material (i.e., visual, textual, auditory entity) is strictly prohibited.
- Subject to certain legal exceptions, the Internet should not be used for any personal monetary interest or gain.
- Employees should not subscribe to mailing lists or mail services, and should not participate in electronic discussion groups (i.e., list server, Usenet, news groups, chat rooms, and instant messaging services) strictly for personal use.
- Personal Internet use should not cause Gaines County to incur a direct cost in addition to the general overhead of an Internet connection; consequently, employees are not permitted to store or print personal Internet material.
- Employees must not intentionally use the Internet facilities to disable, impair, or overload performance of any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

GAINES COUNTY	SECTION: 9.00	PAGE: 6
LAST CHANGE DATE:	SUBJECT: COMPUTER/PC USE COMPUTER SECURITY	

9.04 COMPUTER SECURITY:

Each department and each user must maintain a high level of physical security for each machine to prevent unauthorized access to the Gaines County network. When an employee has logged on the network, the level of access to the network available to that employee is available to anyone using that computer. Thus anyone sitting at the computer (visitors, reporters, contractors, janitors, jail inmates or trustees) will be able to view the same data, change the same data, and enter the same data that the employee logged onto the system is allowed to view, change or enter. In some cases it is illegal to disclose the information on the network without a court order, or permission of a specific person. The following steps should be taken by all employees:

- 1.** At the end of the day, or end of the shift, users must log off and turn off power to their equipment.
- 2.** Users who are in the office but away from their workstation need to lock their workstation. Users who leave their office need to log off their workstation.

3. Users cannot allow others to know or use their password for any reason or allow others to access the computer while logged on under their password. Allowing others to use your password is a serious breach of security.
4. Non-employees are expressly forbidden to use any terminal except the public access terminals without proper authorization.

GAINES COUNTY	SECTION: 9.00	PAGE: 7
LAST CHANGE DATE:	SUBJECT: COMPUTER/PC USE COMPUTER SECURITY	

9.04 COMPUTER SECURITY (CONTINUED):

5. Users must not select passwords that are commonplace that anyone who knows them could easily presume the password.
6. Users must never write, type or verbally communicate their password.

USERS SHALL NOT:

- a. Record it in a document or file;
- b. Attach the password to a terminal, keyboard, or any part of computer or desk;
- c. Give the password to anyone over the telephone (including tech support);
- d. Send the password to anyone by e-mail.

7. The network is configured to detect a limited number of consecutive failed login attempts with invalid passwords and force a security lockout of that account.
8. Gaines County has the ability to monitor usage patterns for its Email/Internet communication. All messages or files created, sent, retrieved or downloaded over Gaines County's E-mail/Internet system is the property of Gaines County, or the Judiciary, except as otherwise prescribed by law. With the exception of judicial records and privileged information, Gaines County reserves the right to access and monitor all messages and files on Gaines County's E-mail/Internet system.

GAINES COUNTY	SECTION: 9.00	PAGE: 8
LAST CHANGE DATE:	SUBJECT: COMPUTER/PC USE COMPUTER SECURITY	

9.04 COMPUTER SECURITY (CONTINUED):

9. Users should not assume electronic communications are totally private and should not transmit highly confidential data using this medium;
10. **USERS SHALL NOT:**
 - a. Attempt to seek, read or "hack" into other systems or other persons' logins, or "crack" passwords, or breach computer or network security measures;
 - b. Develop programs designed to harass other users or to damage or alter hardware or software;

- c. Use their computer or network services in any manner that is likely to cause network congestion or significantly hamper the ability of others to access and use the services or equipment;
- d. Intentionally seek access to or copies of information, files, or data which is confidential under federal, state, or local law, unless specifically authorized to do so once the legal conditions for release are satisfied;
- e. Attach private equipment and/or use private services. Private equipment will be confiscated by Gaines County. Participate in forwarding of computer viruses.

GAINES COUNTY	SECTION: 10.00	PAGE: 1
LAST CHANGE DATE:	SUBJECT: CARRYING WEAPONS	

10.01 CARRYING WEAPONS

County employees will have the right to carry concealed weapons as authorized by law. Specifically, County employees:

- a. Must meet all statutory requirements in order to carry a weapon in their workplace;
- b. Must inform their supervisor if they are carrying a weapon;
- c. That choose to carry a weapon in the workplace are expected to behave with the highest level of professionalism, and to act in the most responsible manner. Inappropriate or irresponsible behavior involving a weapon may result in disciplinary measure(s) the employee including termination.

- d. May not enter courtrooms, or court related offices, while carrying unless they are specifically authorized by law (e.g. law enforcement).