

**MATAGORDA COUNTY
PERSONNEL POLICIES**

ADOPTED BY THE COMMISSIONERS COURT OF MATAGORDA COUNTY, TEXAS

**EFFECTIVE JANUARY 1, 2000
AS AMENDED THROUGH JUNE 13, 2011**

MATAGORDA COUNTY PERSONNEL MANAGEMENT SYSTEM

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Effective January 1, 2000
as amended through July 26, 2010

Adopted by
Matagorda County Commissioners Court:

/s/ Nate McDonald
Nate McDonald
County Judge

/s/ Daniel Pustka
Daniel Pustka
Commissioner, Pct. 1

/s/ James Gibson
James Gibson
Commissioner, Pct. 3

/s/ George Deshotels
George Deshotels
Commissioner, Pct. 2

/s/ David Woodson
David Woodson
Commissioner, Pct. 4

Adopted by
Matagorda County Department Heads:

/s/ Brent Batchelor
Brent Batchelor
Matagorda County Extension Office

/s/ Dustin O'Connell
Chief Dustin O'Connell
Dept. of Juvenile Probation

/s/ Jeanette Bell
Jeanette Bell
Justice of the Peace, Pct. 1

/s/ Becky Denn
Becky Denn
District Clerk

/s/ Jill Cornelius
Jill Cornelius
County Attorney

/s/ Gail Denn
Gail Denn
County Clerk

Effective January 1, 2000
as amended through July 26, 2010
Adopted by
Matagorda County Department Heads:

/s/ George Deshotels
George Deshotels
Commissioner, Pct. 2

/s/ Nate McDonald
Nate McDonald,
County Judge

/s/ Ellen Dodd
Ellen Dodd
County Auditor

/s/ Gary Mathis
Gary Mathis
Sheriff, Matagorda County

/s/ Craig Estlinbaum
Craig Estlinbaum
District Judge

/s/ Amy K. Perez
Amy K. Perez
County Treasurer

/s/ James Gibson
James Gibson
Commissioner, Pct. 3

/s/ Chris Peikert
Chris Peikert
Information Services

/s/ Ruben Gonzales
Ruben Gonzales
Environmental Health Dept.

/s/ Jerry Purvis
Jerry Purvis
Justice of the Peace, Pct. 3

/s/ Aaron C. Green
Aaron Green
Justice of the Peace, Pct. 4

/s/ Daniel Pustka
Daniel Pustka
Commissioner, Pct. 1

/s/ Cristyn E. Hallmark
Cristyn Hallmark
Tax Assessor/Collector

/s/ Steven E. Reis
Steven E. Reis
District Attorney

/s/ Roxane B. Marek
Roxanne Marek, Chief
Dept. of Adult Probation

/s/ Ray Taggart
Ray Taggart
Justice of the Peace No. 6

Effective January 1, 2000
as amended through July 26, 2010
Adopted by
Matagorda County Department Heads:

/s/ S. Thompson

Suzan Thompson
Justice of the Peace, Pct. 2

/s/ David Woodson

David Woodson
Commissioner, Pct. 4

Special Districts Which Have Adopted
Matagorda County Personnel Policies:

/s/ Joe Crane

Joe Crane
Drainage District #1

Mike Griffith, Chair
Port of Bay City Authority

/s/ Debbie Morris

Debbie Morris
Navigation District #1

EXCEPTIONS TO
MATAGORDA COUNTY PERSONNEL POLICIES

Drainage District #1 did not adopt the April 5, 2008, version of Policy 2.04, Nepotism. Drainage District #1 follows the January 1, 2000, version of Policy 2.04, Nepotism.

The Matagorda County Sheriff's Office did not adopt the April 5, 2008, version of Policy 2.04, Nepotism. The Matagorda County Sheriff's Office follows the January 1, 2000, version of Policy 2.04, Nepotism.

Navigation District #1 did not adopt the July 26, 2010 version of Policy 3.02, Matagorda County Health Care Plan. Navigation District #1 follows the January 1, 2000, version of Policy 3.02, Matagorda County Health Care Plan.

GENERAL PROVISIONS

- Purpose
1. The contents of this Policy Book are for the employees' general information and represent general guidelines of Matagorda County. The language used in this Policy Book is not intended to be a contract of employment, express or implied. No elected official, appointed official, department head, supervisor, or other staff has any authority to enter into any agreement for employment for any specified period of time, or to make any contract concerning employment unless approved in writing by the Matagorda County Commissioners Court.
- Objectives
2. The fundamental objectives of good personnel administration as supported by these policies are as follows:
 - a. To promote and increase effectiveness, efficiency, and high quality performance in the services of Matagorda County;
 - b. To provide for fair and equal treatment of applicants and employees in accordance with appropriate legislation and judicial mandates;
 - c. To provide a program of recruitment, selection and advancement that is based on qualifications and demonstrated performance in order to make employment with Matagorda County attractive as a career and encourage each employee to render his/her best service to Matagorda County;
 - d. To establish and maintain an equitable and uniform plan of position classification and compensation based upon the relative duties and responsibilities of positions of service to Matagorda County;
 - e. To motivate employees to work towards goals of Matagorda County by providing optimum working environments and opportunities for achievement, recognition and growth;
 - f. To safeguard the employee's right to be treated with respect, dignity, equality and fairness; and
 - g. To promote high morale by the fair and equal administration of these policies for all employees.

GENERAL PROVISIONS
(continued)

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| Terms or
Conditions of
Employment | <ol style="list-style-type: none">3. All non-elected employees of the County are appointed or hired for an indefinite term and either the County or the employee can terminate the employment at the will of either party.4. No non-elected employee has a property interest in continued employment with the County.5. The County, through its department heads, retains the exclusive right to exercise the customary functions of management, including but not limited to the right to manage and control the workforce, hire, fire, demote, promote, suspend, etc.6. Each employee will sign a receipt acknowledging he or she has been given a copy of these policies and understands that the same do not constitute a contract of employment. |
| Applicability | <ol style="list-style-type: none">7. These policies will apply to all employees in the service of Matagorda County and to any special districts which have adopted these policies.8. In the event any policy or provision contained herein is contrary to Texas Statutory Law, said statutory law will be controlling (<i>e.g.</i>, the selection, advancement or termination of personnel and deputies of the Sheriff's Office and clerks and assistants of the County Auditor's Office).9. If any policy or provision of this personnel policy is held invalid or unlawful by a court of record or the Commissioners Court of Matagorda County, said invalid or unlawful policy or provision will not affect the validity of the remaining portions of this personnel policy. |
| Amendment of
Personnel Policies | <ol style="list-style-type: none">10. These policies may be unilaterally changed or abolished by the Matagorda County Commissioners Court.11. Reasonable notice of any policy changes will be given to each employee and will be periodically incorporated into this Personnel Policy Manual. |

POLICY ON STAFFING AND DEVELOPMENT

Equal
Employment

1. It is the policy of the county to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, gender, religion, color, disability, or national origin. Personnel decisions will be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

Selection

2. Selection of new employees will be the responsibility of the department head.
3. It is also the responsibility of the department head to assure that the appropriate procedures are used to sign-up each new employee.
4. Each employment selection will be in accordance with established personnel procedures; however, the following conditions will apply in all cases:
 - a. a valid employment application must be on file in the personnel records;
 - b. the existing vacancy must be due either to an employee's temporary disability, the separation of an employee, or with Commissioners Court approval for a new or temporary position within budgetary guidelines; and
 - c. the starting rate of pay offered by the department head must have been confirmed prior to the actual job offer.

Minors

5. When minors are employed, a minor's release will be required before the minor may begin employment with the County.

Memberships/
Non-memberships

6. Membership or non-membership in any church, society, fraternity, association, union, or other lawful organization will not affect the employee's standing with the county, nor will these factors be considered in the selection of new employees.

POLICY ON STAFFING AND DEVELOPMENT

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| Verification of Eligibility to Work | 7. 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 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility. |
| Physical Standards | 8. Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. |
| Medical Examinations | 9. A prospective employee is required to complete a physical examination and a drug test after a conditional offer of employment has been made. In each instance, the examining doctor will be provided a copy of the appropriate job description and will be required to certify that the prospective employee is physically able to perform the essential duties of the job. A department head may require back x-rays for persons who will perform physical labor. |
| | 10. In addition to the physical examination and drug test required by the county for all prospective employees, prospective employees for law enforcement officer positions must be examined by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health. |
| | 11. Required examinations will be made by a physician, psychologist, and/or psychiatrist of the county's choice and will be paid for by the county. |
| | 12. All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. |

POLICY ON EMPLOYMENT WORK STATUS

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| Regular Full-time | 1. A regular full-time employee works in a position that requires 2080 or more hours each year.

2. A regular full-time employee is eligible for all benefits as stated in personnel rules and regulations. |
| Regular Part-time | 3. A regular part-time employee works a regular schedule consisting of 900 or more hours but fewer than 2080 hours per year.

4. Employees in regular part-time positions are eligible to receive certain employee benefits as outlined in the applicable plan documents and contracts and must enroll in TCDRS. |
| Part-time,
Seasonal,
Temporary | 5. A part-time, seasonal or temporary employee works in a position that is expected to require fewer than 900 hours per calendar year.

6. A part time, seasonal, or temporary employee is eligible for reduced benefits as outlined in the applicable plan documents and contracts. |

POLICY ON EVALUATION PERIOD

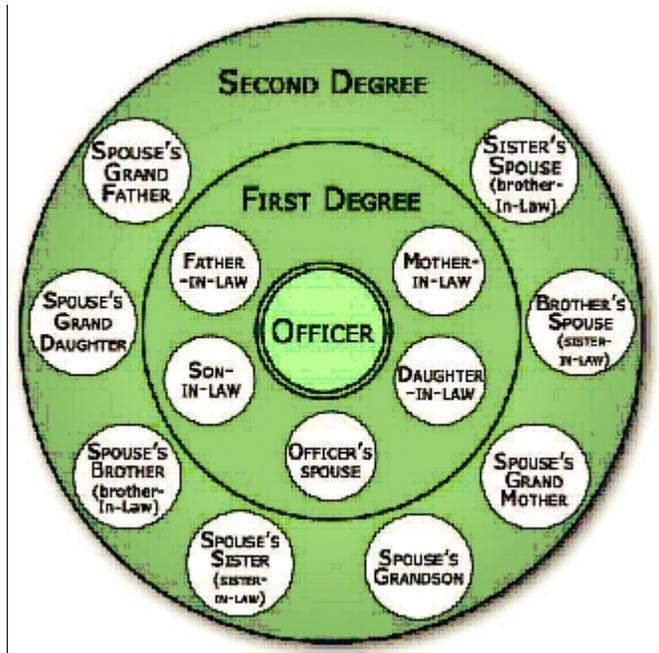
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| Purpose | <ol style="list-style-type: none">1. The evaluation period provides time to monitor, evaluate, and assist an employee in adjustment to service with the County in general and to the position in particular.2. Proper use of the evaluation period will result in identification of those employees who demonstrate the skills and meet the performance levels required of various positions. |
| Responsibility | <ol style="list-style-type: none">3. The department head and other supervisors are responsible for the implementation of this policy and will, if possible, assign the individual to work with an employee in a similar position for orientation. |
| Temporary Employees | <ol style="list-style-type: none">4. A temporary employee is not assigned an evaluation period. |

POLICY ON NEPOTISM

Hiring

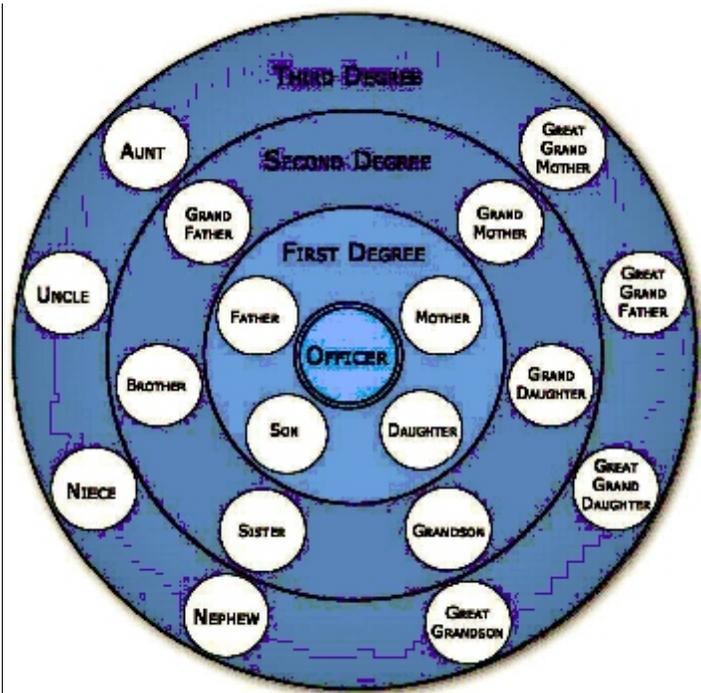
1. Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the county.
2. No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to the elected official or department head for whom he or she works. (Prohibited degrees of relationship are defined in the charts on the following page.) No person may continue in county employment who is related in one of the prohibited degrees unless the employee has been employed continuously by the county for a period of:
 - a. at least 30 days, if the officer or member is appointed;
 - b. at least six months, if the officer or member is elected at an election other than the general election for state and county officers; or
 - c. at least one year, if the officer or member is elected at the general election for state and county officers.
3. In addition, no personnel action will be taken that would result in any elected official, appointed official, or employee supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory elected official, appointed official, or employee.

Nepotism Charts



Affinity Kinship Chart
Relationship by Marriage

Consanguinity Chart
Relationship by Blood



POLICY ON PERSONNEL RECORDS

- Personnel Records
1. Personnel records are maintained by the county treasurer or his or her designee. Medical records are filed in a separate, confidential file maintained by the county treasurer, or his or her designee, and are not available except on a need-to-know basis.
 2. Each Matagorda County office will maintain personnel work history records on each active employee.
 3. Employee records will be maintained in accordance with Local Schedule GR, part 3, personnel and payroll records, published by the Texas State Library and Archives Commission, which sets forth mandatory minimum retention periods for various governmental records.
- Types of Records
4. The following types of personnel records may be kept by the department head:
 - a. attendance, absence, tardiness;
 - b. sick leave;
 - c. leave of absence with and without pay;
 - d. military leave;
 - e. vacation leave;
 - f. holiday leave;
 - g. commendations and disciplinary records;
 - h. individual Personnel File (record includes, but is not limited to: job application, copy of diploma and/or transcript, etc.)
- Information
5. Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. The department head should consult with the County Attorney to determine which information is public information and whether any exceptions to disclosure exist.
 6. In response to requests by agencies or individuals outside each office, the department head or designee will release only the employment history information which will not violate the employee's right to privacy if released. The department head or designee should consult with the County Attorney to discuss any privacy issues.

POLICY ON DRESS AND GROOMING STANDARDS

Standards

1. County employee Dress and Grooming Standards are established to assure acceptable standards of hygiene, portray a business atmosphere, and avoid safety hazards for the employees.
2. Employees will dress modestly, neatly and in good taste and be well groomed at all times during work hours.
3. Each department head may establish Department specific minimum dress and grooming standards.

POLICY ON PROMOTIONS AND DEMOTIONS

- Policy
1. Promotions and demotions will be made on demonstrated performance of County employees, so as to make County employment continuously attractive to the highest qualified personnel and to enable the County to accomplish its goals and objectives.
 2. Promotions are approved by the elected or appointed department head within the staffing pattern and budget limits authorized and approved for that department by the commissioners court.
- Promotions
3. A promotion will be accomplished after careful and thorough review of an employee's qualifications, previous work history, and demonstrated performance, and shall take effect as soon as is practical without undue disruption or interruption of operations.
 4. Upon promotion, an employee serves an introductory period of 90 days in the new position and may be returned to a lower position at any time during the introductory period if performance is inadequate.
 5. Each promoted employee shall receive all rights, benefits, privileges, and responsibilities attendant to the position to which they are promoted.
- Demotions
6. A demotion is a change in duty assignment of an employee to a lower paid position or a position with less authority.
 7. The County may demote employees for any reason deemed necessary, including but not limited to the reasons listed below:
 - a. the abolition of the position due to internal or external reorganization;
 - b. the reclassification of an employee's position;
 - c. the need to discipline an employee (disciplinary demotions will involve a decrease in pay); and/or
 - d. the inability of the employee to fulfill the responsibilities of a higher position.

POLICY ON POLITICAL ACTIVITY

- Employees
1. Employees of the county are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. County employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so.
- Restrictions
2. An employee may not use his or her official authority or influence to interfere with or affect the result of an election or nomination for office. An employee may not directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.
 3. County employees, except elected officials, may not participate in political activities while on county duty. Employees are expected to remove county uniforms before participating in a political activity. In addition, no property operated or managed by Matagorda County may be used for displaying campaign materials or for conducting any partisan political activity, except that county employees and county officials may conduct political activities at county buildings which are leased or let to the employee or official.
 4. Any county employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election (a partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected). County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.
 5. An employee's political activity which is not in violation of this section will not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

POLICY ON HARASSMENT

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| Equal Opportunity Employment | 1. | Matagorda County is an equal opportunity employer. |
| Harassment is Strictly Prohibited | 2. | It is the policy of Matagorda County to provide and maintain a work environment which is free of harassment, exploitation and intimidation. Matagorda County prohibits actions, words, jokes, or comments based on an individual's sex, race, color, religion, national origin, age, disability, or any other legally protected characteristic. |
| Discipline of Employees | 3. | All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including termination. |
| Criminal Prohibition of Sexual Harassment | 4. | Matagorda County employees may be subject to criminal liability for acts of sexual harassment under § 39.03 of the Texas Penal Code, which states: "A public servant acting under color of his office or employment commits an offense if he or she: . . . intentionally subjects another to sexual harassment." An offense under this section is a class A misdemeanor. |
| Penal Code Definition of Sexual Harassment | 5. | "Sexual harassment," as defined in the Texas Penal Code, means unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicit or implied. |
| Definition of Sexual Harassment | 6. | Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. |

POLICY ON HARASSMENT
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| Mandatory Reporting Claims of Harassment | 7. Employees who believe that they have witnessed or been the subject of discrimination, including harassment or retaliation, must report the alleged act(s) immediately to their supervisor or their Department Head. Failure to report claims in accordance with the procedures given in the policy may affect or limit other avenues of legal recourse an employee may have in regard to harassment or retaliation charges.

8. If, for any reason, the employee feels that reporting the alleged harassment to their supervisor or department head may not be the best course of action, the employee should report to any of the following: the District Attorney, Sheriff, County Judge, County Attorney, or County Auditor. |
| County Attorney | 9. Advice and counseling about discrimination, including harassment or retaliation, and the county's policy are available from the Office of the County Attorney. |
| Harassment by Outside Parties | 10. While the County cannot control the actions of outside parties, such as County vendors or patrons, employees who believe they have witnessed or been the subject of discrimination by an outside party, including harassment or retaliation, must report the alleged act(s) as required herein. |
| Investigation Process | 11. A prompt and thorough investigation of the facts and circumstances of any claim of discrimination, including harassment or retaliation, will be conducted. Employees must cooperate in all investigations. Appropriate corrective action will be taken, if necessary. Investigations of suspected criminal activity will be referred to the appropriate law enforcement agency, such as Sheriff's Office, District Attorney Investigator, or Texas Ranger. |
| False Report | 12. An employee who knowingly makes a false complaint under this section is subject to discipline up to and including termination. |

POLICY ON HARASSMENT
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| Anonymous
Reports | 13. Because of the inherent difficulty in investigating and resolving allegations from unknown persons, individuals are discouraged from making anonymous complaints of harassment.

14. Although anonymous complaints are discouraged, the county will reasonably respond to all allegations of harassment. In order to determine the appropriate response to an anonymous allegation, the county will weigh the following factors:
a. the source and nature of the information;
b. the seriousness of the alleged incident;
c. the objectivity and credibility of the source of the report;
d. whether any individuals can be identified who were subjected to the alleged harassment; and
e. whether those individuals want to pursue the matter.

15. When anonymous complaints are investigated, the Department head is encouraged to consult with the County's Risk Manager and the County Attorney. |
| Retaliation | 16. Retaliation or discrimination against an employee for alleging harassment is prohibited. |

POLICY ON DRUG FREE WORKPLACE

Drug-Free Policy

1. Unlawfully manufacturing, distributing, dispensing, possessing, or using a controlled substance or alcoholic beverage is prohibited in the workplace of the county or while representing the county off premises. Employees who violate this policy will be subject to immediate disciplinary action up to and including discharge.
2. The county has established a drug-free awareness program providing information about the dangers of drug and alcohol abuse in the workplace, the county's policy of maintaining a drug-free and alcohol-free workplace, information about available drug and alcohol counseling and rehabilitation, and information about the penalties that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.
3. Pre-employment drug/alcohol screening shall be conducted for all positions. The County Judge may waive this requirement for part-time, seasonal, and temporary employees.
4. Periodic testing and testing with probable cause may be required in certain classes of employees to ensure public safety and security.
5. Each employee of the county will be furnished a copy of the Matagorda County Drug and Alcohol Abuse Policy.
6. All employees of the county will abide by the terms of this policy and will notify the county of any drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
7. The county will notify any funding agency which requires notification within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of such conviction.
8. Any employee so convicted will be subject to disciplinary action up to and including immediate discharge.
9. The county will make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy.

POLICY ON ELECTRONIC MAIL, EQUIPMENT, AND COMPUTERS

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| County's Right
To Access
Information | 1. All electronic and telephonic communication systems (including e-mail, voice mail, etc.) and all communication and information transmitted by, received from, or stored in County systems are the property of the County, and the contents of communications are accessible at all times by the County for any business purpose. The county's right of access does not supersede any state or federal laws, nor any other applicable rules or regulations regarding confidentiality or information dissemination. |
| Personal Use
Of E-mail | 2. Since e-mail communications can be accessed by the County without prior notice, employees should not use e-mail or voice mail to transmit any messages the employee would not want accessed by a third party. Personal e-mail should not impede the conduct of 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. Personal e-mails should not be saved or maintained on the system for longer than necessary. Employees, upon receiving personal e-mail, should read it and delete it. |
| Content of E-mail
Communications | 3. Employees may not use e-mail in any way that may be seen as insulting, disruptive, or offensive by other persons, or harmful to morale. Examples of forbidden transmissions include sexually-explicit messages, cartoons, or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement of others based on their sex, race, age, national origin, or religious or political beliefs. |
| E-mail Retention | 4. E-mail is subject to the Texas Open Records Act and the Local Government Records Act, which establishes mandatory minimum retention periods. Subject to those rules, employees are required to purge emails older than ninety (90) days from the County email system (employees should purge inbox folder and sent folder). Any emails which are subject to a records retention requirement should be reduced to a hard copy or archived outside of the county's email system. |

POLICY ON ELECTRONIC MAIL, EQUIPMENT, AND COMPUTERS

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| Passwords | 5. Personal passwords shall be protected and not be given out to anyone. Employees shall not secure any data such that it cannot be retrieved by authorized county personnel. Employees may not use encryption programs without providing encryption keys to the supervisor and obtaining the supervisor's permission to use the encryption software. Employees must access county computers using their own user name and password and may not use any other employee's user name and password to access a county computer. |
| Internet Use | 6. The county internet system is county property. Generally, the internet should be used only for official county business; however, brief and occasional browsing for non-business reasons is permitted. Personal internet use should not impede the conduct of 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. Employees should have no expectation of privacy regarding their use of the internet. All records created by internet use, including path records, are subject to inspection and audit by county management or its representatives at any time, with or without notice. Information Services has the right to block and prohibit access to certain internet sites. Information Services has the right to program automatic deletion of all temporary internet files, including cookies, upon exiting the internet browser. Use of the county's internet system by an employee indicates that the employee understands that the agency has a right to inspect and audit all internet use. The county's right of access does not supersede any state or federal laws, nor any other applicable rules or regulations regarding confidentiality or information dissemination. |
| Public Use Only | 7. Except as provided herein, the use of any software and business equipment (including but not limited to facsimiles, telecopiers, computers, and copy machines) for private purposes is prohibited. |
| Software Installation | 8. No software may be installed on County computers without the permission of Information Services. Software installations should be performed by Information Services. Information Services has the authority to remove unauthorized software from County equipment. |

POLICY ON ELECTRONIC MAIL, EQUIPMENT, AND COMPUTERS
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| Discipline for Violation | 9. | Violation of this policy may result in disciplinary action, up to and including termination. |
| Disabled Accounts | 10. | Information services has the right to lock out and disable any employee accounts (including email) at any time if necessary for the security of the system. |

POLICY ON CELLULAR PHONES

Background

1. Matagorda County Commissioners Court approved a policy on August 11, 2008, to grant authorized county officials and employees a monthly cellular telephone allowance, when having a cell phone is a requirement of their job. It is the responsibility of the department head to determine if a cell phone is required and authorize the allowance. The monthly allowance is set by Commissioners Court order. No payment will be made by the County to add, replace or maintain any cellular phone, software and/or peripheral equipment, nor to pay any monthly cell phone plan fees. Matagorda County will not be responsible for any cellular account and/or associated data service established to provide computer access (Air Cards, etc.).
2. The cellular telephone allowance is processed through the Matagorda County Treasurer's Office (payroll) and is subject to standard payroll withholdings in accordance with IRS Publication 15-B. Cell phone allowances do not constitute an increase in base pay and will not be included in any percentage calculations for base pay. Payments will be equally divided among Matagorda County's designated 12 pay periods. No retroactive payment will be made.
3. Matagorda County is currently a member of Texas County and District Retirement system. Where applicable Retirement will be withheld and matched as defined in Matagorda County's Retirement Plan approved by the Commissioners Court annually. Refer to IRS Publication 525: Taxable and Nontaxable income.
4. Employees are responsible for the reporting of their personal tax deductions. Refer to IRS Publication 15.

Basic Allowance

5. Employees whose job requires them to be accessible only during their regular working hours will receive an allowance not to exceed the monthly amount set by Commissioners Court order. An allowance is only applicable when the employee has a regular monthly-billed cellular account established in their name. Pre-paid cellular accounts do not qualify for an allowance.

Expanded Allowance

6. Upon request and Commissioners Court approval, the allowance for an individual may be increased or decreased in accordance with this policy and in accordance with State law regarding posting notice of salaries for elected officials.

POLICY ON CELLULAR PHONES
(continued)

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|----------------------------|--|
| Justification of Allowance | <ol style="list-style-type: none">7. Departments should review employees' job functions in order to justify establishment of cellular telephone allowances. An employee that is eligible for cellular telephone allowance must be a regular full-time employee in a position for which a clearly defined business need has been determined by the department head. Allowance requests are submitted and deducted in accordance with Section 155.001 (5) of the Local Government Code, "Deductions from Compensation of County Employees." The Commissioners Court, on request of the county employee, may authorize a payroll deduction to be made.8. The department head must submit each new cellular telephone allowance or increase in allowance for review and approval by the Commissioners Court. Removal of allowance does not require Commissioners Court approval. Permanent deletions of allowances must be submitted in writing to the Treasure's Office for payroll corrections.9. Cellular Contract Termination fees (if assessed by service provider) will not be paid or reimbursed by the County. This includes employees who are terminated, quit, transfer to another office or department, or are moved into another position not requiring use of a cellular phone. |
| Purpose | <ol style="list-style-type: none">10. To prescribe the procedure for providing approved employees with cellular telephone allowances.11. The County Department Head or Elected Official:<ol style="list-style-type: none">a. Determines the potential need for an employee to utilize a cellular telephone for county business purposes.b. Reviews the employee's job function to verify justification of request for a cellular telephone allowance.c. If it is determined that the employee should receive a cellular telephone allowance:<ul style="list-style-type: none">• Review the department's budget to ensure the funds are available for the allowance and performs budgetary transfers, if necessary. |

POLICY ON CELLULAR PHONES
(continued)

- Places the request on Commissioners Court Agenda and secures approval. If approved by Commissioners Court, the Treasurer's Office (payroll) shall receive a copy of the Court approval and perform necessary input to establish the employee's approved cellular telephone allowance. No allowance will be established without validation of cellular account number and billing in the employee's name.
 - Ensures that the number and names of department employees receiving an allowance agrees with those approved by Commissioners Court. Maintains a listing of such telephone numbers.
 - Maintains and reviews monthly, a report of department employees receiving cellular telephone allowances and the approved amount.
12. Upon determination that an employee should no longer receive a cellular telephone allowance:
- Department head shall immediately notify the Treasurer's Office (payroll) in writing.
 - The Treasurer's Office (payroll) shall promptly perform necessary input to remove the employee's cellular telephone allowance.
13. Cancellation of an employee's allowance due to an extended absence is at the department head's discretion.

Note: Cellular contract termination fees (if assessed by service provider) will not be paid or reimbursed by the county.

Note: Department must discuss with employees receiving an allowance it is necessary to retain copies of cellular bills for periodic Auditor/Treasurer Department verification. The billing must be in the name of the employee receiving the allowance. Employees must provide, upon request, the front page of their cellular phone bill, and failure to comply may result in the employee losing the phone allowance.

POLICY ON CELLULAR PHONES
(continued)

14. The Commissioners Court:
 - a. Receives department requests for additions or deletions of cellular telephone allowances.
 - b. Approves or rejects each department request.

15. The County Auditor and County Treasurer's Office (Payroll):
 - a. Receives properly approved department forms and updates payroll records.
 - b. Verifies periodically that the number and amounts of cellular allowances paid to employees agrees with those on departmental records.
 - c. Contracts the department as necessary to resolve any discrepancies.
 4. Retains the approved forms in the Treasurer's department files (payroll files.)

CELLULAR PHONE ALLOWANCE AUTHORIZATION

NAME OF EMPLOYEE: _____

DEPARTMENT: _____

JOB TITLE: _____

DATE APPROVED IN COURT: _____

EFFECTIVE DATE: _____

AMOUNT: _____

ADD

REMOVE

CHANGE

State reasons why this employee requires a cell phone for county business purposes:

SIGNATURES

I, the undersigned employee, accept the cell phone allowance and agree to abide by the County's Policy on Cellular Phones. I further understand that the cell phone allowance will be processed through payroll and is subject to standard payroll withholdings in accordance with IRS Publication 15-B. I further agree to provide proof of billing for cellular telephone service in my name on a periodic basis, as deemed necessary by Matagorda County.

EMPLOYEE: _____ DATE: _____

I, the undersigned Department Head, have reviewed this employee's job functions to justify establishment of cellular telephone allowance and I have determined that this employee works in a position for which a clearly defined need for a cellular phone for county business purposes exists.

DEPARTMENT HEAD: _____ DATE: _____

POLICY ON ETHICS, FRAUD, ILLEGAL ACTS AND ABUSE

- General Principles
1. While every employee is already governed by the dictates of his or her individual conscience, it is desirable to adopt a policy which contains principles which should apply to the day to day conduct of all employees.
 2. Every employee should be committed to the highest standard of conduct in the performance of their public duties. Individual and collective adherence to high ethical standards is central to the maintenance of public trust and confidence in government. As servants and stewards to the public, each employee should readily acknowledge that nothing less should be expected of them.
 3. While the potential for personal conflict or differing views of values or loyalties may, from time to time exist, they should always succumb to the commitment to the public good.
 4. Adult Probation Department employees must follow the Code of Ethics written and approved by the Texas Department of Criminal Justice-Community Justice Assistance Division.
 5. Any employee found in violation of this policy may be subjected to the disciplinary proceedings up through and including termination. In addition, depending on the nature of the violation, an employee may be subjected to criminal prosecution.
- Employees Should
6. COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES SHOULD:
 - Promote decisions which only benefit the public interest;
 - Actively promote public confidence in County government;
 - Keep safe all assets, funds and other properties of the County;
 - Promptly administer the affairs of the County;
 - Conduct and perform their duties as an employee diligently and promptly dispose of the business of the County;
 - Maintain a positive image to pass constant public scrutiny;

POLICY ON ETHICS, FRAUD, ILLEGAL ACTS AND ABUSE
(continued)

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| Employees Should
(continued) | 7. COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES SHOULD: (continued) <ul style="list-style-type: none">• Evaluate all decisions so that the best service or product is obtained at minimal, cost-effective rates without sacrificing quality and fiscal responsibility;• Inject the prestige of the office or job into everyday dealings with the public employees and associates;• Maintain a respectful attitude toward other employees, other public officials, colleagues and associates;• Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interests of the County; and• Faithfully comply with all laws and regulations applicable to the County and impartially apply them to everyone. |
| Employees Should
Not | 8. COUNTY OFFICIALS, DEPARTMENT HEADS AND EMPLOYEES SHOULD NOT: <ul style="list-style-type: none">• Engage in outside interests that are not compatible with the impartial and objective performance of their duties as an employee;• Improperly influence or attempt to influence other employees to act in his or her own benefit; nor• Accept anything of value from any source which is offered to influence his or her action as a public official or as an employee. |
| Reporting
Required | 9. If a county official, department head, or employee knows or suspects that another employee, elected or appointed official, or department head is conducting illegal or fraudulent activities, it is the employee's duty to immediately report the suspected activity. Reports should be made to the immediate supervisor or department head. If that is not appropriate, the employee should report to any of the following: the District Attorney, Sheriff, County Judge, County Attorney, or County Auditor. Investigations of suspected criminal activity will be referred to the appropriate law enforcement agency, such as Sheriff's Office, District Attorney Investigator, or Texas Ranger. |

POLICY ON ETHICS, FRAUD, ILLEGAL ACTS AND ABUSE
(continued)

Civil and Criminal
Statutes Relating
to Public Servants

10. Scattered throughout the various codes and statutes of the State of Texas are various civil and criminal codes and statutes relating to and affecting the conduct of all public officials and public employees. The following is a partial listing where these codes and statutes may be located:

Open Meetings Act, TEX GOV'T CODE § 55.002 et seq.

Open Records Act, TEX GOV'T CODE § 552.001 et seq.

Disclosure by Public Servant of Interest in Property to Be Acquired with Public Funds, TEX GOV'T CODE § 553.002

Retaliation Prohibited for Reporting Violation of Law (Whistle Blowers Act), TEX GOV'T CODE § 554.002; TEX LABOR CODE § 21.055

Nepotism Prohibitions, TEX GOV'T CODE § 573.001 et seq.

Regulations of Conflict of Interest, TEX LOCAL GOV'T CODE § 171.001 et seq.

Mandatory Conflict of Interest Reporting, TEX LOCAL GOV'T CODE CHAPTER 176

Bribery, TEX PENAL CODE § 36.02

Acceptance of Honorarium, TEX PENAL CODE § 36.07

Gift to the Public Servant by Persons Subject to Jurisdiction, TEX PENAL CODE § 36.08

Tampering with Governmental Record, TEX PENAL CODE § 37.10

Abuse of Official Capacity, TEX PENAL CODE § 39.02

Official Oppression, TEX PENAL CODE § 39.03

Misuse of Official Information, TEX PENAL CODE § 39.06

POLICY ON ETHICS, FRAUD, ILLEGAL ACTS AND ABUSE

(continued)

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| False Report | 11. An employee who knowingly makes a malicious false complaint under this section is subject to discipline up to and including termination. |
| Anonymous Reports | 12. Because of the inherent difficulty in investigating and resolving allegations from unknown persons, individuals are discouraged from making anonymous complaints of fraud, illegal acts and abuse.

13. Although anonymous complaints are discouraged, the county will reasonably respond to all allegations of fraud, illegal acts and abuse. In order to determine the appropriate response to an anonymous allegation, the county will weigh the following factors:
a. the source and nature of the information;
b. the seriousness of the alleged incident; and
c. the objectivity and credibility of the source of the report.

14. When anonymous complaints are investigated, the Department head is encouraged to consult with the County's Risk Manager and the County Attorney. |
| Retaliation | 15. Retaliation or discrimination against an employee for reporting illegal or fraudulent activities is prohibited. |