

STARR COUNTY POLICY MANUAL ACKNOWLEDGEMENT

I have received a copy of the Starr County Policy Manual that outlines my benefits and obligations as a County employee. I understand that I am responsible for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this manual, I will contact my immediate supervisor.

I further understand that the Starr County Policy Manual is not a contract of employment. I understand that I am an “AT WILL” employee and that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice.

I understand that this Policy Manual is intended to provide guidance in understanding Starr County’s policies, practices and benefits. I understand that Starr County retains the right to change this handbook at any time, and to modify or cancel any of its employee benefits when the need for change is recognized.

I further understand that as a Starr County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers’, to continually make suggestions for improvements, and to display a spirit of team work and cooperation.

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law and I may be required to take earned compensatory time off at the County’s discretion.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing. If I am required to have a Commercial Driver’s License (CDL) for my county position, I will be subject to random, reasonable suspicion and post-accident drug and alcohol testing.

I have read these policies and understand these policies and I agree to I abide by and adhere to these policies.

Signature of Employee

Printed Name of Employee



**PERSONNEL POLICY
MANUAL**

STARR COUNTY PERSONNEL POLICY

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EMPLOYMENT AT WILL

STARR COUNTY POLICY ON EMPLOYMENT AT WILL

1. All employment with Starr County shall be considered “at will” employment.
2. No contract of employment shall exist between any individual and Starr County for any duration, either specified or unspecified.
3. Starr County shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time either with or without notice.
4. Starr County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice.
5. Employees of Starr County shall have the right to leave their employment with the county at any time, with or without notice.

STARR COUNTY
POLICY ON EMPLOYEE STATUS

FULL TIME

1. A full time salary employee shall be any employee in a position which has a normal work schedule of at least 40 hours per week.

PART TIME

2. A full time hourly employee shall be any employee in a position which has a normal work schedule of no more than 40 hours per week.

TEMPORARY

3. A part time employee shall be any employee in a position which has a normal work schedule of less than 29 hours per week.
4. A temporary employee shall be any employee who is hired into a position which is expected to last for some specific duration or until a specified project is completed.

REGULAR

5. Temporary employees may be either full time or part time.
6. A regular employee shall be any employee hired into a position which is not considered to be temporary.

7. Regular employees may be either full time or part time.

**EMPLOYMENT
AT WILL**

8. All employees are considered to be "at will" employees as defined in the POLICY ON EMPLOYMENT AT WILL and employee status shall not be considered a contract of employment.

STARR COUNTY
POLICY ON APPLICATION FOR EMPLOYMENT

**JOB
ANNOUNCEMENTS**

1. Announcements for job openings with Starr County include, but Not limited to, advertisements in local newspapers, registration with the Texas Workforce Commission, or postings on Starr County Courthouse bulletin boards.

**APPLICATION
PROCEDURE**

2. Each official having a job opening shall be responsible for determining how that opening will be announced.
3. Before an individual can be considered to be an applicant for employment with Starr County, employee shall be required to complete the steps outlined in the “Starr County Applications Procedure”.
4. Copies of the “Starr County Application Procedure” are available from the County Human Resources Office and may be picked up at any time during the normal working hours for that office.

SELECTION

5. Each elected or appointed official, or his/her designee, shall be responsible for selecting the applicant who he/she feels meets the qualifications for an open position in his/her department.

DISQUALIFICATION

6. Reasons for which an applicant shall be disqualified for consideration for employment shall include, but not be limited to, the following:
 - a. The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying;
 - b. The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process;
 - c. The applicant has committed or attempted to commit a fraudulent act at any stage of the application process; or
 - d. The applicant is not legally permitted to hold the position.

STARR COUNTY
POLICY ON NEW EMPLOYEE HIRES

ELIGIBILITY

1. All nominated new employee hires regardless of position or employment status. (Full time, Part time, Temporary, Regular) must be approved by Commissioners Court.

SALARY

2. All salaries/supplemental for new employee hires must also be approved by Commissioners Court.

BACKGROUND CHECK

3. Background checks will be required for all new hires before employee reports for work.

NEW EMPLOYEE NOTIFICATION

4. Upon approval of new employee the department head must submit a Payroll Status form to the Personnel Office.

PROBATION

5. New employees under regular employment status will be placed on a 60 days probation period.

BENEFITS ENTITLEMENT

6. Benefit entitlements will not commence for new employees or a newly Elected Official under regular employment status until the probation periods are completed.

Probation Period Benefit Entitlements

60 days – (First of month following waiting period)	Medical and Life benefits
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3 month	Vacation
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30 day	Sick leaves
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Immediate	24 hour emergency leave Compensatory Time
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No Probation	Retirement (TCDRS)
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STARR COUNTY
POLICY ON EMPLOYEE DEMOTIONS

DEMOTIONS

1. Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials or department heads may choose to demote or re-assign any employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward.

STARR COUNTY
POLICY ON EMPLOYEE TRANSFER

ELIGIBILITY

1. All employee transfers regardless of employment status or position (Full time, Part time, Temporary, Regular) must be approved by Commissioners Court.

SALARY

2. All salaries or supplemental of employee must also be approved by Commissioners Court.

**OVERTIME
COMPENSATION**

3. Overtime Compensation will be paid out upon transfer. Time will **NOT** be carried over to the new department.

**TRANSFER
NOTIFICATION**

4. Department Head must notify the Personnel Department immediately upon transfer by submitting a Payroll Status Form. Payroll statuses are located at Human Resources Office.

STARR COUNTY
POLICY ON PROMOTIONS

PROMOTIONS

1. Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary. Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court.

STARR COUNTY POLICY ON SEPARATIONS

DEFINITION

1. A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends.

TYPES OF SEPARATION

2. All separations from Starr County shall be designated as one of the following types.
 - a. Resignation
 - b. Retirement
 - c. Dismissal
 - d. Reduction in force (layoff)
 - e. Death
 - f. Other

RESIGNATION

3. A resignation shall be classified as any situation in which an employee voluntarily leaves employment with Starr County and the separation does not fall into one of the other categories. Once resignation is submitted employee must wait 6 months before being rehired.
4. Employees who are resigning should submit a written notice of resignation to supervisor.

RETIREMENT

5. A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so.
6. An employee who is retiring should notify the supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.
7. Retired employees are NOT eligible to apply for any position once retired from Starr County.

DISMISSAL/ TERMINATION

8. A dismissal/termination shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Once dismissed/terminated employee cannot be rehired within the County for a period of one year.

STARR COUNTY POLICY ON SEPARATIONS

REDUCTION IN FORCE

9. Starr County is an “at will” employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

DEATH

10. An employee shall be separated from employment because of a reduction in force when the position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

OTHER

11. A separation by death shall occur when an individual dies while currently employed by the County.
12. If an employee dies while still employed by the County, the designated beneficiary or estate shall receive all earned pay and payable benefits.

NOTIFICATION

13. Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an “other” separation.

14. When a separation is designated as “other”, the supervisor shall provide details of the nature of the separation for the personnel records.

15. As soon as a supervisor becomes aware of separation from employment, or the intent to separate employment, by an employee, the supervisor shall be responsible for immediately notifying the Personnel Office.

**STARR COUNTY
POLICY ON RE-HIRING**

ELIGIBILITY

1. Individuals shall be eligible to apply for open position with Starr County as long as following provisions are met.
 - a. Individuals who resign must wait 6 months before applying.
 - b. Individuals who are termed must wait 12 months before applying.

EXEMPTION

2. Only exemption to the 6 or 12 month waiting period is if the individual is rehired by the original department employee was resigned or termed from. There is no exemption for individuals who violate the Starr County Drug Policy.

STARR COUNTY
POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

**EQUAL
OPPORTUNITY**

1. Starr County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, including lesbian, gay, bi-sexual or transgender status age, genetic information, pregnancy, veteran status, and disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, department head or the County Attorney.

STARR COUNTY
AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

**AMERICANS WITH
DISABILITIES ACT
AMENDMENT ACT**

1. Is the policy of Starr County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels they have been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or the county attorney. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.
2. It is Starr County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the county. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your elected official, appointed official, department head or the county attorney. Reasonable accommodation shall be determined through an interactive process of consultation.

STARR COUNTY
POLICY ON PERSONNEL FILES

PERSONNEL FILES

1. The Starr County department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, as well as, records concerning performance, discipline and compensation.
2. It is important that the personnel records of Starr County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Starr County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.
3. The Public Information Act allows county employees to keep their home addresses and telephone numbers confidential. You may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after your first day of employment.

STARR COUNTY
POLICY ON NEPOTISM

HIRING OF RELATIVES

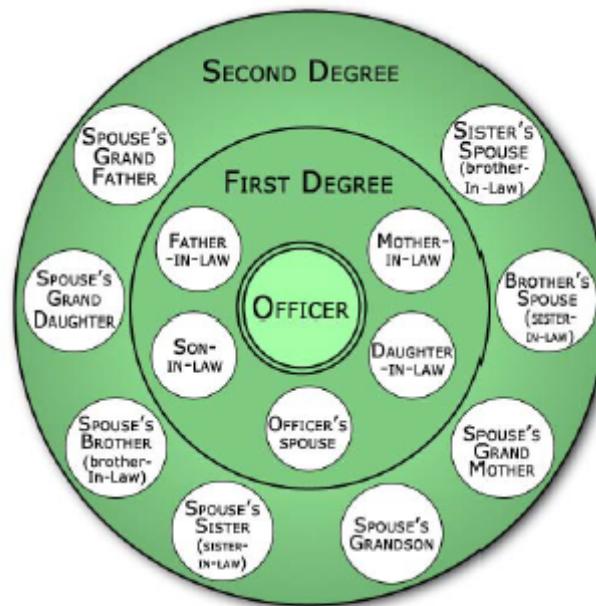
1. In accordance with the Texas Nepotism Statutes, an elected or appointed official of Starr County shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department they supervise.
2. Quote TX. Gove. Code CH.573 in August of that year, shall be use for determining degree of relationship. (See the charts that follow.)

STARR COUNTY POLICY ON NEPOTISM

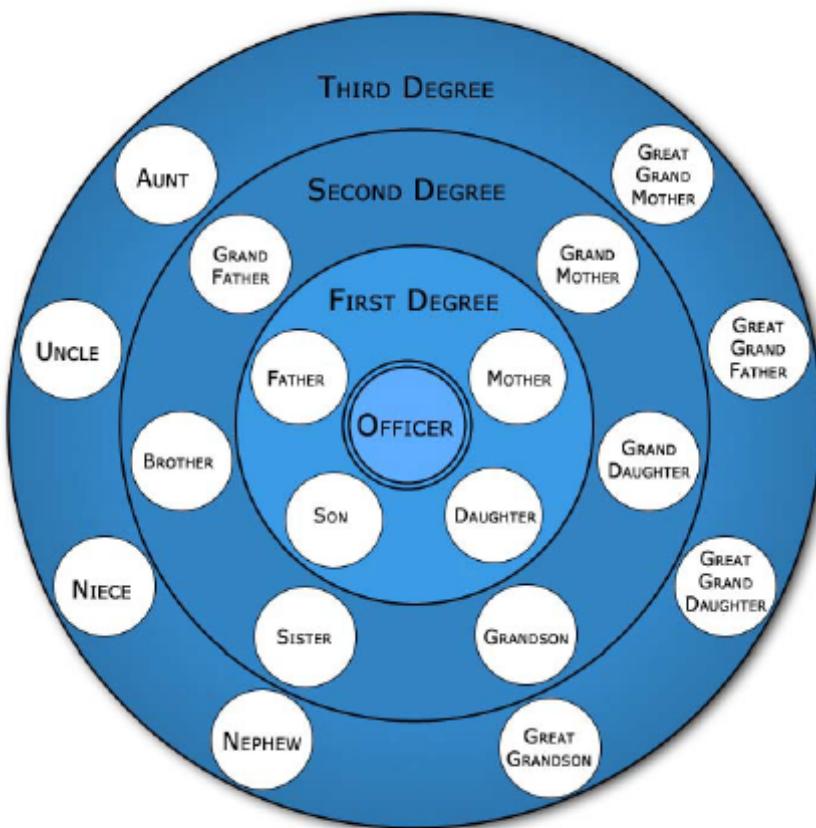
NEPOTISM CHART

The chart below shows

- **Affinity Kinship** (relationship by marriage)
- **Consanguinity Kinship** (relationship by blood) for purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §§573.021 - .025



AFFINITY KINSHIP
Relationship by Marriage



CONSANGUINITY KINSHIP
Relationship by Blood

STARR COUNTY POLICY ON VACATION

ELIGIBILITY

1. All full-time regular employees of Starr County shall be eligible for vacation benefits.
2. Part-time and temporary employees shall not be eligible for vacation benefits.
3. Tri County employees not working in Starr County do not qualify for vacation benefits.
4. Employees who have worked for less than 5 years in a position eligible to receive vacation shall earn vacation at the rate of 6.66 hours per month, which are equivalent to 10 working days per year.

ACCRUAL RATE

5. Employees who have worked for 6-10 or more years in a position eligible to receive vacation shall accrue vacation at the rate of 8.33 hours per month, which is equivalent to 12.5 days per year.
6. Employees who have worked for ten (10) or more years in a position eligible to receive vacation shall accrue vacation at the rate of 1.25 working days per month, which is equivalent to 15 working days per year.
7. For purposes of this policy, a working day shall be defined as the regular number of hours that an employee would be expected to work on a day that employee is scheduled to work.
8. Vacation shall not be accrued while an employee is on leave without pay.

INITIAL ACCRUAL

9. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of 1 month in such a position before being eligible to take any vacation.

MAXIMUM ACCRUAL

10. The maximum amount of unused vacation an employee shall be allowed to have at one time is the amount the employee would normally earn in one (1) year at employees current accrual rate plus five (5) additional workdays. (This would be 15 working days for employees with less than ten (10) years' work in a position eligible to accrue vacation and 20 working days for employees with ten or more years in such a position.
11. When an employee reaches the maximum accrual, employee shall not be allowed to accrue additional vacation time until sufficient time has been used to bring the balance below the maximum allowed under this policy.

**STARR COUNTY
POLICY ON VACATION**

SCHEDULING

12. Scheduling of vacations shall be at the discretion of the individual department heads.

MINIMUM USAGE

13. The amount of vacation that may be taken at one time shall only be one-half day (4 hours) or a full day (8 hours).

BORROWING

14. Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals.

**PAY IN LIEU OF
VACATION**

15. Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

**HOLIDAY DURING
VACATION**

16. If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with the POLICY ON HOLIDAYS and shall not be charged against the employee's vacation balance.

PAY AT TERMINATION

17. If an employee has worked for at least one year in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

18. An employee who has not worked for a minimum of three (3) months in a position which accrues vacation shall not be eligible for any vacation pay upon termination of employment.

RECORD KEEPING

19. Each employee shall be responsible for accurately recording all vacation time used on employee timesheet.

ATTACHMENT

20. Commissioners' Court has approved the following attachment.
(Absence Report)

STARR COUNTY
POLICY ON VACATION

Absence Report

Department _____

This request is for a: _____ Absence
_____ Continuation of a previously reported absence

Employee Name: _____

Employee/Payroll Number: _____

Telephone: _____ Shift: _____

List Date (s) Absent: _____

Absence Report By:
____ Employee
____ Other...His/Her Name _____ Telephone: _____

Reason for Absence:

____ Accident on the job _____ Holiday _____ Leave of Absence
____ Accident off the job _____ Illness/Family _____ Suspension
____ Death in Family _____ Illness/Self _____ Unexcused
____ Excused _____ Jury Duty _____ Vacation

Reason for Absence explain (as required)

Date: ____ / ____ / ____ Requested by: _____

Approved: Yes or No

Department Head: _____

**STARR COUNTY
POLICY ON SICK LEAVE**

ELIGIBILITY

1. All full time employees of Starr County shall be eligible for the paid sick leave benefit.
2. Part Time Employees and temporary employees shall not be eligible for sick leave.
3. Tri County employees not working in Starr County do not qualify for paid sick leave benefits.
4. Eligible employees shall accrue sick leave at a rate of one work day per month.

ACCRUAL RATE

INITIAL ACCRUAL

MAXIMUM ACCRUAL

USE OF SICK LEAVE

NOTIFICATION

5. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.
6. The maximum amount of unused sick leave an employee shall be allowed to have at any time is 30 work days.
7. Sick leave may be used for the following purposes:
 - a. Illness or injury of the employee;
 - b. Appointment with physicians, optometrists, dentists, and other qualified medical professionals; and
 - c. To attend to the illness or injury of a member of the employee's immediate family.
8. For purpose of this policy, immediate family shall be defined as spouse, child, parent, or other relative living in the employee's home who is dependent on the employee for care.
9. Sick leave may not be used as vacation or any other reason not addressed in this policy.
10. Where sick leave is to be used for medical appointments an employee shall be required to notify the supervisor.
11. Where use of sick leave is not known in advance, an employee shall notify the supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable.
12. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify the supervisor as soon as is reasonably practicable.

**STARR COUNTY
POLICY ON SICK LEAVE**

NOTIFICATION (CONT.)

DOCUMENTATION

13. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify the supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible.

14. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness.

MINIMUM USE

15. Documentation requirements under Section 12 of this Policy shall also apply in situations where the absence is for the care of a member of the immediate family.

16. Documentation of illness or injury shall be required for any sick leave used during the two (2) weeks prior to resignation of employment with the County.

BORROWING

17. The minimum amount of sick leaves that an employee may use at any time shall be one hour.

18. Employees shall not be allowed to borrow sick leave against future accruals.

PAY AT TERMINATION

19. Employees shall not be paid for unused sick leave at the termination of employment. Sick leave will only be paid at the time of:
 - a. Retirement; or
 - b. Death

20. An employee who is rehired by the County within 30 days after employment was terminated shall have all sick leave restored that was unused at the time of the termination.

ELGIBILITY

STARR COUNTY POLICY ON HOLIDAYS

1. All full time regular employees of Starr County shall be eligible for the paid holiday benefit.
2. Tri County employees not working in Starr County do not qualify for paid holiday leave benefits.
3. The County holidays for the following calendar year shall be determined by the Starr County Commissioners' Court at its first meeting of each December.
4. If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance.
5. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay prior to the commencement of the new fiscal year.
6. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.
7. An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 30 days equivalent to the amount of time worked on the holiday.
8. Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for the County.
9. Determination of granted leave under Section 7 of this policy shall be made by the supervisor of the department in which the employee works, based on the needs of the department.
10. Vacation, compensatory time, or leave without pay may be used for leave granted under Section 7 of this policy.

HOLIDAYS

HOLIDAY DURING VACATION

HOLIDAY ON DAY OFF

EMERGENCIES

SPECIAL OBSERVANCES

**STARR COUNTY
POLICY ON JURY DUTY LEAVE**

JURY DUTY

1. Employee of Starr County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury.
2. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay of jury service involves time outside the employee's normal work schedule.
3. Any fees paid for jury service may be kept by the employee.
4. Employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as employees court attendance may require.
5. If an employee is absent from work to appear in private litigation in which employee is a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

**OFFICIAL COURT
ATTENDANCE**

PRIVATE LITIGATION

STARR COUNTY POLICY ON MILITARY LEAVE

GUARD AND RESERVE

1. County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal calendar year with pay to attend authorized training sessions and exercises.
2. The fifteen (15) day paid military leave shall apply to the federal fiscal calendar year and any unused balance at the end of the year shall not be carried forward into the next federal fiscal calendar year.
3. Pay for attendance at Reserve or National Guard training sessions or exercise shall be authorized only for periods which fall within the employee's normal work schedule.
4. An employee may use annual leave, earned compensatory time, or leave without pay if employee must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen day maximum.

ORDERS

5. An employee going on military leave shall provide the supervisor with a set of orders within two (2) business days after receiving them.

ACTIVE MILITARY

6. County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be eligible for re-employment in accordance with the state and federal regulations in effect at the time of their release from duty.

**STARR COUNTY
POLICY ON EMERGENCY LEAVE**

EMERGENCY LEAVE

1. A maximum of three (3) days will be allowed for the purpose of attending funerals of the immediate Family, Accidents, Legal Problems, Breaking in of personal property and other situations not dealing with medical needs. Should more than three (3) days be needed for this purpose, the additional time will be charged to the following leaves as they pertain to the request.

ELIGIBILITY

2. All regular full-time employees of Starr County shall be eligible for paid emergency leave.
3. All temporary full-time and part-time employees are not eligible for paid emergency leave.
4. Tri County employees not working in Starr County do not qualify for paid emergency leave.

ACCUMULATION

5. Unused emergency leave at the end of the fiscal year shall not be carried over into the next fiscal year.

MAXIMUM USE

6. The maximum usage amount of emergency leave shall not exceed 24 hours (3 working days).

MINIMUM USE

7. The minimum amount of emergency leave is one (1) hour.
8. An employee shall be responsible for notifying the supervisor as soon as possible of the first day of emergency leave so it may be approved.

STARR COUNTY
POLICY ON LEAVE OF ABSENCE-OTHER

**LEAVE OF ABSENCE-
OTHER**

1. Employees may request a personal leave of absence to a maximum of 30 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan but they are responsible for the entire premium, which includes both their portion and the county portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

FURLOUGH

2. Is a temporary leave of employees due to special needs of a company or employer, which may be due to economic conditions of a specific employer or in society as a whole. These involuntary furloughs may be short or long term, and many of those affected may seek other temporary employment during that time.
3. While on furlough, employees must use any compensation time and or vacation available.

STARR COUNTY POLICY ON MEDICAL INSURANCE

ELIGIBILITY

1. A. Full time regular employees of Starr County shall be eligible for the group medical insurance benefit.
- B. Under Health Care Reform requirements part-time employees that work an average to least 30 hours per week are also entitle for Group Medical Insurance Benefits (Effective date January 1,2015).
- C. Tri County employees not working in Starr County do not qualify for group medical benefits.

DEPENDENT COVERAGE

2. Eligible employees may cover their qualified dependents by paying the partial premiums determined annually at Open Enrollment.

EXTENTION OF COVERAGE

3. Deductions for coverage shall be made through payroll deduction from the employee's paycheck each pay period.
4. Employees who leave the employment of Starr County may be eligible for an extension of the medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA).
5. Effective October 1, 2008 employees that retire under TCDRS guidelines will be eligible for continuous coverage for a period of 5 years or till the age of 65 from the effective retirement date. Employees must continue to pay their portion of the coverage/cost. Coverage will be for employee or/and spouse only.
6. Effective October 1, 2008 elected officials with 8 years of vested time in their elected office will be eligible for continuous coverage for a period of 5 years from effective date of leaving the office or till the age of 65 from the effective retirement date. Official must continue to pay their portion of the coverage cost. Coverage will be for official or/and spouse only.
7. Information on extension of benefits under COBRA is available in the Personnel Office and may be obtained during the normal working hours for that office.
8. Details of coverage under the group medical insurance plan are available in the Personnel Office and may be obtained during the normal working hours for that office.

INFORMATION

STARR COUNTY
POLICY ON MEDICAL INSURANCE

INFORMATION (CONT.)

9. Contingent with the Police Plan in place.
10. Employee deductions will be made a month prior to eligibility date.
11. When promoted from Temporary status to Regular status, a waiting period of 60 days will occur unless Open Enrollment.
12. An employee who is subsequently rehired by the county within 30 days after employment was terminated shall be reinstated with their elected coverage without satisfying a new waiting period.

STARR COUNTY POLICY ON WORKERS' COMPENSATION

ELIGIBILITY

1. All Starr County employees are covered by workers' compensation insurance while on duty for the County.

2. Workers' compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of the job.

3. Workers' compensation also pays a partial salary continuation benefit for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses.

4. Any employee who suffers a job related illness or injury shall be required to notify the Personnel Office immediately.

ACCIDENT REPORTING

5. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which are due.

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

PHYSICIAN'S RELEASE

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

CONTRIBUTORY FACTORS

8. Starr County counts an employee's leave due to a work-related injury or illness toward the employee's 12-week leave entitlement under the Family Medical Leave Act. Because workers' compensation leave is designated as FMLA leave, benefits are governed by the applicable provisions of the FMLA policy contained herein.

COORDINATION WITH LEAVE

STARR COUNTY POLICY ON RETIREMENT

ELIGIBILITY

1. All regular employees who work a normal schedule shall be eligible for the retirement benefit through the Texas County and District Retirement System.
2. County employees must meet all TCDRS guidelines in order to be eligible to retire.
3. Eligible employees shall make contributions to the Retirement program through a system of payroll deduction.
4. Starr County shall make a contribution to each eligible employee's retirement account accordingly to the TCDRS Plan.

CONTRIBUTIONS

5. Effective October 1, 2008 employees that retire under TCDRC guidelines will be eligible for continuous coverage for a period of 5 years or till the age of 65 from the effective retirement date.

EXTENSION OF COVERAGE

Information on the retirement program and continuous Dental and Life Medical Insurance coverage after Retirement may be obtained at the County Personnel Office during the normal working hours for that office.

REHIRING RETIREES

6. Retired employees are NOT eligible to apply for any position once retired from Starr County.
7. Effective October 1, 2008 retiree or elected officials are eligible for continuous coverage for a period of 5 years or till the age of 65 from the effective retirement date.

COVERAGE

Employee must meet retirement guidelines and continue to pay their portion of coverage cost. Coverage applies only to employee.

Elected officials must be vested 8 years of service with the County and continue to pay their portion of coverage cost. Coverage applies only to elected official.

STARR COUNTY
POLICY ON SOCIAL SECURITY/MEDICARE

**SOCIAL SECURITY
/MEDICARE**

CONTRIBUTIONS

1. All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits.
2. Contributions to this program shall be made by deductions from each employee's pay check in accordance with the requirements of this program.
3. The County shall contribute an amount equal to the employee's contribution in accordance with the requirements of this program.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

ELIGIBILITY

1. To be eligible for benefits under this policy, an employee must:
 - a. Have worked for Starr County at least 12 months (it is not required that these 12 months be consecutive; however a continuous break in service of 7 years or more will not be counted toward the 12 months).
 - b. Have worked at least 1250 hours during the previous 12 months.

QUALIFYING EVENTS

2. Family or medical leave under this policy may be taken for the following situations:
 - a. The birth of a child and in order to care for that child;
 - b. The placement of a child in the employee's home for adoption or foster care;
 - c. To care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition;
 - d. The serious health condition of the employee that make the employee unable to perform the essential functions of their job;
 - e. A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country;
 - f. To care for a covered service member (Regular, Reserve or National Guard) 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;
 - g. To care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces(Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

SERIOUS HEALTH CONDITION

3. 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.

4. Serious health condition of a spouse, child, or parent shall be 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

5. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
 - a. A period of incapacity of more than three 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 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.
 - b. Any period of incapacity due to pregnancy or prenatal care;
 - c. 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;
 - d. Any period of incapacity which is permanent or long term, due to a condition that treatment is not effective;
 - e. Any period of incapacity or absence to receive multiple treatments by a health care provider.

QUALIFYING EXIGENCY LEAVE

6. 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 a foreign country. The following qualify as exigency leave:
 - a. Leave may be taken to address any issue that arises because the covered military member was given seven less days' notice for active duty deployment in support a contingency operation.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

QUALIFYING EXIGENCY LEAVE (cont.)

Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty.

- b. 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 status in a foreign country of a covered military member.
- c. 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 in a foreign country of a covered military member.
- d. 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 19 when it is necessitated by the active duty or call to active duty status of a coverer military member.
- e. 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 in a foreign country.
- f. 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 in a foreign country and for a period of 90 days following the termination of the covered member's active duty status.
- g. 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 in a foreign country of a covered military member.
- h. Leave make be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible employees make take up to fifteen (15) days of leave for each instance of rest and recuperate.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

QUALIFYING EXIGENCY LEAVE (cont.)

- i. Leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status.
- j. Leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country.
- k. Certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty.
- l. 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 in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

LEAVE AMOUNT

- 7. Up to 12 weeks leave per 12 month period may be used under this policy.
- 8. The County will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. A leave taken under this policy during the prior 12 month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.
- 9. If a husband and wife both work for the County the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 weeks in a single12-month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.
- 10. An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single12-month period:
 - a. The single 12 month period begins on the first day the eligible employees take FMLA to care for covered service member or covered veteran and ends 12 months after that date.
 - b. If an eligible employee does not take all of their 26 work weeks during this 12 month period, the remaining part of the 26 work weeks of leave entitlement to care for the covered service member or covered veteran is forfeited.

STARR COUNTY
**POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND
MEDICAL LEAVE ACT (F.M.L.A.)**

LEAVE AMOUNT (cont.)

- c. 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 26 work weeks of leave if the leave is to care for different covered service members or covered veterans or to care for the same covered service member or covered veteran with a subsequent serious illness or injury, except that no more than 26 work weeks may be taken within any single 12 month period.
- 11. If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: compensatory time, vacation, holiday and sick. The remainder of the leave shall be unpaid.
- 12. An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family 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 12 week leave period being unpaid leave.
- 13. An employee taking leave for the birth of a child shall be required to use paid sick leave first, then earned compensatory time, vacation and holiday leave for the recovery period after the birth of the child and prior to being on unpaid leave.
- 14. After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12 week leave period being unpaid leave.
- 15. 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, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.
- 16. An employee 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 12 week leave period being unpaid leave.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

LEAVE AMOUNT (cont.)

17. An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 26 week leave period being unpaid leave.
18. The maximum amount of paid and unpaid leave that may be used under this policy in any 12 month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness with the maximum leave being 26 weeks in a single 12 month period.
19. While on leave under this policy, the County shall continue to pay the employee's medical plan 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 coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave paid leave. While on unpaid leave, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets or the coverage shall be discontinued.
20. At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12 month period.
21. 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 or covered veteran.
22. 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 or covered veteran.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

LEAVE AMOUNT (cont.)

23. 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 12 week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness the time will be deducted from the employee's 26 week leave eligibility in a single 12 month period.
24. The 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.
25. The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.
26. Certification of the serious health condition of the employee shall include:
 - a. The date the condition began;
 - b. Its expected duration;
 - c. The diagnosis of the condition;
 - d. A brief statement of the treatment;
 - e. 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.
27. Certification of the serious health condition of an eligible family member shall include:
 - a. The date the condition began;
 - b. Its expected duration;
 - c. The diagnosis of the condition;
 - d. A brief statement of treatment;
 - e. A statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
28. Certification for leave taken because of a qualifying exigency shall include:
 - a. 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 a foreign country.
 - b. The dates of the covered military members active duty service.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

LEAVE AMOUNT (cont.)

- c. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave.
- d. The approximate date on which the qualifying exigency will start and end.
- e. If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency.
- f. 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.

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

- a. If the injury or illness was incurred in the line of duty while on active duty.
- b. The approximate date on which the illness or injury occurred and the probably duration.
- c. A description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care.
- d. 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.
- e. The relationship of the employee and the covered military service member or covered veteran.
- f. In lieu of certification, and TO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for a 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 family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

LEAVE AMOUNT (cont.)

30. 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. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.
31. The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an ITO or ITA.
32. If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from health care practitioner agreed upon by both the employee and the County, and this third opinion shall be considered final.
33. Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to the immediate supervisor.
34. Where practicable, an employee should give his or her immediate supervisor at least 30 days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 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 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.
35. Employees returning from leave under this policy, and who have not exceeded the 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. Employees who have not exceeded the 26 week maximum, in a single 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.
36. 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.

STARR COUNTY

POLICY ON FAMILY AND MEDICAL LEAVE AND MILITARY FAMILY AND MEDICAL LEAVE ACT (F.M.L.A.)

LEAVE AMOUNT (cont.)

37. The 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 still available.
38. 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 the County for all medical premiums paid by the County while the employee was on leave without pay.
39. 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.
40. Employees who are out on approved FMLA may not take trips outside of the county unless the travel is related to the employees own serious health condition, the serious health condition of the child spouse or parent of the employee or to attend qualifying military events. Employees may ask for permission from their immediate supervisor to take other trips outside of the county and supervisors may grant employee requests at their discretion.
41. 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.
42. The County may send out to an employee who has been out for 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 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.

STARR COUNTY
POLICY ON FAIR LABOR STANDARDS ACT SAFE HARBOR

**FAIR LABOR
STANDARDS ACT
SAFE HARBOR**

1. Starr County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to HUMAN RESOURCES attention, Starr County will make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll.
2. Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time card must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal break. Do not sign your time card if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.
3. Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.
4. It is a violation of Starr County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to:
 - a. Incorrectly or falsely under- or over-report your hours worked, or
 - b. Alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to HUMAN RESOURCES at 100 N. FM 3167 Suite 210, Rio Grande City, TX 78582
Phone number (956)716-4800.

STARR COUNTY
POLICY ON FAIR LABOR STANDARDS ACT SAFE HARBOR

**FAIR LABOR
STANDARDS ACT
SAFE HARBOR**

5. If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.
6. For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security, retirement; or, voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons:
 - a. Absence from work for one or more full days for personal reasons, other than sickness or disability;
 - b. Full day disciplinary suspensions for infractions of our written policies and procedures;
 - c. Full day for violating safety rules of a major significance;
 - d. Family and Medical Leave or Military Leave absences;
 - e. To offset amounts received as payment for jury and witness fees or military pay;
 - f. The first or last week of employment in the event you work less than a full week.
7. If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:
 - a. Partial day absences for personal reasons, sickness or disability;
 - b. Your absence because the facility is closed on a scheduled work day;
 - c. Your absence because of the County's operating requirements;
 - d. Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work;

**FAIR LABOR
STANDARDS ACT
SAFE HARBOR**

STARR COUNTY

POLICY ON FAIR LABOR STANDARDS ACT SAFE HARBOR

- e. Any other deductions prohibited by state or federal law.
8. Please note: it is not an improper deduction to reduce an employee's accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.
9. If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to

HUMAN RESOURCES
100 N. FM 3167 Suite 210
Rio Grande City, TX 78582
Phone number: (956)716-4800.

If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

**STARR COUNTY
POLICY ON LIFE INSURANCE**

ELIGIBILITY

1. All full time regular employees of Starr County shall be eligible for the group LIFE insurance benefit.
2. Deductions for coverage shall be made through payroll deduction from the employee's paycheck each pay period.
3. Details of coverage under the LIFE insurance plan are available in the Personnel Office and may be obtained during the normal working hours for that office.
4. Contingent with the Policy Plan in place.
5. Employee deductions will be made a month prior to eligibility date.
6. When promoted from Temporary status to Regular status, a waiting period of 90 days will occur unless Open Enrollment.
7. An employee, who is subsequently rehired by the County within 30 days after employment was terminated, shall be reinstated with their elected coverage without satisfying a new waiting period.
8. Effective October 1, 2008 retiree or elected officials are eligible for continuous coverage for a period of 5 years or till the age of 65 from the effective retirement date.

**EXTENTION OF
COVERAGE**

Employee must meet retirement guidelines and continue to pay their portion of coverage cost. Coverage applies only to employee.

Elected officials must be vested 8 years of service with the County and continue to pay their portion of coverage cost. Coverage applies only to elected officials.

**STARR COUNTY
POLICY ON DENTAL INSURANCE**

ELIGIBILITY

1. All full time regular employees of Starr County shall be eligible for the group DENTAL insurance benefit.

DEPENDENT COVERAGE

2. Eligible employees may cover their qualified dependents by paying the partial premiums determined annually at Open Enrollment.
3. Deductions for coverage shall be made through payroll deduction from the employee's paycheck each pay period.

**EXTENSION OF
COVERAGE**

4. Employees who leave the employment of Starr County may be eligible for an extension of the DENTAL coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

INFORMATION

5. Information on extension of benefits under COBRA is available in the Personnel Office and may be obtained during the normal working hours for that office.
6. Effective October 1, 2008 retirees and elected officials are eligible for continuous coverage for a period of 5 years or till the age of 65 from effective date of retirement or/and leaving office. Coverage applies only to the employee and/or spouse.
7. Employee must meet retirement guidelines and continue to pay their portion of cost. Elected officials must be vested 8 years of service with the county.
8. Details of coverage under the group DENTAL insurance plan are available in the Personnel Office and may be obtained during the normal working hours for that office.
9. Contingent with the Policy Plan in place.
10. Employee deductions will be made a month prior to eligibility date.
11. When promoted from Temporary status to Regular status, a waiting period of 90 days will occur unless Open Enrollment.
12. An employee, who is subsequently rehired by the county within 30 days after employment was terminated, shall be reinstated with their elected coverage without satisfying a new waiting period.

STARR COUNTY
POLICY ON CAFETERIA PLAN

ELIGIBILITY

1. New employees may enroll after their Introductory Period. Full time and part time employees already working for the County may only enroll during the eligible enrollment period. Exceptions can be made if you have changes in family status:
 - a. Death
 - b. Death of a Child
 - c. Birth or adoption of a Child
 - d. Termination of spouse's employment

You are under no obligation to participate.

STARR COUNTY
POLICY ON CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

**COBRA LAW/
ACCEPTANCE**

1. Employers with twenty or more employees (who provide health insurance benefits) must offer a temporary extension of the organization's group insurance coverage when an employee experiences a "qualifying event". The COBRA legislation views Termination of Employment as a "Qualifying Event" and offers you the right to continue the group insurance plan (s) for a maximum of 18 months and 36 months for covered dependents.

This procedure differs from converting your group coverage to an individual plan. The major advantages are that you cannot be discriminated against for having a pre-existing medical condition and will receive the company's group rates. In addition, COBRA benefits remain identical to that of an active employee. On the other hand, conversion insurance plans calculate rates on factors such as age and sex of the applicant, offer different benefits and can be less expensive for some individuals.

**ENROLLMENT
PROCEDURES**

You have 60 days (from the letter of the date of the letter sent or your coverage termination date) to accept COBRA continuation coverage. If you do not notify the Personnel Office prior to the 60th day or on the 60th day, you will not be able to continue your group coverage.

STARR COUNTY
POLICY ON ATTENDANCE AND TIMELINESS

ATTENDANCE

1. Each employee shall report to work on each day employee is scheduled to work unless prior approval for absences is given by the employee's supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

TARDINESS

2. Each employee shall be at the place of work at the starting time set by the supervisor unless prior approval is given by the supervisor or the employee is unable to be at work on time for reasons beyond the control of the employee.
3. Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.

NOTIFICATION

4. If an employee is unable to be at work at the normal reporting time, the employee shall be responsible for notifying the supervisor as soon as is reasonable practicable of the circumstances causing the tardiness or absence.

**EXCUSED AND
UNEXCUSED**

5. Each supervisor shall be responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness.
6. Frequent unexcused absences or tardiness shall make an employee subject to disciplinary measures, up to and including termination of employment.

**ABANDONMENT OF
POSITION**

7. An employee who does not report for work for three consecutive scheduled work days, and who fails to notify the supervisor, shall be considered to have resigned the position by abandonment.

STARR COUNTY

POLICY ON COUNTY PROPERTY

PURPOSE

1. The County provides each department 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.

OBJECTIVES

2. To establish a defined policy for driver registration, utilization, assignment and upkeep of Starr County property to include credit cards, electronic devices, materials, supplies, tools, vehicles and any other equipment owned by Starr County and its departments.
3. This policy and directive is applicable to all Starr County departments.

SCOPE

4. Officials and all county employees assigned tools, equipment, vehicles, or any other County property are responsible for them and for their proper use and maintenance.

RESPONSIBILITIES

USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES

5. All Starr County employees shall have no expectation of privacy when using county computers, networks, or other county owned equipment. Improper use may result in discipline up to and including termination.
6. No personal or political use of any County property, credit cards, electronic devices, materials, supplies, tools, or equipment permitted. Vehicles owned or leased by the County are **for County use only**.
7. Department Elected Officials, Directors and Supervisors may impose additional restrictions for the use of County property, materials, supplies, tools or equipment. If an employee is in doubt about a circumstance, he or she should check with their Department Director, Elected Official, or Supervisor before proceeding.
8. Property that is stolen, lost, or damaged must be reported by the Department Director, Elected Official, and /or Supervisor **in writing** to the purchasing department immediately upon discovery. In case of injury please contact Human Resources for report on injury.

STARR COUNTY POLICY ON COUNTY PROPERTY

USE OF TOOLS, EQUIPMENT, PROPERTY AND VEHICLES CONT.

9. Property purchased with State or Federal grant funds must be utilized only by the County Department staff in which the funds were acquired. The equipment must be used only for the intended purpose of the grant. Once grant funds are exhausted, the equipment can continue to be used by the funded project. When the equipment is no longer needed it may be used in other activities previously supported by a Federal or State agency. To dispose of equipment, County departments must adhere to the Starr County purchasing policies and procedures in accordance to the *“Uniform Grants Management Standards”* for the disposal of equipment acquired under a grant. Approval from the awarding agency, if required, must be obtained prior to purchasing replacement equipment.

COUNTY VEHICLES

10. Starr County has established a uniform policy for general vehicle operation for the safe, effective and efficient operation of County owned vehicles which are assigned to specific employees or departments for business use. Employees should be aware that their actions in County vehicles are observed by the public. This necessitates good conduct and driving habits for employees.
 - A. Each department with assigned County vehicles should have a list of registered drivers with a valid Texas Driver’s License sent to Human Resources noting the vehicles they are registered to. The intent is to enhance and tailor the policy to specific departmental needs and circumstances. No part of the Starr County Vehicle Policy may be superseded by a department’s policy. Vehicles are can only be driven by the drivers they are registered to and are responsible for maintaining a valid driver’s license.
 - B. Starr County prohibits the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

STARR COUNTY POLICY ON COUNTY PROPERTY

COUNTY VEHICLES CONT.

- C. Starr County bans all employees from texting while operating any county owned vehicle. County employees who are driving their own personal vehicles are also banned from texting driving on county business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with texting with fines and penalties, up to including loss of CDL.
- D. This policy will not cover general maintenance, protocol, etc. These issues are to be covered under the departmental policies. A department policy is recommended to properly fulfill general maintenance needs in a timely manner.
- E. Violation of any part of this policy may result in a disciplinary action, up to and including termination.

11. All County vehicles shall be operated in a safe, courteous, lawful manner, up to and including termination.
12. The County vehicles are to be used solely for County business. An employee operating a County vehicle **NOT** in the course of County business who is involved in an accident may also be held personally liable if at fault.
13. County vehicles and equipment will only be operated by County employees or non-county personnel, including contractors, consultants, and volunteers assigned and approved by County department directors and/or supervisors to carry out the work of the county and who are at least 18 years of age. This does not prevent road testing of vehicles being repaired by authorized, qualified mechanics and repair persons.
 - A. County employees will not operate another employee's assigned vehicles unless circumstances such as motor pools, vehicle condition, employee condition, manpower situations, or other related emergencies dictate.

STARR COUNTY POLICY ON COUNTY PROPERTY

COUNTY VEHICLES CONT.

- B. County Officials and Employees are not allowed to take their assigned county vehicles home and should be parked on approved county property at the end of their shift or regular business work day unless they actively respond to emergency calls during and after business work hours as is dictated by their duties and responsibilities.
- C. During vacations or extended periods of absence, when the employee will be out of the county, the vehicle should be garaged according to the direction of the Department Director or Elected official.
 - a. The vehicle will be locked and equipment secured.
 - b. Upon return to work, the employee is responsible for inspecting the vehicle to ensure no damage has been sustained. Damage shall be reported, in writing, to the Department Director, Elected Official, or designated agent prior to moving the vehicle.
 - c. To report damages for insurance purposes, the Department Director, and/or Elected official must notify the County's Human Resources Department within 24 hours of the employee's written notification.
- 14. All County vehicles shall be securely locked when unattended.
- 15. Items or equipment not authorized by Starr County, the Elected Official, or Department Director will not be mounted on, or attached to, any County vehicle.
- 16. Unauthorized or non-issues items, will not be placed or stored in County vehicles, other than items of a personal preference which would not tend to disrupt operations, or otherwise violate County policy, department policy, State, or Federal law.

STARR COUNTY POLICY ON COUNTY PROPERTY

COUNTY VEHICLES CONT.

- D. Personal weapons will not be allowed in County vehicles at any time for any reason without direct authorization of the County Judge or Sheriff. Law Enforcement employees who are required to carry weapons are allowed to carry these in their County vehicle as dictated by job requirements
- 17. Tobacco use is not permitted in County vehicles.
- 18. Safety belts are required to be used by all occupants in County vehicles at all times in accordance to State Law. No one may ride in a County vehicle without a proper restraint, for any reason.
- 19. County vehicles will not be utilized for carrying heavy or excessive loads and will not have objects protruding from the truck bed, trunk or windows unless duty related and authorized.
- 20. The employee is responsible for the consequences of their reckless actions regarding safety of persons or property.
 - E. No employee shall engage in negligent or reckless actions, while operating a County vehicle, even in pursuit of actual or suspected violators, or in response to emergencies, which may damage property or injure persons.
- 21. County vehicles are provided to departments and specific employees based upon County business necessity. Employees driving county vehicles should be careful to avoid even the hint of impropriety in the operation and care of county vehicles.
- 22. County vehicles are to be used for County business purposes and for transportation to and from County work sites. County vehicles are not to be used for private or personal use. Misuse or abuse of this privilege may result in immediate termination or other disciplinary actions.
- 23. Employees assigned a County vehicle will not presume any special privileges with a vehicle while off-duty including but not limited to parking the County vehicle in handicapped areas, reserved, no-parking spaces or zones, fire zones, or other areas not designated for general public parking.

**STARR COUNTY
POLICY ON COUNTY PROPERTY**

**COUNTY VEHICLES
CONT.**

24. Parking while off-duty, at the employee's residence or for an extended period of time, should be off the street if possible, to provide greater safety and security conditions.
25. County vehicles will not be used during outside employment to do tasks for an outside employer such as patrolling, security work, making deliveries, running errands or assignments for the outside employer, or transporting other employees of the outside employer, unless pre-authorized by the Department Head or Elected Official.
26. No persons may ride or be transported in County vehicles except for work-related purposes or in the best interest of the County of Starr
 - F. County vehicles will not be used as a primary family car.
 - G. Immediate family members may not ride or be transported in County vehicles to and from school or work even if in the employee's route for travel.
 - H. Under no circumstances will family members be allowed to drive County vehicles.
 - I. Employees are responsible for the appearance, conduct, safety, and well-being of persons riding or being transported in vehicles. The County employee whom the vehicle is assigned is personally liable for any injuries sustained by the persons in the County vehicle.
27. Use of the County vehicle is strictly prohibited when consuming, or while the influence of alcoholic beverages, or when it can be reasonably expected that alcoholic beverages will be consumed. It is also prohibited to transport other persons for that purpose. Legal prescription or non-prescription drugs may be used; however, the employee should consider the effect the drugs could have on their ability to operate a vehicle or equipment safely.

VALID DRIVERS LICENSE

STARR COUNTY
POLICY ON COUNTY PROPERTY

VALID DRIVERS LICENSE

28. All operators of County vehicles or their own personal vehicle on County business are required to have a valid driver's license necessary for legal operation of that vehicle in the State of Texas and must keep their supervisors informed of any change of status in their license. If at any time the Department Director, Supervisor, or Elected Official believes that an employee does not meet minimum requirements for a required vehicle license, Starr County has the right to have the employee evaluated for licensing requirements. Failure of those employees to maintain a safe driving record or required licenses or certification may result in a demotion, reassignment, or dismissal.
29. Suspension or revocation of the driver's license of an employee who operates a County vehicle or equipment, or is required to drive a personal vehicle regularly on County business, may result in a demotion, reassignment, or dismissal.

VEHICLE INSURANCE

30. Starr County maintains insurance coverage on all vehicles owned or leased by the county. Employees who drive a personal vehicle on County business are required to have automobile liability insurance as required by the State of Texas and to maintain insurance coverage. Each employee to whom this provision applies will furnish their Department Director, or Elected Official proof of appropriate insurance coverage at least annually, and at such time(s) as coverage change occur. Failure to meet any of these requirements may result in a demotion, reassignment, or dismissal
31. Any employee operating 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 Department Director and to their appropriate law enforcement authorities immediately, so that an official accident report can be filed. The employees Department Director must notify Human Resources of the accident within 2 hours on the day of the accident if it occurred on a business day, or on the first business day following the accident if it occurred after hours or on a non-workday.

STARR COUNTY POLICY ON COUNTY PROPERTY

COUNTY VEHICLE
ACCIDENT REPORTING
NON-LAW ENFORCEMENT

32. County Employees and Department Directors are not authorized to accept responsibility for any damage on behalf of Starr County. Employees involved in accidents should exchange coverage information, their name, address, and contact information with all parties, and refer all claims and calls regarding claims to the Human Resources Department.
33. A copy on any accident report involving County equipment or vehicles must be forwarded to the Department Director, or Elected Official as soon as the law.
34. Enforcement investigation is completed. A copy of the accident report must be forwarded to Human Resources Department to be filed in personnel file of the employee involved in the accident.
35. Any employee involved in an accident shall immediately contact their Department Director, or Elected Official and submit to a professional administered test to determine the presence or absence of drugs within 8 hours or 2 hours for alcohol testing, or documentation must be provided as to why the test was not administered. All testing for drugs and alcohol will be administered in accordance with Starr County Alcohol and Substance Abuse Policy, and/or the Department of Transportation's procedures and guidelines for CDL drivers.
36. The law enforcement officer whose vehicle has been in an accident will immediately notify the dispatcher of the accident, the location, and the need for assistance or medical attention of persons who may be injured. The Supervisor will notify Human Resources upon notification of accidents in the county at the Supervisors earliest convenience with a detailed report of Who, What, When, Where, How? And also must include any witnesses that may have been present and vehicle information

**STARR COUNTY
POLICY ON COUNTY PROPERTY**

**COUNTY VEHICLE
ACCIDENT REPORTING -
LAW ENFORCEMENT**

37. Texas Department of Public Safety and/or Rio Grande City Police Department shall be immediately notified and asked to investigate any accident and make a report. Starr County law enforcement employees shall submit to a professionally administered test for drugs and alcohol to determine the presence or absence of drugs and alcohol to protect the employee and Starr County.
38. The supervisor will be promptly notified of the accident by the officer involved, unless the officer is unable to do so due to injury. In that case the dispatcher will make notifications.
39. In any case, the supervisor will submit a report of incident within 24 hours documenting the accident, through the chain of command to the Department Director, or Elected Official, or their designee, and the Human Resources Department.
40. Use of County buildings, premises, and vehicles by employees shall be in compliance with law and with County policies regarding authorized uses.

**USE OF BUILDINGS AND
PREMISES**

STARR COUNTY
POLICY ON CONFLICT OF INTEREST

CONFLICT OF INTEREST

1. Employees of Starr 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 the ability to make objective decisions in regard to the work and responsibility as a County employee.
2. Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination.
3. Activities which constitute a conflict of interest shall include but not to be limited to:
 - a. Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
 - b. 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;
 - c. Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
 - d. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County;
 - e. Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

STARR COUNTY
POLICY ON POLITICAL ACTIVITY

POLITICAL ACTIVITY

1. Employees of Starr County shall have the right to support candidates of their choice and to engage in political activity during their personal time.
2. County employees shall not:
 - a. Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
 - b. 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
 - c. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

STARR COUNTY
POLICY ON OUTSIDE EMPLOYMENT

OUTSIDE EMPLOYMENT

1. Starr County employees are expected to give their full and undivided attention to their job duties. They should not use Starr County facilities or equipment or their association with Starr County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor, county employees should not engage in a profit-making business nor become involved with a non- profit organization outside of their employment with Starr County that interferes with the employee's assigned duties with Starr County.

STARR COUNTY POLICY ON SAFETY

SAFETY STANDARDS

1. Each County employee shall be required to adhere to the general safety standards established for all employees and to all additional safety standards for their job or the department in which employee works.

VIOLATIONS

2. Failure to follow the safety standards set by the County shall make an employee subject to disciplinary action, up to and including termination.

REPORTING

3. An employee causing an accident resulting in major injury or death because of failure to follow safety standards shall be terminated.
4. Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head.

STARR COUNTY POLICY ON HARASSMENT

HARASSMENT

1. Starr County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, including lesbian, gay, bi-sexual or transgender status, sexual orientation or gender identity, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.
2. Harassment is strictly prohibited by Starr County whether committed by an elected official, appointed official, department head, co-worker or non- employee with whom the county does business.
3. Employees who feel they have been harassed should immediately report the situation to the elected official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.
4. Every reported complaint will be investigated promptly and thoroughly. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.
5. 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.
6. Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

STARR COUNTY
POLICY ON HARASSMENT

HARASSMENT

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

STARR COUNTY POLICY ON SEXUAL HARASSMENT

POLICY

1. Sexual harassment is strictly prohibited by Starr County whether committed by an elected official, department head or co-worker. Starr County does not tolerate harassment in the workplace of its employees by non-employees. It shall be the policy of Starr County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.
2. Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment.
3. Sexual harassment shall include, but not limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails, or cartoons where:
 - a. Submission to such conduct is either an expressed or implied condition of employment;
 - b. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
 - c. The conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.
4. All claims of sexual harassment shall be taken seriously and investigated promptly, thoroughly and as is consistent with the investigation; confidentially.
5. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.
6. 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.

DEFINITION

CLAIMS

STARR COUNTY POLICY ON SEXUAL HARASSMENT

REPORTING

7. Employees who feel they have been sexually harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work.
8. 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 County Judge, another member of the Commissioner's Court, or to the County Attorney.
9. The official or department head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.
10. Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.

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

- a. When practical, confront the harasser and ask them to stop the unwanted behavior.
- b. Record the time, place and specifics of each incident, including any witnesses.
- c. Report continuing harassment to the Elected Official or Appointed Official who is responsible for your department or to the County Judge, another member of Commissioner's Court, County Attorney or Human Resource Manager.
- d. If a thorough investigation reveals that unlawful harassment has occurred, Starr County will take effective remedial action in accordance with the circumstances up to and including termination.

11. 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.

OTHER RIGHTS

STARR COUNTY
POLICY ON CONFIDENTIALITY

CONFIDENTIALITY

1. Starr County is a public entity; however, some county employees acquire confidential (confidential, non- public) information as a result of their position with the county. This information must be protected. Employees who reveal confidential (confidential, non-public) Information they have received as a result of their position may be subject to discipline up to and including termination.
2. Regarding the personnel information on employees of Starr County; much of the information in an employee's personnel file, including salary and job evaluations is subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. The county will adhere to the Public Information Act requirements.

STARR COUNTY
POLICY ON WHISTLEBLOWER

WHISTLEBLOWER

1. An employee may, in good faith, report an alleged violation of a Starr County Policy or federal or state law to the supervisor, department head unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to Human Resources (county attorney, district attorney, or sheriff). The county will investigate the reported activity.
2. An official, supervisor, department director, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.
3. An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.
4. An employee who, in good faith, on their own belief is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources, County Attorney, District Attorney, and County Judge.
5. An employee with a question regarding this policy should contact Human Resources.

STARR COUNTY
POLICY ON PAY PERIODS AND TIME SHEETS

PAY PERIOD

1. The pay period for Starr County shall be a Bi-Weekly pay period with the pay period dates established by the Commissioners' Court.
2. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.
3. Each employee shall be required to fill out a time sheet to be turned into the supervisor on the Monday following each pay period or Tuesday if it's a County Holiday. Failure to complete a timesheet may result in 48 hours delay of check being issued.
4. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

TIME SHEETS

5. Time sheets are governmental documents and as such required accurate and truthful information and are subject to Texas Penal Code 37.10. Falsifying a time sheet, a governmental record is a Class "A" Misdemeanor.

PAY ADVANCES

6. Advances in pay shall not be made to any employee for any reason, unless authorized by Commissioner's Court.

STARR COUNTY POLICY ON COMPENSATION

APPLICATION

SALARY/HOURLY EMPLOYEES

TEMPORARY

1. This policy shall apply to all County employees except law enforcement employees. Law enforcement is subject to Exemption under 207(k) of the Fair Labor Standards Act.
2. All non-exempt County employees shall be paid an hourly wage. Some employees may have the classification of hourly employees paid on a salary basis. Exempt employees shall receive a Bi-Weekly salary for all hours worked.
3. For **Full Time** non-exempt employees either paid hourly or a Bi-Weekly salary compensates the employee for all hours worked up to 40 hours in any work-week at a starting minimum pay rate of \$10.00/hour.
4. For **Part Time** non-exempt employees either paid hourly or a Bi-weekly salary compensates the employee for all hours worked in a work-week up to 29 hours in any work-week at the federal minimum wage of \$7.25/hour.
5. Part time employees that are working more than 30 hours a week continuously; could be eligible for medical benefits under ACA guidelines.
6. Temporary employees shall be paid hourly at a starting federal minimum pay rate of \$7.25/hour.
7. Minimum pay rate may be adjusted under special circumstances which may be subject to Commissioners' Court but may not supersede nor violate any Federal minimum wage laws or the Fair Labor Standards Act.

STARR COUNTY
POLICY ON PAYROLL DEDUCTIONS

REQUIRED DEDUCTIONS

1. Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law.
2. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck.
3. Any optional deductions authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.
4. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Personnel Office.

RETIREMENT

OPTIONAL DEDUCTIONS

STARR COUNTY
POLICY ON WORK SCHEDULE AND WORKWEEK

WORK SCHEDULE

1. The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday.

EXCEPTIONS

2. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.
3. The need for schedules that vary from the normal schedule shall be determined by each department head.

WORKDAY

4. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.
 - a. 28 consecutive workdays for Firefighters.
 - b. 14 consecutive workdays for Law Enforcement

WORKWEEK

5. For purposes of record keeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for STARR County shall begin at 12:01 a.m. on each Saturday and end seven (7) consecutive work days later (168 hours). (Except for Law Enforcement and Firefighters).

STARR COUNTY
POLICY ON HOURS WORKED AND OVERTIME

HOURS WORKED

1. Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations.

OVERTIME DEFINITION

2. Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for law enforcement employees.

OVERTIME APPLICATION

3. Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek.

- a. 212 hrs. Firefighters

- b. 86 hrs. Deputies and Jailers

4. Paid leave shall not be counted in determining if overtime has been worked in any workweek.

5. Except in emergency situations, an employee shall be required to have authorization from the supervisor before working overtime.

6. In accordance with the Federal Labor Standards Act (FLSA) Nonexempt employees are eligible to receive overtime pay at a rate of one and one-half times their regular pay for time worked in excess of 40 hours per work week.

7. Under FLSA, for employees engaged in police protection activities, overtime compensation will not commence until the number of hours worked exceeds 86 hours worked for a work period. For employees engaged in police protection activities, a work period is defined as 14 days.

8. Exempt employees are not eligible for overtime, they are expected to work as many hours as required to perform duties of the position.

STARR COUNTY

POLICY ON OVERTIME COMPENSATION

POLICY APPLICATION

1. This policy shall apply to all County employees eligible for overtime compensation under the Fair Labor Standard Act (FLSA) except for law enforcement employees.
2. Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA or if funds are available paid at a rate of one and a one-half time their regular pay rate for overtime hours worked.

OVERTIME COMPENSATION

MAXIMUM COMPENSATORY

3. The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is; 80 hrs., 160 hrs. Road hands and 240 hrs. Law enforcement and firefighters.

USE OF COMP. TIME

4. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.
5. Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works.
6. Compensatory time may be used for any purpose desired by the employee.
7. The County shall have the right to require employees to use earned compensatory time at the convenience of the County.

TERMINATION

8. If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, employee shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

BUY BACK OF COMP. TIME

9. The County shall retain the right to "buy back" all or part of an employee's unused compensatory time by paying the employee for that time at the employee's current regular rate.

CASH PAYMENT FOR OVERTIME

10. The County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 ½) the employee's regular rate of pay.

STARR COUNTY
POLICY ON OVERTIME COMPENSATION

RECORD KEEPING

11. Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.
12. The Personnel department shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee in each department and shall update the balance due to each employee at the end of each pay period.
13. The Personnel department shall provide each eligible employee with a statement of the employee's compensatory time earnings, use, and balance at the end of each pay period.
14. Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the Fair Labor and Standards Act and the regulations issued by The Department of Labor to administer that Act.

OTHER ISSUES

STARR COUNTY
POLICY ON GRIEVANCES

PROCEDURE

1. Any employee having a grievance related to the job should discuss the grievance with the immediate supervisor.
2. If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.
3. The decision of the elected or appointed official with final responsibility for the employee's department shall be final in all grievances.

STARR COUNTY POLICY ON GRIEVANCES

DISCIPLINE

1. Each supervisor shall have the authority to administer discipline to employees in their department for poor performance, violation of policies, disruptive behavior, or any other behavior or activity which the supervisor feels is not acceptable as it relates to the employee's job or the best interest of the department or County.

TYPES OF DISCIPLINE

2. Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination.

INVESTIGATIVE SUSPENSION

3. Investigative suspension is the temporary release from duty for up to five (5) working days of a regular County employee with pay to permit investigation of apparently serious infractions of County and/or department rules or policies. Upon completion of the investigation the employee may be returned to work without penalty, placed on disciplinary suspension, terminated or subject to more moderate disciplinary action as deemed appropriate to the circumstances by the responsible department head. The facts surrounding investigative suspension shall be documented with a copy to the employee and personnel file. If after five (5) working days you are unable to complete your investigation, the employee should be moved to an unpaid status. Effective date October 1, 2008.

DISCIPLINARY SUSPENSION

Disciplinary suspension is the temporary release from duty of a regular County employee for up to 30 calendar days without pay and is applicable when the responsible department head determines that a violation(s) or repetition of violation(s) of County and/or department rules and policies are serious enough to warrant suspension. After 30 days the County employee will either be returned to their position or terminated. Effective date October 1, 2008.

Written notice of disciplinary suspension shall be given to the employee with a copy to County Human Resources and shall include the following:

1. Reason for the disciplinary suspension; and
2. Inclusive dates of suspension duration.

All employees who are suspended without pay, up to 30 days, must pay their portion of their health insurance. After 30 days all eligible employees will be offered COBRA.

AT WILL EMPLOYMENT

STARR COUNTY POLICY ON GRIEVANCES

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

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

STARR COUNTY POLICY ON DRUGS AND ALCOHOL

REQUIREMENT

Starr County has a pre-employment drug testing requirement that must be passed post offer before an employee starts their first day of work. All offers of employment are conditional upon passing a drug test. The employee will sign a consent waiver.

PURPOSE

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

APPLICATION

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

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

4. The following shall be a violation of this policy:

POLICY

a. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on County property.

b. Being under the influence of alcohol or illegal drugs while on County property or while on duty for the County.

c. The unauthorized possessions or use of prescription or over-the-counter drugs while on County property or while on duty for the County.

d. The use of prescription or over-the-counter drugs, while on County property or while on duty for the County, in a manner other than that intended by the manufacturer or prescribed by a physician.

STARR COUNTY
POLICY ON DRUGS AND ALCOHOL

5. **A controlled substance** shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended. (A copy of this information is available for review in the Auditor's Office.)
6. **County property** shall include all County owned, rented or leased real property such as buildings, land, parking lots etc. and property used by employees such as vehicles, lockers, desks, closets, storage areas, etc.
7. **Drugs** shall include any chemical substance that produces physical, mental, emotional, or behavioral change in the user.
8. **Drug paraphernalia** shall include equipment, a product, or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise inducing into the human body an illegal drug or controlled substance.
9. **Illegal drug** shall include any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any other than a legitimate medical reason, and inhalants used illegally. Included is marijuana or cannabis in all forms.
10. **Under the influence** shall be defined as a state of having a blood alcohol concentration of 0.02 or more where "alcohol concentration" has the meaning assigned to it in Article 67011-1, Revised Statutes; or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

STARR COUNTY
POLICY ON DRUGS AND ALCOHOL

POLICY VIOLATIONS

11. Any employee who violated the County Policy pertaining to alcohol or controlled substance shall be subject to discipline.
 - a. Refusal to test for alcohol or controlled substance will result in termination.
 - b. On illegal drugs, you will be terminated. The County has a zero tolerance rule.
 - c. Alcohol:
 1. The first time you will receive a warning; and be referred to a substance abuse professional who shall determine what assistance, if any, you need to help you resolve any problems associated with substance abuse. Before returning to duty you must undergo an alcohol test.
 2. Second time, your employment will be terminated.
 - d. Employee operating a County vehicle or equipment under the influence of alcohol or controlled substance will result in termination.
 - e. Employees terminated under the above condition will not be eligible to be rehired by the County for 1st offence – a period of 60 days and 2nd offence – a period of one year and will be subject to testing before being rehired.
12. Employees taking prescription medications shall be required to notify their supervisor of any possible effects the medication might have regarding their job performance and physical/mental capacity.
13. Any information concerning prescription medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information.
14. Prescription medications used at work are to be kept in their original container.

**STARR COUNTY
POLICY ON DRUGS AND ALCOHOL**

15. Any type of prescriptions, medications, and weight loss pills that contain control substances from Mexico will not be recognized as a legal prescription.
16. Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals.
17. Information on benefits provided or treatment of alcohol and drug problems through the County's medical insurance program is available in the employee's insurance coverage booklet or from the Personnel Office.
18. Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's status and shall not be deemed a contract or promise of employment.

STARR COUNTY
POLICY ON WORKPLACE VIOLENCE

WORKPLACE VIOLENCE

1. Starr County is committed to providing a workplace free of violence. Starr County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Starr County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

STARR COUNTY POLICY ON SOCIAL MEDIA

SOCIAL MEDIA

1. For purposes of this policy “social media” includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, Instagram and TikTok.

2. Starr County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee’s work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Starr County among the community at large. Starr County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

3. Where no policy or guideline exists, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your manager or supervisor.

- a. If your posts on social media mention Starr County make clear that you are an employee of Starr County and that the views posted are yours alone and do not represent the views of Starr County.
- b. Do not mention Starr County supervisors, employees, customers or vendors without their express consent.
- c. Do not pick fights. If you see a misrepresentation about Starr County, respond respectfully with factual information, not inflammatory comments.
- d. Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
- e. Employees may not use Starr County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Starr County monitors its computers to ensure compliance with this restriction.

**STARR COUNTY
POLICY ON SOCIAL MEDIA**

GUIDELINES (CONT.)

- f. You must comply with copyright laws, and cite or reference sources accurately.
- g. Do not link to Starr County's website or post Starr County material on a social media site without written permission from your supervisor.
- h. All Starr County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- i. Any confidential information that you obtained through your position at Starr County must be kept confidential and should not be discussed through in social media forum.
- j. Violation of this policy may lead to discipline up to and including the immediate termination of employment.

4. It is the policy of Starr County that supervisors do not engage in social media activities with their employees.

STARR COUNTY
POLICY ON COMMUNICATIONS (EMAILS/INTERNET)

POLICY SCOPE

1. The County has established a policy with regard to access and disclosure of electronic mail messages created, sent or received and access to the internet by County employees using the County's electronic mail system. The County intends to honor the policies set forth below, but must reserve the right to change them at any time as may be required under the circumstances.

An internet service includes, but is not limited to: e-mail, FTP, telnet, web browsing, and Usenet or newsgroups. This policy applies to any internet service that is:

- a. Accessed on or from EMPLOYER'S premises;
- b. Accessed using company computer equipment or via company paid access methods; and/or
- c. Used in a manner that identifies the individual with the company.

2. The internet access will **not** be used for any "Streaming Downloads" (requires user to remain attached to a web site for an extended period of time) such as, but not limited to, news services or music web sites. The employee must not remain on-line, but immediately disconnect upon completion of internet access.

The County maintains an electronic mail system as well as providing access to the Internet. This system is provided by the County to assist in the conduct of business within the County.

The use of the electronic mail system is reserved solely for the conduct of business at the County. It may not be used for personal business.

The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations.

The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or

STARR COUNTY
POLICY ON COMMUNICATIONS (EMAILS/INTERNET)

**PROHIBITED ACTIVITIES
(CONT.)**

disability. The same restrictions apply to the accessing of any and all internet sites that violate any of the above mentioned issues.

The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

**EMPLOYER
MONITORING RIGHTS**

3. The electronic mail system internet access hardware is County property. As such, all messages composed, sent or received on the electronic mail system are and remain the property of the County. They are not the private property of an employee. Additionally, the County reserves the right to restrict internet access on County hardware to those sites deemed offensive and unnecessary to the accomplishment of County business.

The County reserves and intends to exercise the right to review, audit, intercept, access, and disclose all messages created, received or sent over the electronic mail system for any purpose (applies to internet sites accessed as well). The contents of electronic mail property obtained for legitimate business purposes may be disclosed within the County without the permission of the employee.

The confidentiality of any message or internet access should not be assumed. Even when a message or file is erased, it is still possible to retrieve and read that message/file. Further, the use of passwords for security does not guarantee confidentiality.

DISCIPLINE

4. Any employee(s) who discover a violation of this policy shall notify their department head/elected official, Human Resources, or the Head of Computer Services. Offensive e-mail messages should be forwarded to your department head/elected official or Human resources for review and investigation. Access to offensive internet sites should be reported as well upon discovery. All complaints will be investigated promptly.

STARR COUNTY

POLICY ON COMPUTER AND INTERNET USAGE

COMPUTER AND INTERNET USAGE

1. The use of Starr County information systems, including computers, fax machines, smart phones, tablets, laptops and all forms of internet/intranet access, is for Starr County Business and for authorized purpose only. Brief and occasional personal use of the electronic mail system or the internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in any expense to the County.
 - a. Use is defined as “excessive” if it interferes with normal job function, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County’s business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.
2. Starr County computers, networks, and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination.
3. Starr County owns the rights to all data and files in any computer, network, or other information systems used in the County. Starr County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection release, and archiving by County officials at all times.

Starr County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employees may access another employee’s computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copyright laws; download any illegal or unauthorized downloads. Starr County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of County informational systems.

STARR COUNTY
POLICY ON COMPUTER AND INTERNET USAGE

PROHIBITED ACTIVITIES

4. Employees should not bring personal computers or any other Devices to the workplace or connect them to Starr County electronic systems, unless authorized by IT department.
5. Violation of this policy may result in disciplinary action, up to and including termination of employment.

STARR COUNTY POLICY ON NOTARY BONDS AND FEES

NOTARY BONDS AND FEES

1. The county will pay for Notary Bonds, Fees Notary Seals and books for one employee in each department where it is necessary to have a Notary for transaction of official county business.

Should any Notary whose bond, fee seal and recording book have been paid for by the county, receive any fees for notary services, those fees will be promptly remitted to the County Treasures Office.

TERMINATION

2. Should any employee, whose bond, fee, and seal and recording book is paid for by the county, leave the service of the county, that employee will be required to return the Notary Seal to the County Auditor, County Treasurer or County Judge.

PROHIBITED ACTIVITIES

3. No one department shall be entitled to more than one county paid Notary, unless it is determined by the Commissioners' Court that more than one Notary is needed to conduct the official business of the county.

DISCIPLINE

4. It shall be the responsibility of each official and department head to see to the strict enforcement of this policy.
Disciplinary actions will be taken if this policy has been violated.

**STARR COUNTY
POLICY ON DRESS CODE**

COUNTY EMPLOYEES

1. Employees contribute to the feeling and reputation of Starr County in the way they present themselves. A professional appearance is essential to a favorable impression with the public. Good grooming and appropriate dress reflect employee pride and inspire public confidence.

DISCIPLINE

2. Employees who do not meet a professional standard may be sent home to change and will not be paid for that time. The basic essential of appropriate dress is the need to be neat and clean.

DRESS CODE

3. As an employee of Starr County your cooperation in adhering to the following Dress Code is expected:

- a. Jeans (black or blue) may not be torn, frayed or faded. No hip huggers or tight fitted.
- b. No t-shirts/caps with inappropriate and/or political slogans, tank tops, halter tops, see-through tops, camisole tops, muscle shirts, crop tops, tops with open backs, bare shoulders or spaghetti straps, and no shirts that expose mid- section of the body.
- c. Necklines must be modest so as not to create exposure. Women must not reveal excessive cleavage and men must have their shirt buttoned to at least the 2nd button from the top or wear an undershirt.
- d. Length for dresses, skirts, slits on dresses, business Capri and business shorts must not be shorter than 2.5 inches from the knee in a sitting position.
- e. No spandex or legging fabric allowed as outer garments. Tight revealing or sheer clothing is not allowed.
- f. In the interest of safety and professionalism no sandals, flip-flops, tongs, shower shoes or crocs allowed.
- g. Hair should be neatly groomed. Males may not have hair length extend the top of a standard collar. Males may not wear ponytails.
- h. Males may not wear earrings.
- i. Females may not wear beyond 2 earrings on lower lobe.
- j. No exposed piercing of the tongue, lips, nose, eyebrow or any exposed areas of the body.

STARR COUNTY
POLICY ON DRESS CODE

DRESS CODE (CONT.)

- k. Excessive tattoos will not be allowed.
- l. No exercise attire, such as wind pants, sweats, cotton stretchy exercise clothing, oversized t-shirt, etc.
- m. All employees shall maintain a good personal hygiene.

STARR COUNTY
POLICY ON HOURS OF OPERATION

HOURS OF OPERATION

1. Courthouse Annex hours of operation are from 8:00 a.m. to 5:00 p.m., Monday thru Friday.
2. Holidays are determined by Commissioners Court and published each December for the new calendar year.
3. Department must have authorization to change Holidays or to close office to the public by Commissioners Court.

STARR COUNTY POLICY ON SECURITY

SECURITY

Starr County Courthouse is located at 401 Britton Ave. Rio Grande City, TX 78582 and services the Judicial Courts for Starr County.

1. In order to provide better security measures, all personnel working in the Courthouse located at the Britton Ave. will be required to wear a picture ID that will be provided by Starr County. This security measure will take affect December 14, 2015.

STARR COUNTY
POLICY ON HOUSE BILL NO. 2073 QUALIFYING EMPLOYEES

**HOUSE BILL
NO. 2073**

1. STARR County shall provide quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by STARR County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This includes fire fighters, peace officers, detention officers and emergency medical technicians, as defined by this policy, who are employed by appointed to or elected to their position.
2. “Detention Officer” means an individual appointed or employed by a county as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county jail.
3. “Emergency medical technician” means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code; and employed by the county.
4. “Fire fighter” means a paid employee of a municipal fire department or emergency services district who holds a position that requires substantial knowledge of firefighting; has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and performs a function listed in Section 143.003 (4)(A).
5. “Health authority” has the meaning assigned by Section 121.021, Health and Safety Code. A health authority is a physician appointed under the provisions of Chapter 121 to administer state and local laws relating to public health within the appointing body’s jurisdiction. A health authority must be: a competent physician with a reputable professional standing who is legally qualified to practice medicine in the state and a resident of the state. They must take an official oath and file with the department. For counties that do not establish a local health department or public health district, they may appoint a physician as health authority to administer state and local laws relating to public health in the county’s jurisdiction.

STARR COUNTY
POLICY ON HOUSE BILL NO. 2073 QUALIFYING EMPLOYEES

DEFENITIONS (CONT.)

6. “Peace Officer” means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the county.
7. Eligible employees who are on qualifying paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, shall be reimbursed for reasonable costs related to the quarantine, including lodging, medical, and transportation. An employee on qualifying paid quarantine leave will not have their leaves balances reduced.
8. Antibody tests should not be used to diagnose a current infection with the virus that causes COVID-19 and will not be used as a proof positive for the COVID-19 virus.
9. Employees who qualify under H.B. 2073 will provide proof positive diagnosis to their immediate supervisor and should quarantine according to the direction of the diagnosing physician and a Fitness for Duty Certificate will be required to return to work. Immediate supervisor must notify H.R.
10. Employees who are unable to provide a fitness for duty certificate or are required to quarantine longer than the initial physician directed period could meet the definition of serious health condition and would be an FMLA qualifying event. If the employee is unable to provide a Fit for Duty Certificate before the end of their FMLA time frame, employment may be termed and the department shall seek eligible employment to fill position.
11. Employee who has had “close contact / Known Exposure” must notify their immediate supervisor, self-isolate for minimum of 5 days then test, seek medical attention, provide test results, provide physician quarantine recommendation to their immediate supervisor who will notify HR. A Fit for Duty Certificate is required to return to work.

**CLOSE CONTACT/
KNOWN EXPOSURE**

STARR COUNTY
POLICY ON HOUSE BILL NO. 2073 QUALIFYING EMPLOYEES

DEFENITIONS

12. “Close contact / Known Exposure” is defined by CDC as an individual who has had exposure within 6 feet for a total of 15 minutes with an individual that have tested proof positive for Covid-19 or who are experiencing symptoms of Covid-19.
13. “Isolation” People who are in isolation should stay home until it’s safe for them to be around others. At home, anyone sick or infected should separate from others, stay in a specific “sick room” or area, and use a separate bathroom (if available). Isolation is not required if the person has been fully vaccinated unless they are feeling symptomatic.
14. “Vaccinated Employee” People who are fully vaccinated do NOT need to quarantine or self-isolate after contact with someone who had COVID-19 unless they have symptoms.
15. “Quarantine” a diagnosing physician will usually prescribe that the employee quarantine themselves for 14 days, watch for fever (100.4f), cough, and shortness of breath, or other symptom and to stay away from people that you live with, especially people who are at higher risk for getting very sick from Covid-19.
16. “You may shorten your quarantine” after day 7 after receiving a negative test results or receive a fit for duty certificate.
17. Off-Duty exposures will not be covered under this policy.

OFF-DUTY

STARR COUNTY
POLICY ON COVID 19 EMPLOYEE PROTOCOL

**NON-QUALIFYING
HOUSE BILL
NO. 2073 EMPLOYEES**

DEFENITIONS

1. STARR County will not provide quarantine leave for employees that do not qualify under House Bill 2073. Employees that are required to isolate or quarantine for the time which the diagnosing physician has prescribed or minimum 5 day isolation period before testing issued by the CDC will not be covered by Starr County in which case the employee will need to use their available leaves. (*If feeling symptomatic before the minimum 5 day isolation period is complete, seek medical attention immediately.*)
2. “Close contact / Known Exposure” is defined by CDC as an individual who has had exposure within 6 feet for a total of 15 minutes with an individual that have tested proof positive for Covid-19 or who are experiencing symptoms of Covid-19.
3. “Isolation” People who are in isolation should stay home until it’s safe for them to be around others. At home, anyone sick or infected should separate from others, stay in a specific “sick room” or area, and use a separate bathroom (if available). Isolation period will require employee to use their available leaves. Isolation is not required if the person has been fully vaccinated unless they are feeling symptomatic.
4. “Vaccinated Employee” People who are fully vaccinated do NOT need to quarantine or self-isolate after contact with someone who had COVID-19 unless they have symptoms.
5. “Quarantine” a diagnosing physician will usually prescribe that the employee quarantine themselves for 14 days, watch for fever (100.4f), cough, and shortness of breath, or other symptom and to stay away from people that you live with, especially people who are at higher risk for getting very sick from Covid-19. Employees are responsible to use their own available leaves during this time.
6. “You may shorten your quarantine” after day 7 after receiving a negative test results or receive a fit for duty certificate.
7. Antibody tests should not be used to diagnose a current infection with the virus that causes COVID-19 and will not be used as a proof positive for the COVID-19 virus.

ANTIBODY TESTS

STARR COUNTY
POLICY ON COVID 19 EMPLOYEE PROTOCOL

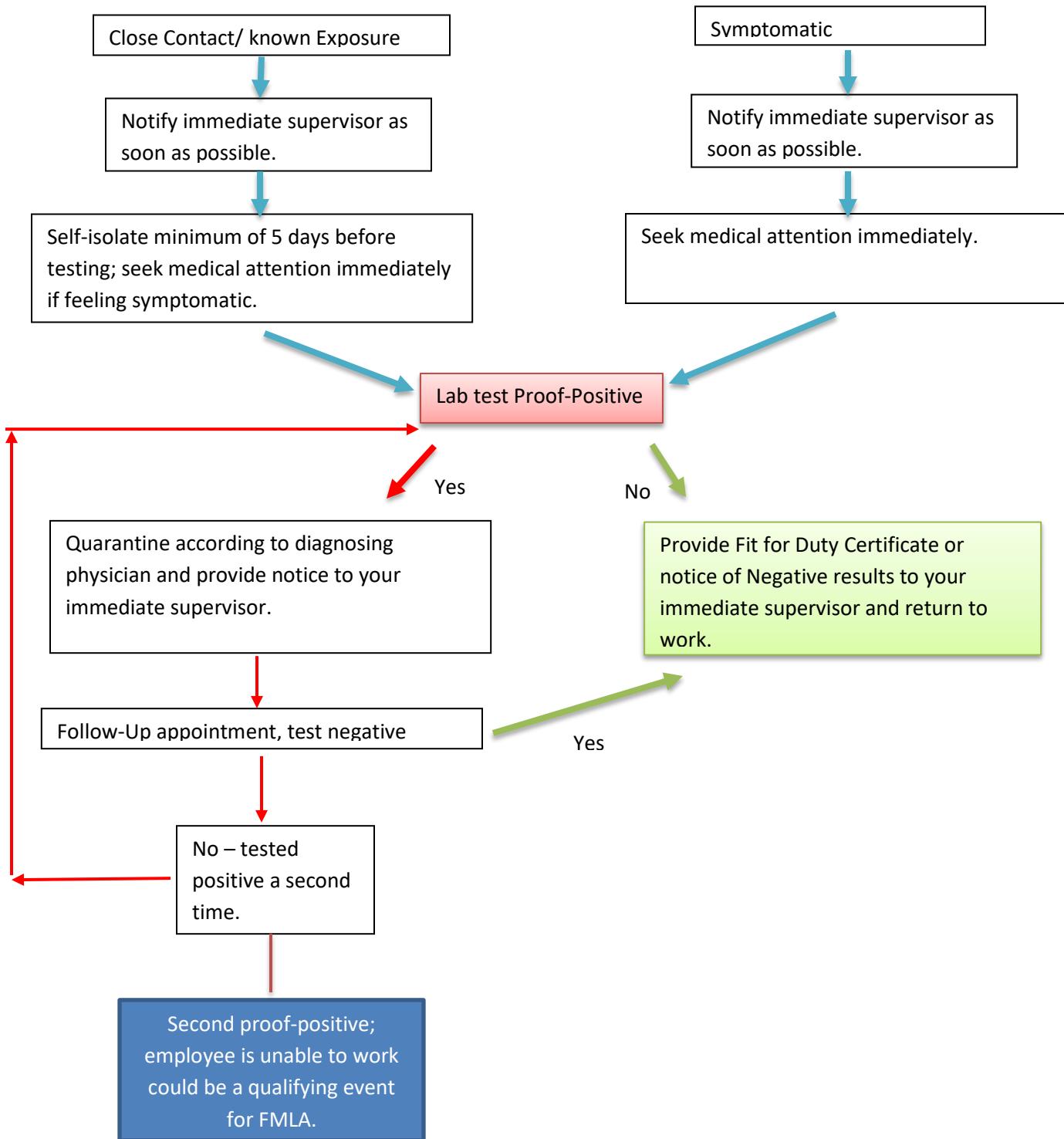
FITNESS FOR DUTY

8. Employees must provide proof positive diagnosis to their immediate supervisor and should quarantine according to the direction of the diagnosing physician and a Fitness for Duty Certificate will be required to return to work. Immediate supervisor must notify H.R.
9. Employees who are unable to provide a fitness for duty certificate or are required to quarantine longer than the initial physician directed period could meet the definition of serious health condition and would be an FMLA qualifying event. If the employee is unable to provide a Fit for Duty Certificate before the end of their FMLA time frame, employment may be termed and the department shall seek eligible employment to fill position.
10. Employee who has had “close contact / Known Exposure” must notify their immediate supervisor, self-isolate for minimum of 5 days then test, seek medical attention, provide test results, provide physician quarantine recommendation to their immediate supervisor who will notify HR. A Fit for Duty Certificate is required to return to work.

**CLOSE
CONTACT/KNOWN
EXPOSURE**

STARR COUNTY
POLICY ON COVID 19 EMPLOYEE PROTOCOL

Flow Chart



**STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM**

PURPOSE

1. To establish workable administrative practices for the control of unnecessary loss or abuses of established Starr County Property and Personnel Policy practices as well as disciplinary action relating to safety and work related employee accidents and motor vehicle accidents.

OBJECTIVES

2. To establish a defined format for the evaluation of personnel involved in a violation of County policy and procedures, as well as creating the potential for excessive loss.
3. To define the process for administering fair and equitable disciplinary action for those personnel who historically through their actions cause, or create to be caused, situations that place the County, supervisors, fellow employees, County equipment, public and private property, or themselves at excessive risk. And establish a pro-active approach to safety and promote prevention over reaction.
4. To be able to reward personnel that exhibit through their actions and demeanor a philosophy of safety, responsibility, and courtesy.

SCOPE

5. This policy and directive is applicable to all Starr County Department.

RESPONSIBILITIES

6. All employees and personnel will be subject to defined practices and procedures set forth herein, as they relate to established Department, City, County, and State safety rules and laws and be accountable for their actions that cause injury to their fellow employees, to the public at large, to themselves, and/or direct loss to the county , or private property owner.

STARR COUNTY SAFETY REVIEW COMMITTEE & POINT SYSTEM

PROCEDURE FOR ESTABLISHING THE SAFETY REVIEW COMMITTEE AND ITS ROLE

7. The Risk and Safety Department through the Human Resources Department will be responsible for the implementation and coordination of this procedure, with responsibilities further delegated and defined as follows:
 - A. A safety and accident review committee is established which is comprised of a chairperson and seven to nine members representing a variety of departments and job classifications.
 - B. The Committee shall consist of representatives from the following departments: Law Enforcement, Public Works, Human Resources, County Attorney, Precincts 1-4, and Building Maintenance or any department willing to serve. Representatives are given final consideration via County Judge and Commissioners court.
 - C. The Committee shall meet at least monthly on the last Wednesday of the month if there have been incidents during the month. The committee will also convene on an emergency call basis following any catastrophe or situation involving serious injury or death involving an employee or citizen.
 - D. The Committee will review all matters concerning accidents involving County employees, operators or County-owned or leased equipment involved in incidents causing loss, and other infractions or defined personnel policy set forth herein.
 - E. The tabular chart (point system) that follows shall be used as a guide to determine the ultimate level of action, based on the Committee's findings that the matters in question were preventable on the part of the employee being reviewed. The assessment period as it applies to Disciplinary Action refers to the "floating" 12 month span following initial assessment of points to employees.

STARR COUNTY

SAFETY REVIEW COMMITTEE & POINT SYSTEM

PROCEDURE FOR ESTABLISHING THE SAFETY REVIEW COMMITTEE AND ITS ROLE

F. Incident reviews will be conducted by interviewing the individual involved and documentation available to determine preventability or disregard of safety measures, in open meetings. The Committee will deliberate in closed forum to determine if any action is to be taken. Written response will be sent to all individuals investigated of the actions recommended by the committee. Should an individual wish to appeal a decision, they should make a written request for appeal within 5 business days from receipt of letter and the appeal will be scheduled for the next scheduled incident review meeting.

WORK RELATED INJURIES DISCIPLINARY ACTION TABLE

8. This table defines the point values and attendant disciplinary action which will follow the point values related to each.

Point Accumulation during Assessment Period “Floating 12 Months”	Disciplinary Action
2 points	Counseled by Supervisor with documentation to H.R.
4 points	Letter of reprimand
6 points	Letter of reprimand and 1 day off without pay. Employee may not use leaves.
8 points	Letter of reprimand and 1-3 days off without pay. Employee may not use leaves.
10 points	Letter of reprimand and 3-5 days off without pay. Employee may not use leaves.
12 points	Letter of reprimand and 10 days off without pay and possible termination. Employee may not use leaves.
14 points	Dismissal or loss of position if Driving is a core duty or necessary function of the position.

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

**POINT ASSESSMENT OF
SAFETY RULES AND
VIOLATIONS TABLE**

9. This table defines the point assessment for employee incidents described below:

Description	Point Assessment
Violation of Safety Procedure	3
Engaged in unsafe Act	4
Improper use of equipment	4
Improper instruction or training, or failure to instruct or train by (Supervisor or Manager)	3
Damage of property – unspecified cause	3
Employee negligence	4
Improper lookout or observation	2
Under the Influence of substances	14
Other	1

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

**POINT ASSESSMENT FOR
VEHICLE INCIDENTS**

10. This table defines the point assessment for vehicle incidents described below:

Description	Point Assessment
Violation of Safety Violation	3
Violation of non-moving traffic law	3
Failure to observe fixed object	4
Failure to utilize Defensive Driving Rules	3
Improper loading/unloading/securing of loads	4
Improper use of equipment/negligence	5
Unsafe backing / improper lookout	4
Under the Influence of substances	14
Other	2

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

**NON-PREVENTABLE
ACCIDENTS**

11. Struck in rear by other vehicle.

A. Non-preventable if;

Driver's vehicle was legally and properly parked.

- a. Driver was proceeding in their own lane of traffic at a safe and lawful speed.
- b. Driver was stopped in traffic due to existing conditions or was stopped in compliance with traffic sign or signal or the directions of a police officer or other person legitimately controlling traffic.
- c. Driver was in proper lane waiting to make turn.

12. Struck while parked.

A. Non-preventable if;

Driver was properly parked in a location where parking was permitted.

- a. Vehicle was stopped, parked, or left standing in accordance with Sections 392.21 and 392.22 of the Federal Motor Safety Regulations

PREVENTABLE ACCIDENTS

13. Accidents at intersections.

A. Preventable if;

Driver failed to control speed so that they could stop within available sight distance.

- a. Driver failed to check cross-traffic and wait for it to clear before entering intersection.
- b. Driver pulled out from side-street in the face of oncoming traffic.
- c. Driver collided with person, vehicle, or object while making right or left turn.
- d. Driver collided with vehicle making turn in front of them.

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

PREVENTABLE ACCIDENTS
CONT.

14. Striking other vehicle in rear.

A. Preventable if;

Driver failed to maintain safe following distance and have their vehicle under control.

- a. Driver failed to keep track of traffic condition and did not slow down.
- b. Driver failed to ascertain whether vehicles ahead were moving slowly, stopped, or slowing down for any reason.
- c. Driver misjudged rate of overtaking.
- d. Driver came too close before pulling out of pass.
- e. Driver failed to wait for vehicle ahead to move into the clear before starting up.
- f. Driver failed to leave sufficient room for passing vehicle to get safely back in line.

15. Sideswipe and head-on collisions.

A. Preventable if;

Driver was not entirely in their proper lane of travel.

- a. Driver did not pull to right and slow down or stop for vehicle encroaching on their lane of travel when such action could have been taken without additional danger.

16. Struck in rear by other vehicle.

A. Preventable if;

Driver was passing slower traffic near an intersection and had to make sudden stop.

- a. Driver made sudden stop to park, load or unload.
- b. Vehicle was improperly parked.
- c. Driver rolled back into vehicle behind them while starting on grade.

17. Squeeze-plays and shutouts.

A. Preventable if;

Driver failed to yield right-of-way when necessary to avoid accident.

- a. Did not let other driver pass or get in line.

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

PREVENTABLE ACCIDENTS
CONT.

18. Accidents involving rail operated vehicles.
 - A. Preventable if;
Driver attempted to cross tracks directly ahead of train or streetcar.
 - a. Driver ran into side of train or streetcar.
 - b. Driver stopped or parked on or too close to tracks.

19. Backing Accidents
 - A. Preventable if;
Driver backed up when backing could have been avoided by better planning of their route.
 - a. Driver backed into traffic stream when such backing could have been avoided.
 - b. Driver failed to get out of cab and check proposed path of backward travel.
 - c. Driver depended solely on mirrors when it was practicable to look back.
 - d. Driver failed to get out of cab periodically and recheck conditions when backing a long distance.
 - e. Driver failed to check behind vehicle parked at curb before attempting to leave parking space.
 - f. Driver relied solely on a guide to help them back up.
 - g. Driver backed from blind side when they could have made a sight-side approach.

20. Accidents while passing.
 - A. Preventable if;
Driver passed where view of road ahead was obstructed by hill, curve, vegetation, traffic, adverse weather conditions, etc.
 - a. Driver attempted to pass in the face of closely approaching traffic.
 - b. Driver failed to warn driver of vehicle being passed.
 - c. Driver failed to signal change of lanes.
 - d. Driver pulled out in front of other traffic overtaking from rear.

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

PREVENTABLE ACCIDENTS
CONT.

- e. Driver cut in too short while returning to right lane.

21. Accidents while being passed.

A. Preventable if;

Driver failed to stay in his own lane and hold speed or reduce it to permit safe passing.

- a. Driver not aware of surroundings.
- b. Driver failed to practice defensive driving.

22. Accident while entering traffic system.

A. Preventable if;

Driver failed to signal when pulling out from curb.

- a. Driver failed to check traffic before pulling out from curb.
- b. Driver failed to look back to check traffic when they were in position where mirrors did not show traffic conditions.
- c. Driver attempted to pull out in a manner that forced other vehicles to change speed or direction.
- d. Driver failed to make full stop before entering from side-street, alley, or driveway.
- e. Driver failed to make full stop before crossing sidewalk.
- f. Driver failed to yield right of way to approaching traffic.

23. Pedestrian accidents.

A. Preventable if;

Driver did not reduce speed in area of heavy pedestrian traffic.

- a. Driver was not prepared to stop.
- b. Driver failed to yield right of way to pedestrian.

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

PREVENTABLE ACCIDENTS
CONT.

24. Mechanical defects accidents/damage.

A. Preventable if;

Defect was of a type that driver should have detected in making pre-trip or in-route inspection of vehicle.

- a. Defect was of a type that driver should have detected during the normal operation of the vehicle.
- b. Defect was caused by driver's abusive handling of the vehicle.
- c. Defect was known to driver, but ignored.
- d. Driver was instructed to operate with known defect.

25. All types of accidents.

A. Preventable if;

Driver was not operating at a speed suitable for the existing conditions of road, weather, and traffic.

- a. Driver failed to control speed so that they could stop within assured clear distance.
- b. Driver misjudged available clearance.
- c. Driver failed to yield right-of-way to avoid accident.
- d. Driver failed to accurately observe existing conditions.
- e. Driver was in violation of company operating rules or special instructions, the regulations of any Federal or State regulatory agency, or any applicable traffic laws or ordinance.

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

DISCIPLINARY ACTION

26. The committee shall submit a report on the point values being assessed and the corresponding disciplinary action to be taken on each preventable injury or incident to the Director of the Department, and the employee involved. The director should impose the recommended action on the employee absent of compelling circumstances. In deciding about compelling circumstances, the director may take into account the employee's previous work history, previous disciplinary record, and other relevant work related factors. The director shall send notice to the committee when deciding not to impose the recommended action.

A. In cases involving employee motor vehicle incidents, the employee may be mandated to attend a Defensive Driving Course at a venue dictated by the county in an effort to improve driving skills and performance as necessary or deemed appropriate. Proof of successful course completion will be incorporated in employee record in lieu of accumulating points on the driver history record that would have been assessed otherwise and that would be commensurate with a particular infraction or violation. The course must be completed within (30) calendar days from the declaration of mandate. The Assessment Period refers to the "floating" 12 month span following initial assessment of points to employee. The Defensive Driving Course option may be exercised only once within a 36 month period. The employee will be financially responsible for any and all costs incurred with enrollment and participation in a defensive driving course; employee will take a defensive driving course on their own time. Any disciplinary action levied on employee shall be based on point assessment tabulation coupled with the recommended disciplinary action commensurate with the infraction or violation prior to completion of defensive driving course.

STARR COUNTY SAFETY REVIEW COMMITTEE & POINT SYSTEM

RELATION OF DISCIPLINARY ACTION TO PENDING LAWSUITS

27. Any disciplinary action taken under this Administrative procedure shall not constitute an admission of liability by Starr County in any litigation relating to the injury or incident which is the subject of the disciplinary action.

EMPLOYEE APPEARANCE BEFORE THE COMMITTEE

28. Individuals with incidents subject for review by the committee shall be notified of Committee proceedings at least 2 working days before such proceedings. During the proceedings, the individual may present testimony or any other evidence which may be considered by the committee at its discretion. If the individual is unable to attend the proceeding, the committee may reschedule the proceeding for any good cause, which shall be determined by the committee. The failure of an individual to appear before the committee shall not be considered shall not be considered during its deliberations. As the committee is a fact finding entity and does not assess disciplinary action against individuals, attorneys representing individuals will not be allowed to be present during the committee proceedings.

DEFINITIONS OF ACCIDENT OR INJURY FOR ACCIDENT AND INJURY REPORTING PURPOSE

BACKGROUND

29. The Commissioners Court adopted comprehensive Drug Free Workplace Rules which require drug testing when an employee sustains an injury, or suffers a near miss or accident under certain circumstances. As a necessary accompaniment to the Drug Free Workplace, the County also adopted a strict accident and injuring reporting policy which requires an employee to report an accident or injury to their supervisor immediately of its occurrence. This administrative Procedure is designed to give employee guidance, to determine when they must report workplace incidences or mishaps to the supervisor.

STARR COUNTY
SAFETY REVIEW COMMITTEE & POINT SYSTEM

**DEFINITIONS OF ACCIDENT
OR INJURY**

30. Black's Law Dictionary defines an accident as "any unpleasant or unfortunate occurrence that causes injury, loss, suffering or death." Injury is defined as "physical pain, illness or any impairment of physical condition."
31. In consideration of the above definitions and the Drug Free Workplace Rules, the following occurrences will constitute accidents or injuries sufficient to invoke the (2) hour reporting requirement:
 - A. Any on-the-job injury which in the opinion of the employee or the supervisor is reasonably expected to require medical attention. This includes any harm or damage to the health of the employee, whether caused by a work related mishap or by disease from work related causes.
 - B. An accident or incident in which:
 - a. \$500 of damage occurs to a County vehicle or mobile equipment in any collision;
 - b. damage in excess of \$50 occurs to small County equipment; or
 - c. any damage in a collision with a fixed object or another vehicle occurs to a vehicle driven by an employee within the course and scope of employment by an employee who receives a car allowance.

ACKNOWLEDGMENT AND RECEIPT

I have received a copy of the **Starr County Government Policy Regarding Compliance with Department of Transportation Drug and Alcohol Regulations, Policy No. 17.01, Revised August 03, 2021.**

I understand that in order to continue my employment with Starr County I must abide by the terms of this policy.

I further understand that this policy in no way modifies my status as an at-will employee and in no way implies, infers, or guarantees my continued employment for any definite term and that I may be dismissed at the discretion of the employer for reasons other than failing to follow the terms of this policy.

Printed Employee Name

Employee#

Employee Signature

Date

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

PURPOSE

1. It is the policy of Starr County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. Starr County will conduct both electronic queries and traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both "Limited" and "Specific" inquiries.

AUTHORITY

2. The regulatory authorities providing the foundation for this policy are: Department of Transportation (DOT) or Federal Motor Carrier Safety Administration (FMCSA) Title 49 Code of Federal Regulations Part 382 – 40 and Starr County Drug-Free Workplace policy 7.01.

SCOPE

3. The policy applies to all employees who are required to hold a commercial driver's license (CDL) in order to perform their job for Starr County. For purposes of this policy, an employee is covered by DOT regulations as those regulations relate to the employee's fitness-for-duty and use of alcohol prior to going on duty, while on duty, or while operating or having physical control of a commercial motor vehicle. DOT testing for controlled substances under this policy requires that employees abstain from the use of controlled substances at any time or risk violating DOT regulations prohibiting the presence of controlled substances in their body.

4. In accordance with Starr County policy 7.01, Federal DOT and FMCSA regulations, and as allowed under Texas regulations, testing positive for or being under the influence of medical or recreational marijuana, may result in a positive drug test result and will be subject to actions outlined in this policy.

**RESPONSIBILITY &
DEPARTMENT(S)
AFFECTED**

5. Human Resources and All departments with employees maintaining a commercial driver's license.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

REQUIREMENTS

6. The Clearinghouse rule requires FMCSA-regulated employers, medical review officers(MROs), substance abuse professionals (SAPs), consortia/third-party administrators (C/TPAs), and other service agents to report to the Clearinghouse information related to violations of the drug and alcohol regulations in 49 Code of Federal Regulations, Parts 40 and 382 by current and prospective employees.

DEFINITIONS

7. **Accident**: An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene.

8. **Alcohol**: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol. Includes beer, wine, liquor, and over the counter products containing alcohol; e.g. Nyquil, mouth wash, etc.

9. **Alcohol Use**: The consumption of any beverage, mixture, or preparation including any medication containing alcohol.

10. **Collection Site**: A place where individuals present themselves for the purpose of providing breath or body fluid to be analyzed for alcohol or specified controlled substances. The site must meet all DOT and/or FMCSA standards.

11. **Commercial Driver's License (CDL)**: A special license required of drivers who drive Commercial Motor Vehicles which meets the following criteria:

- Meets or exceeds 26,001 lbs. GVWR; or
- Transports 16 or more passengers, including the driver; or
- Transports hazardous materials as determined by the Hazardous Materials Act, 49 USC 5101, and are required to placard the vehicle under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

DEFINITIONS CONT.

12. **Commercial Motor Vehicle (CMV):** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property which is 26,001 lbs. or greater.

- Has a gross vehicle weight rating or gross combination weight rating of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as determined by the Hazardous Materials Transportation Act, 49 USC 5101, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

13. **Controlled Substance:** Any drug listed in 21 U.S.C. 812 and other federal regulations. Generally, these are drugs which have a high potential for abuse. These drugs include opioids, cocaine, marijuana, phencyclidine, and amphetamines. They also include “legal drugs” which are not prescribed by a licensed medical practitioner or are prescribed legally but used illegally. Urinalyses will be conducted to detect the following:

- Marijuana
- Cocaine
- Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)
- Amphetamines
- Phencyclidine (PCP)

14. **Direct Observation Collection:** Observation of the collection will be required by the collector if the donor, during the collection process, attempts to substitute, tamper with, or adulterate a urine sample.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

DEFINITIONS CONT.

15. **Clearinghouse:** A secure online database that gives the county real-time information about CDL driver drug and alcohol program violations.
16. **Driver:** means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of Starr County. For the purposes of pre-employment/pre-duty testing only, the term “driver” includes a person applying for a position with Starr County, which requires a CDL to drive a commercial motor vehicle.
 - Avoid the use of non-prescribed drugs and alcohol while conducting safety-sensitive activities, and to comply at all times with county policy.
 - Submit a sample for drug or alcohol testing when called upon to do so by his/her supervisor, including random testing for CDL drivers, pursuant to county policy.
17. **Drugs:** Any substances (other than alcohol) that has known mind or function altering effects on a person. These include, but are not limited to, substances prohibited or controlled by Texas and Federal laws. A prescribed drug is any substance prescribed for the individual by a licensed medical practitioner and which is used in the manner, combination, and quantity prescribed.
18. **Job Impairment:** An employee’s behavior or condition which adversely effects performance (e.g. reduced alertness, coordination, reactions, responses, or effort) or threatens the safety of the employee, others, or property; or exhibits conduct detrimental to the public’s perception of Starr County personnel.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

DEFINITIONS CONT.

19. **Designated Employer Representative (DER):** An employee authorized by Starr County to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the County, consistent with the requirements of 49 CFR Part 40.3.
20. **Evidential Breath Testing device (EBT):** A device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices” (“CPL”), and identified on the CPL as conforming.
21. **Mandated Treatment:** Substances abuse treatment that may be required by a substance abuse professional as a condition of an employee’s continued employment.
22. **Medical Review Officer (MRO):** A licensed doctor of medicine or osteopathy with knowledge of drug abuse disorders who is employed or used by an agency to conduct drug testing in accordance with these policy guidelines.
23. **On-Duty Time:** Means all time from the time an employee begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. On-duty time shall include all safety-sensitive functions noted below.
 - All time on the County's premises, at a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been released from duty by the County.
 - All time inspection, servicing, or conditioning any commercial motor vehicle at any time;
 - All driving time;
 - All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

DEFINITIONS CONT.

- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- All time spent performing the driver requirements relating to accidents;
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

24. **Reasonable Suspicion:** Suspicion of substance use based on specific, **objective** facts.

The following conditions are signs of possible alcohol or drug use (not all-inclusive):

- Abnormally dilated or constricted pupils
- Glazed stare - redness of eyes (sclera)
- Flushed face
- Change of speech (i.e. faster or slower)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness-performance faltering-poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Slurred speech
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slowed reaction rate

25. **Safety-Sensitive Functions for CDL Positions:** 1) waiting to be dispatched; 2) all time spent at the driving controls; 3) all loading and unloading time; 4) all supervising of loading and unloading; 5) servicing, conditioning, or inspecting motor vehicles; 6) waiting or acquiring assistance for disabled motor vehicles; 7) all time other than driving time spent resting in or upon the commercial motor vehicle.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

DEFINITIONS CONT.

26. **Substance Abuse Professional (SAP):** DOT certified professionals with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance related disorders.

PROCEDURES

27. Employees required to possess a Commercial Driver's License (CDL) are subject to all testing requirements required by the DOT and/or FMCSA, including pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up testing.

28. Any test for drug or alcohol use must conform to the standards established for approved vendors and, if applicable, DOT and/or FMCSA requirements.

29. Any supervisor observing the need for a test for controlled substances or alcohol must comply with the Starr County Human Resources Department with all record keeping requirements of these procedures and, if appropriate, the DOT and/or FMCSA.

30. Supervisors must comply with the specific procedures outlined below when contacting Human Resources about their observations and the need for a drug or alcohol test. Supervisors who misuse their authority by failing to follow these procedures or inappropriately testing applicants or employees will be subject to disciplinary action.

31. Except for the second test of a urine split sample, all costs for drug or alcohol testing are the responsibility of Starr County. Employees or applicants who request a test of the split sample must pay for all costs associated with the split sample test.

PROHIBITIONS

32. All Starr County employees are subject to the Starr County Drug-Free Workplace Policy found in the Starr County Personnel Policy. This policy prohibits the use of alcohol, other drugs, or controlled substances that result in job impairment. It also prohibits the illegal possession, manufacture, use, sale or transfer of a controlled substance during working hours by employees.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

PROHIBITIONS CONT.

33. In addition to the prohibitions of the Starr County Drug-Free Workplace policy, employees in positions requiring a CDL are subject to the specific prohibitions and consequences specified by the DOT and/or FMCSA.

A. ALCOHOL PROHIBITIONS: Any alcohol misuse that could affect performance of a safety-sensitive function, including:

- Use while performing safety-sensitive functions.
- Use during the 4 hours before performing safety-sensitive functions.
- Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of .02 or greater.
- Possession of alcohol, unless alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over the counter), unless the packaging seal is unbroken.
- Use during the 8 hours following an accident or until he/she undergoes a post-accident test. No driver shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.
- Refusal to take a required test.
- Performance of safety-sensitive functions for at least 24 hours when a test shows an alcohol concentration of .02 to .039.
- Interfering with accurate testing or altering test results.

B. DRUG PROHIBITIONS: Any drug use that could affect performance of safety-sensitive functions, including:

- Use of any drug, except by a medical professional's prescription, and then only if the medical professional has advised the employee that the drug will not adversely affect the employee's ability to safely operate a CMV. If the drug will adversely affect the employee's ability to safely-

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

PROHIBITIONS CONT.

operate a CMV, the employee shall obtain a statement from the medical professional indicating any work restrictions and their duration. The employee shall present that statement to their supervisor prior to going on duty.

- Testing positive for drugs.
- No driver shall leave the scene of an accident, without a valid reason, before arranging to have both a controlled substance and alcohol test performed.
- Refusing to take a required test.
- Interfering with accurate testing or altering test results.

C. PRESCRIPTION MEDICATION: As required by Starr County and not specified in DOT and/or FMCSA regulations:

- It is the responsibility of each employee to notify Starr County or their supervisors when they are taking ANY prescription that may create impairment.
- Employees MUST have a valid and current doctor's prescription and MUST be under the prescribing doctor's care if taking any type of prescription medicine that can create impairment.
- If an employee tests positive and cannot produce a valid prescription, the MRO will report a positive result to the employer. Consequences for a positive test will apply.
- If an employee tests positive and a valid prescription exists, the MRO will report the result as a negative, but will also report any safety concerns, which may require further evaluation.

34. The employee may be subject to immediate corrective and/or disciplinary action up to and including termination at Starr County discretion and not specified in DOT and/or FMCSA regulations.

**CONSEQUENCES FOR
VIOLATION OF
PROHIBITIONS**

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**CONSEQUENCES FOR
VIOLATION OF
PROHIBITIONS CONT.**

35. The employee shall not perform safety-sensitive functions until all return-to-duty requirements are met. Before returning to duty, the employee must undergo a return-to-duty test for:
 - A. Alcohol with a verified return-to-duty test result of less than .02, and/or
 - B. Drugs with a verified negative result.
36. The employee shall be advised by the Starr County Human Resources Department of the resources available in evaluating and resolving the problem. This shall include the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment services.
37. Prior to being allowed to return to safety-sensitive functions, the employee must be evaluated by a Substance Abuse Professional (SAP) who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and drug use. Starr County and the SAP may discuss the employee's treatment without the employee's consent.
38. If the employee was identified as needing assistance in resolving the problem, the employee must: A. Be evaluated by the SAP to determine that the employee properly followed any prescribed rehabilitation program, and B. Be subject to unannounced follow-up alcohol and/or drug tests administered by the employer following the employee's return to duty. The number and frequency of the tests are to be determined by the SAP, must remain unknown to the employee, and must consist of at least six tests during the first 12 months following the employee's return to duty. Follow-up testing may be done for up to 5 years.
39. Follow-up tests cannot be substituted for other tests (such as random).
40. Return-to-duty and follow-up drug tests must be done under direct observation.
41. Starr County will not hire applicants who test positive for controlled substances even if an offer of employment has been made.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**CONSEQUENCES FOR
VIOLATIONS OF
PROHIBITIONS CONT.**

REHABILITATION

**TESTS REQUIRED FOR
EMPLOYEES FIN SAFETY
SENSTIVE JOBS (CDL
REQUIRED)**

**PRE-EMPLOYMENT
TESTING (382.301)**

42. The above consequences are minimum requirements as set out by the DOT and/or FMCSA. Compliance with the above does not guarantee an employee will be returned to work following a violation of this policy. Employees will be subject to disciplinary action up to and including termination for violation of this policy, regardless of eligibility to return to work under the DOT and/or FMCSA regulations.
43. Starr County is only obligated to provide the names of SAP's and counseling and treatment programs to an employee testing positive. In cases of pre-employment tests, Starr County has no responsibility for SAP referral but is required to provide information on how an applicant may seek help for their addiction.
44. Any and all costs associated with treatment, rehabilitation, and/or counseling are the sole responsibility of the employee or applicant.
45. For the purpose of ensuring compliance with the Federal Department of Transportation Regulations, the Federal Motor Carrier Safety Administration, and this policy, applicants for driving-related positions and employee drivers will be subject to controlled substance and alcohol screening under the circumstances described below. Applicants and employees are required to submit to testing in the following circumstances as a condition of their employment.
 46. Applicants for driving-related positions shall undergo a test for the presence of controlled substances prior to being hired or used by Starr County Government. Under no circumstances may an employee perform a safety sensitive function until a confirmed negative result is received.
 - Applicants who refuse to submit to testing will not be hired.
 - References to "applicants" in this policy include current Starr County employees who are acquiring a new Commercial Driver's License.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**POST ACCIDENT
TESTING
(382.303)**

47. As soon as practical following an accident, Starr County shall test the surviving driver for alcohol and drugs when either:
 - 1.) The accident involved a fatality or
 - 2.) The driver receives a moving violation traffic citation and
 - a) One of the vehicles involved in the accident had to be towed or
 - b) One of the people involved in the accident had to receive medical attention immediately away from the scene.
48. Alcohol tests should be conducted within 2 hours of the accident. If a test was not administered within this time frame, the Human Resources Department will prepare and maintain a file on record stating the reason a test was not promptly administered. If the driver is not tested within 8 hours, attempts to administer a test should cease and a record prepared and maintained by the Human Resources Department indicating why the test could not be performed.
49. Drug tests should be completed within 24 hours of the accident. If a test was not administered within this timeframe, the Human Resources Department will prepare and maintain a file on record stating the reason a test was not promptly administered. If the driver is not tested within 32 hours of the accident, attempts to test should cease and a record prepared and maintained by the Human Resources Department indicating why the test was not performed.
50. A driver who is subject to post-accident testing must remain available or Starr County may consider the driver to have refused to submit to testing. The driver subject to post-accident testing must refrain from consuming alcohol for 8 hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

****NOTE****

RANDOM TESTING
(382.305)

51. Nothing in the regulations should be construed as to require the delay of necessary medical attention for injured people following an accident. Also, the driver is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency care.
52. Employees will be subject to controlled substance and alcohol testing at any time on a random basis as a term and condition of holding a CDL or safety-sensitive position. Upon being notified of selection, the employee must immediately proceed to the testing site.
53. Random alcohol testing shall be administered at a minimum annual rate of 10% of the average number of CDL positions, including temporary positions.
54. Random drug testing shall be administered at a minimum annual rate of 50% of the average number of CDL positions, including temporary positions.
55. Random testing shall only be performed while the employee is performing safety-sensitive functions, immediately prior to performing, or immediately after performing safety-sensitive functions.
56. The conditions for selection and notification of random testing are:
 - Selection of employees shall be made by a scientifically valid method.
 - Starr County Government Human Resources Department or its designated vendor shall assure that random tests are unannounced and spread reasonably throughout the year.
 - Starr County Government Human Resources Department and the supervisory staff shall ensure that employees selected for random tests proceed immediately to the testing site upon notification of selection.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

RANDOM TESTING
CONT.(382.305)

57. In the event an employee, who is selected for a random test, is sick or on vacation, they will be required to submit to the random test upon their return to work. Starr County Human Resources Department will make that determination.

58. In the event an employee, who is selected for a random test, is on an extended medical absence or layoff, Starr County Human Resources Department will contact its designated vendor for the name of the next alternate random selection in place of the original selection. If an alternate employee is selected, both the Human Resources Department and its designated vendor must document the details of the alternate selection.

**REASONABLE
SUSPICION TESTING**
(382.307)

59. A supervisor must contact Human Resources to discuss the need for a drug or alcohol test when he/she has reasonable suspicion to believe the employee has violated the prohibitions of these regulations. The supervisor must base their determination on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The supervisor must document their observations.

60. For drug tests, the documentation must be completed within 24 hours of the observed behavior or before the results are released, whichever is earlier.

61. If an alcohol test is not made within 2 hours of the observed behavior, the supervisor, working in conjunction with the Human Resources Department, should document why. If not made within 8 hours, attempts to test should cease and the supervisor, working in conjunction with the Human Resources Department, should document why the test could not be given.

62. If reasonable suspicion of alcohol is observed but a test has not yet been administered, the employee shall not perform safety-sensitive functions until a confirmed negative test result is received. The employee will remain on paid status pending the receipt of drug testing results by the Human Resources Department.

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CDL Drug and Alcohol Testing Policy and Procedure

**RETURN –TO-DUTY
TESTING (382.309)**

63. An employee who has violated these alcohol or drug prohibitions may return to safety-sensitive functions after he/she is evaluated by a SAP and participates in any prescribed assistance program.
64. Return-to-duty tests need not be confined to the substance involved in the violation. The SAP may recommend both a drug and alcohol return-to-duty test be given. An employee's return to duty is also contingent upon approval from the employee's supervisor and the employee must have a negative test result in order to return to duty.
65. Return-to duty drug tests must be under direct observation.

**FOLLOW-UP TESTING
(382.311)**

66. If the SAP determines that an employee needs assistance resolving problems associated with alcohol or drug use, the Human Resources Department shall ensure that the employee is subject to unannounced follow-up testing following the employees' return to duty. The number and frequency of the tests are to be determined by the SAP but must consist of at least 6 tests during the 12 month period following return to duty and may extend for up to 5 years.
67. The SAP's plan for follow-up testing must remain unknown to the employee.
68. Follow-up tests cannot be substituted for other tests (such as random).
69. Follow-up drug tests must be under direct observation.

**EMPLOYEE DRUG
TESTING
NOTIFICATIONS**

70. The Medical Review Officer (MRO) or Human Resources Department must contact the employee/applicant prior to verifying a positive test result. If the MRO is unable to reach the employee/applicant directly, the MRO shall contact the Human Resources Department. The Human Resources Department shall contact the employee/applicant and request that they contact the MRO within 24 hours. The Human Resources Department shall inform the MRO that the employee/applicant was so notified.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**EMPLOYEE DRUG
TESTING
NOTIFICATIONS CONT.**

**TESTING PROCEDURES
(382.407-409)**

**CONTROLLED
SUBSTANCE TESTING
(PART 40, SUBPART B)**

71. An employee shall be told which drugs were verified positive.
72. An applicant, to whom an offer of employment has been made, shall be notified which drugs were verified positive if requested and within 60 days of being notified.
73. Testing shall be conducted in a manner to ensure adherence to standards of confidentiality, privacy, accuracy, and reliability as approved by the federal Department of Transportation and the federal Department of Health and Human Services (HHS). Controlled Substance and/or Breath Alcohol test results may be released to a prospective employer with the written authorization of the tested individual.
74. A urine sample is the required substance and will be collected under controlled circumstances.
75. The sample will be divided into split specimens (2 containers) and each will be labeled thoroughly to preserve identity.
76. Specimens are transported to a federal Department of Health and Human Services (HHS) approved testing lab.
77. Specimens undergo testing by an initial screening procedure, which is followed by GC-MS confirmation testing, if necessary.
78. A positive result will occur if the sample contains a substance present in an amount greater than the minimum threshold as defined by the DOT and/or FMCSA.
79. A Medical Review Officer or MRO's assistant will contact the employee/applicant if there is a positive result in order to verify the result.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**CONTROLLED
SUBSTANCE TESTING
(PART 40, SUBPART B)**

80. The Medical Review Officer or MRO's assistant will report the result to the DER (designated employer representative) or other authorized company official.

81. The Medical Review Officer or MRO's assistant will give the donor the option of testing the remaining split specimen at a HHS certified laboratory of their choice at their expense. The donor has up to 72 hours to request the split sample be tested.

**ALCOHOL TESTING
(PART 40, SUBPART B)**

82. Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). The employee will provide a breath sample.

83. If an employee's alcohol concentration is 0.02 – 0.039, a second, confirmation test will be performed. If the confirmation test results are in the same range, the results will be reported to Starr County. The employee will be removed from performing any safety-sensitive functions for 24 hours before being required to re-test and being allowed to return to work if those results are below 0.02.

84. If an employee's alcohol concentration is 0.04 or greater, a second, confirmation test will be performed. If the confirmation test results are the same or greater, the test will be considered positive and reported to the Starr County department of which they work. The employee will be removed from duty and they must complete the entire SAP rehabilitative process as outlined in this policy.

**REFUSAL TO SUBMIT TO
TESTING (382.107 &
302.211)**

85. Refusal to submit to testing is a violation of this policy. Employee refusing to submit to testing will be referred to a Substance Abuse Professional and will face appropriate disciplinary action. Applicant refusing to submit to testing will not be considered for employment with Starr County. The following behavior constitutes a refusal:

- Failure to appear for any test (except a pre-employment test) on time, as determined by the employer, consistent with applicable DOT and/or FMCSA agency regulations, after being directed to do so by the employer.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**REFUSAL TO SUBMIT TO
TESTING (382.107 &
302.211) CONT.**

- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine specimen for any drug test or breath sample for any alcohol test required by this part or by any DOT and/or FMCSA regulations.
- In the case of a drug test that is directly observed or is a monitored collection, when the donor fails to permit the observation or monitoring.
- Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy
- Failure or declining to take a second test the employer or collector has directed the donor to take.
- Failure to undergo a medical examination or evaluation, as directed by the MRO, as part of the verification process, or as directed by the Designated Employer Representative (DER). In the case of a pre-employment drug test, the applicant is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
- Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behaving in a confrontational manner that disrupts the collection process).
- Is reported by the MRO as having a verified adulterated or substituted test result.
- A donor's admission to a collector that he/she has adulterated or substituted their specimen.
- Behaving in a confrontational manner that disrupts the collection process.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**REFUSAL TO SUBMIT TO
TESTING (382.107 &
302.211) CONT.**

- Failure to follow the observer's instructions to raise and lower clothing or to turn around to permit the observer to determine if the donor has a prosthetic or other device that could be used to interfere with the collection process.
- Possession of or wearing a prosthetic or other device that could be used to interfere with the collection process.
- Refusal to wash their hands after being directed to do so.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

**DESIGNATED EMPLOYER
REPRESENTATIVE**

86. Please contact the Human Resources Department if you have any questions for the Designated Employer Representative about this policy or wish to discuss issues related to the use or misuse of controlled substances or alcohol.

**PREVIOUS EMPLOYER
TEST INFORMATION**

87. In accordance with Federal Motor Carrier Safety Administration regulations prescribed by the U.S. Department of Transportation, Starr County Government must obtain alcohol and controlled substance testing results from previous employer(s) for applicants seeking positions requiring a Commercial Driver's License (CDL). The Human Resources Department makes available a Previous Employer Reference Form for such purpose. The regulations require, pursuant to an employee's consent, information of positive alcohol test(s) of 0.04 or greater, positive drug test(s), refusal to submit to a drug and/or alcohol test(s), or any violation of the DOT's drug or alcohol regulations within the preceding three (3) years. By federal regulation, this information must be on file in the Human Resources Department within 30 days of hire.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**PREVIOUS EMPLOYER
TEST
INFORMATION CONT.**

88. The Human Resources Department must maintain a written, confidential record with respect to each past employer contacted.

89. If the applicant tested positive for drugs or alcohol, the Human Resources Department must be able to demonstrate that the applicant met all return-to-duty requirements before performing safety-sensitive work.

90. Likewise, the Human Resources Department must provide alcohol and controlled substance testing results on previous or existing employees when requested by a potential employer for positions requiring a Commercial Driver's License (CDL). The potential employer must submit an authorization to release the information signed by the previous or existing employee. The federal regulations require, pursuant to an employee's consent, information of positive alcohol test(s) of 0.04 or greater, positive drug test(s), refusal to submit to a drug and/or alcohol test(s), or any violation of the DOT's drug or alcohol regulations within the preceding three (3) years. By federal regulation, this information must be received by the potential employer within 30 days of hire.

**RECORD RETENTION
(382.401-403)**

91. All records must be made available at the County facilities within 2 days of a request by the Federal Highway Administration or any regulatory agency. Not all records must be kept on site; some may be the responsibility of the consortium or testing site.

RETENTION PERIOD

92. The following records must be retained for 5 years:

- A. Verified positive results
- B. Alcohol results over 0.02
- C. Documentation of refusals
- D. Employee referrals to the SAP
- E. Documents related to refusal to submit

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

RETENTION PERIOD
CONT.

93. The following records must be retained for 2 years:
 - A. Records related to all processes and employee training.
94. The following results must be retained for 1 year:
 - A. Records of negative drug and alcohol results less than 0.02
 - B. Annual Management Information System (MIS) reports.
 - C. All Starr County drug and alcohol test results will be updated in the DOT Clearinghouse online database as required by DOT regulation.
95. Collection Processes:
 - A. Random selection documents
 - B. Calibration documents
 - C. BAT training documents
 - D. Reasonable suspicion documents
 - E. Post-accident decision documents
 - F. Documents verifying medical inability to provide adequate breath or urine
96. Test Results:
 - A. Employer's copy of alcohol test
 - B. Employer's copy of controlled substance chain of custody
 - C. Documents from MRO
 - D. Documents presented by donor to dispute
97. Evaluations
 - A. Determinations by the SAP of assistance needed to resolve misuse.
 - B. Compliance with SAP
98. Education and Training:
 - A. Materials on misuse awareness, including the policy.
 - B. Employee's signed receipt of education materials.
 - C. Documents of supervisor training to qualify for making reasonable suspicion judgements.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

ACCESS TO RECORDS
(382.405-382.413)

99. The employee is entitled to a copy of their records. Records are available for officials with regulatory authority and subsequent employers may have a copy of the records upon specific written authorization from the employee. Test results will only be released to Starr County Human Resources, the substance abuse professional or the MRO. Records are available to State and/or Federal inspection officers.

**APPEAL OF TEST
RESULTS**

100. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Starr County, but causes serious individual health consequences to those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.

101. Any driver testing positive for the presence of a controlled substance will be contacted by the County's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**APPEAL OF TEST
RESULTS CONT.**

102. Within 72 hours after the driver has been notified of a positive test result for drugs he/she may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the County's Alcohol and Drug Program Administrator will be notified. A retest may be initiated as appropriate.

TRAINING (382.601)

103. Those designated to determine if reasonable suspicion exists must receive 60 minutes of alcohol and 60 minutes of controlled substance training, which covers the physical, speech, and performance indicators of misuse.

104. Each covered employee must be provided materials about the effects of drug and alcohol use (such as film or written), the County DOT policy, and the name of the supervisor who can answer their questions about the material.

105. Each employee must sign a certificate of receipt of materials.

**CLEARINGHOUSE
REQUIREMENTS**

106. Employers are required to query the Clearinghouse for current and prospective employees' drug and alcohol violation before permitting those employees to operate a CMV on public roads.

107. Employers are required to annually query the Clearinghouse for each driver they current employ

108. Drivers must provide Consent for Annual Limited Queries.

109. Once a limited query is conducted and is found to have existing information the employer must obtain additional specific consent from the prospect and existing employee before FMSCA disclosed additional information.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

**CLEARINGHOUSE
REQUIREMENTS CONT.**

110. Once a limited query is conducted and is found to have existing information the employer must obtain additional specific consent from the prospect and existing employee before FMSCA disclosed additional information.

111. Employers are required to query the Clearinghouse for current and prospective employees' drug and alcohol violation before permitting those employees to operate a CMV on public roads.

112. Employers are required to annually query the Clearinghouse for each driver they current employ.

113. Drivers must provide Consent for Annual Limited Queries.

114. Once a limited query is conducted and is found to have existing information the employer must obtain additional specific consent from the prospect and existing employee before FMSCA disclosed additional information.

CONFIDENTIALITY

115. Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee, except for the requirement to utilize the Clearinghouse, which is the DOT online database for drug and alcohol testing results.

116. Drivers are entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests. Copies will be provided within 5 days.

STARR COUNTY
CDL Drug and Alcohol Testing Policy and Procedure

CONFIDENTIALITY
CONT.

117. Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to insure that all tests can be correctly traced to the driver. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the Alcohol and Drug Program Administrator.

118. Alcohol test results will be forwarded by the MRO to the Alcohol and Drug Program Administrator for confidential record keeping.

STARR COUNTY

POLICY ON BACKGROUND CHECK AND PROCEDURE

BACKGROUND CHECK

1. All offers of employment at Starr County are contingent upon clear results of a thorough background check. Background checks will be conducted on all final candidates and on all employees who are promoted, as deemed necessary.

DEFINITIONS

Background checks will include:

- **Social Security Verification:** validates the applicant's Social Security number, date of birth and former addresses.
- **Prior Employment Verification:** confirms applicant's employment with the listed companies, including dates of employment, position held and additional information available pertaining to performance rating, reason for departure and eligibility for rehire. This verification will be run on the past two employers or the previous five years, whichever comes first.
- **Personal and Professional References:** calls will be placed to individuals listed as references by the applicant.
- **Educational Verification:** confirms the applicant's claimed educational institution, including the years attended and the degree/diploma received.
- **Criminal History:** includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:
 - The nature of the crime and its relationship to the position.
 - The time since the conviction.
 - The number (if more than one) of convictions.
 - Whether hiring, transferring or promoting the applicant would pose an unreasonable risk to the business, its employees or its customers and vendors.

PURPOSE

2. To manage and reduce Star County exposure to risk, including fraud or theft, and to maintain a safe workplace by ensuring that all persons with access to Starr County facilities and information resources are subject to an appropriate employment eligibility verification and criminal background check.

SCOPE

3. This employee background check policy applies to candidates who go through our company's hiring process. It may also apply to internal candidates who are being considered for a promotion or transfer.

STARR COUNTY
POLICY ON BACKGROUND CHECK AND PROCEDURE

PROCEDURE

4. Final candidates must complete a background check authorization form and return it to Human Resources. Human Resources will access the background check upon receipt of the signed release of information form, and internal HR staff will conduct the checks. A designated HR representative will review all results.
5. Our confidentiality and data protection policies always apply to information background checks uncover.
6. Criminal records don't automatically disqualify candidates from the hiring process, unless they are convicted of serious criminal acts (e.g. sexual assault/pedophilia) we will judge the substance of criminal records according to these criteria:
 - Number of criminal convictions for the same offense.
 - Time elapsed from the most recent criminal conviction.
 - How the criminal conviction relates to the position.
 - Candidates who are considered for a position that involves driving a County vehicle will have at least a one-year clean driving record and hiring managers will reject candidates convicted of driving while intoxicated within the last year.
7. Note that HR/hiring managers will consider convictions, not arrests, when reviewing a candidate's background check.
8. HR and hiring managers can call candidates to discuss the results of their background checks in cases of minor discrepancies (e.g. a suspended license.) If candidates answer satisfactorily, they may still be hired to work with our company.
9. Starr County reserves the right to modify this policy at any time without notice.

**GENERAL CONSENT FOR LIMITED QUERIES OF THE FEDERAL MOTOR
CARRIER SAFETY ADMINISTRATION (FMCSA) DRUG AND ALCOHOL
CLEARINGHOUSE**

I, _____, hereby provide consent to Starr County to conduct a limited query of the FMCSA Commercial Driver's License Drug and Alcohol Clearing House to determine whether drug or alcohol violation information about me exists in the Clearinghouse. I consent to multiple limited annual queries over a fixed period of time for the duration of my employment. The multiple limited queries are limited to a required annual query and queries related to work policy violations.

I understand that if the limited query conducted by Starr County indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to Starr County without first obtaining additional specific consent from me.

I further understand that if I refuse to provide consent for Starr County to conduct a limited query of the Clearinghouse, Starr County must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulation.

(Employee Signature)

(Date)