

2. EMPLOYEE BENEFITS

2.1 INSURANCE ELIGIBILITY

All Lampasas County employees designated as full time, who work thirty (30) or more hours per week, shall be eligible for the group medical plan benefits.

Regular part time, temporary seasonal and temporary short term part time employees who work an average of less than thirty (30) hours a week are not eligible for health insurance.

Retired employees and/or their spouses may retain group employee insurance at county rates on a self-paid basis until eligible for Medicare coverage.

2.2 MEDICAL INSURANCE PREMIUMS

Health insurance premiums for eligible employees shall be paid entirely by the County.

Eligible employees may cover their qualified dependents by paying the established premium rates. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

Details of coverage under the group medical insurance plan, dental plan and vision plan are available in the County Treasurer's office and may be obtained during the normal working hours for that office.

COBRA

Employees who leave the employment of Lampasas County or who lose their coverage eligibility, may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Treasurer's Office and may be obtained during the normal working hours for that office. All eligible employees and qualified dependents will be provided with COBRA information following their termination

RETIRED EMPLOYEES

Retired employees and/or their spouses that choose to retain the County's group employee insurance is required to pay for premiums due to the county no later than the 15th of the month prior to which the premiums are due. The county may cancel unpaid coverage by providing advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

2.3 SUPPLEMENTAL PLANS – DENTAL, VISION, LIFE

Lampasas County provides a limited amount of life insurance on eligible employees as part of the group medical plan coverage.

Full time County employees and their qualified dependents are eligible to enroll in optional group dental and vision plans and supplemental term life insurance plans. All supplemental insurance

premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained in the Treasurer's Office.

2.4 OTHER BENEFITS

PHONE STIPEND

Certain designated employees are eligible for a cell phone stipend based on the responsibilities of the position, on call status, or need for immediate response to emergencies. Eligibility is determined by each official or department head but shall include elected and appointed department heads, road and bridge employees, maintenance tech, and emergency management employees. The Commissioner's Court sets the stipend rate with updates as needed.

CAR ALLOWANCE

Certain designated employees are eligible for a car allowance based on the responsibilities of the position, on call status, or need for immediate response to emergencies. Eligibility and stipend rate are determined by the Commissioner's Court with updates as needed.

UNIFORM ALLOWANCE

Road and Bridge employees are eligible for a uniform allowance. The Commissioner's Court sets the rate with updates as needed.

2.5 VACATION

ELIGIBILITY

All full time regular employees shall be eligible for vacation benefits. Part time and temporary employees shall not be eligible for vacation benefits.

ACCRUAL

Vacation accrual begins on the date of hire for a position eligible to accrue vacation, and is accrued in monthly increments as it is earned. Employees must work a minimum of six months before they are eligible to take vacation leave.

Employees earn vacation leave as follows:

First year of service: 5 days per year (3.33 hours per month)

Second through tenth year of service: 10 days per year (6.66 hours per month)

Over ten years of service: 15 days per year (10 hours per month)

Vacation shall not be accrued while an employee is on leave without pay.

CARRYOVER

The maximum amount of unused vacation an employee shall be allowed to carry over to the next calendar year (January 1) is the amount the employee would earn in one year at their current accrual rate. Any accrued vacation in excess of the employee's maximum shall be used by January 31 or it will be forfeited.

Accrual over the maximum is allowed if all of the following conditions are met:

- An employee is unable to take vacation because of the needs of the County.
- The employee's supervisor prepares a written request for accrual above the maximum explaining why the employee was unable to take vacation.
- The accrued time over the maximum carryover is used within 60 days of February 1.
- The request is approved by the Commissioner's Court.

SCHEDULING

Scheduling of vacations shall be at the discretion of the individual official or department head.

Employees are only able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals. Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

If a holiday falls during an employee's vacation, then the employee will not be charged for the vacation.

If an employee has worked for at least six months 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, and no more than, the amount they are able to accrue in one year.

Each employee shall be responsible for accurately recording all vacation time used on their time sheet. Department heads are responsible for ensuring that all hours worked and vacation hours used are accurately reported on their employee's timesheets and submitting them to the payroll office.

2.6 PERSONAL LEAVE

ELIGIBILITY

All full time regular employees shall be eligible for personal leave benefits. Part time and temporary employees shall not be eligible for personal leave benefits.

ACCRUAL

Personal leave accrual begins on the date of hire for a position eligible to accrue personal leave, and is accrued in monthly increments as it is earned. Employees must work a minimum of six months before they are eligible to take personal leave.

Employees earn personal leave as follows:

8 days per year (.67 days, or 5.33 hours, per month)

Personal leave shall not be accrued while an employee is on leave without pay.

USE OF PERSONAL LEAVE

Personal leave may be used for any purpose as needed by the employee at the discretion of the department head.

Employees may not use personal leave during the last two weeks of their employment without providing a physician's statement of illness or injury.

NOTIFICATION

Where personal leave is to be used for a scheduled event, i.e. medical appointments, an employee shall be required to notify their supervisor of the intent to use leave as soon as the employee knows of the appointment.

Where use of personal leave is not known in advance, i.e. illness, an employee shall notify their supervisor of the intent to use leave within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify their supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause an absence of more than one day of work, the employee should notify their supervisor of the anticipated length of absence.

If an employee uses three (3) or more consecutive days of personal leave due to illness, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. If an employee uses three (3) or more consecutive days of personal leave due to illness the employee will be placed on FMLA, if event and employee is eligible. Employees who have a pattern of abusing personal leave may be required to provide a physician's statement for those absences as required by their supervisor.

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

Employees shall not be paid for unused personal leave at the termination of employment.

Each employee shall be responsible for accurately recording all personal time used on their time sheet. Department heads are responsible for ensuring that all hours worked and personal hours used are accurately reported on their employee's timesheets and submitting them to the payroll office.

2.7 HOLIDAY

ELIGIBILITY

All full time regular employees shall be eligible for holiday benefits. Part time and temporary employees shall not be eligible for holiday benefits. Eligible employees shall be paid at their hourly rate for an eight hour workday.

County holidays shall be determined by the Lampasas County Commissioners' Court at its first meeting of each October. When an approved holiday falls on a Saturday, it will be observed on the preceding Friday. When an approved holiday falls on a Sunday, it will be observed on the following Monday.

If a paid holiday occurs during other paid leave of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's leave balance.

HOLIDAY ON A NON-WORKDAY

If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay, preferably during the same payroll period, but no later than 30 days after the scheduled holiday. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

EMERGENCIES

An eligible employee scheduled to work or 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.

ON CALL/LAW ENFORCEMENT

Employees assigned shifts in an "around the clock" or "on call" basis may be directed by the department head to report for work on a holiday. When a law enforcement employee's scheduled shift falls on an approved holiday they will be paid time and one half for hours worked on that holiday.

SPECIAL OBSERVANCES

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Lampasas County. Each supervisor is responsible for granting this leave based on the needs of their individual departments. Vacation, compensatory time, or leave without pay may be used for special leave granted.

Holidays do not accrue and if they are not taken, they will not be paid at termination.

2.8 CIVIC DUTY LEAVE

JURY DUTY

All employees of Lampasas 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.

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 if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

OFFICIAL COURT ATTENDANCE

All 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 their court attendance may require.

PRIVATE LITIGATION

If an employee is absent from work to appear in private litigation in which they are a principal party, the time shall be charged to vacation, personal leave, compensatory time or leave without pay.

VOTING

All employees are encouraged to vote and are provided a reasonable amount of time off with pay to exercise this right and responsibility.

2.9 EMERGENCY/BEREAVEMENT LEAVE

In the event of a life threatening illness or death in the immediate family all employees who have worked for Lampasas County six months or more shall be allowed up to three days of leave with pay; up to two occurrences per fiscal year. For purposes of this policy, immediate family shall include the employee's spouse, child, foster child, parent, grandparent, grandchild, or sibling of the employee or the employee's spouse (in-laws).

If leave is needed beyond the limits set in this policy, it may be charged to available vacation, personal leave, compensatory time or to leave without pay.

Any use of this leave must be approved in advance by the department head and will depend on work related circumstances. The terms and reasons for this leave will be documented and filed in the employee's personnel file.

2.10 MILITARY LEAVE

All Lampasas 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 year with pay for active duty or to attend active or inactive authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use annual leave, earned compensatory time, or leave without pay if they must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen-day maximum.

Any Lampasas County employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to 7 days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

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

Upon request of the employee, Lampasas County will provide a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays left for use during the fiscal year.

Lampasas County employees who leave their positions because 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 state and federal laws in effect at the time of their release from duty.

2.11 PAID QUARANTINE LEAVE

Lampasas County shall provide paid quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by Lampasas 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.

"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.

"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.

"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).

"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.

"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.

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 leave balances reduced.

Off duty exposures will not be covered under this policy.

2.12 RETIREMENT

All regular employees (full time and part time) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System (TCDRS). Temporary seasonal and temporary short term part time employees will not be eligible for retirement benefits. Eligible

employees shall make contributions to the retirement program through a system of payroll deduction. Lampasas County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office.

2.13 SOCIAL SECURITY/MEDICARE

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck.

2.14 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)

The federal Family and Medical Leave Act of 1993 (FMLA) requires an employer to provide eligible employees with unpaid leave under certain circumstances. There are two types of leave available:

1. the basic 12-week FMLA entitlement; and
2. the Military Family Leave (MFL) entitlement described in this policy.

ELIGIBILITY

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

1. have worked for Lampasas 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); **and**
2. have worked at least 1250 hours during the previous 12 months; **and**
3. are employed at a work site that has 50 or more employees within a 75-mile radius.

Any employees with any questions about their eligibility for FMLA leave should contact the Human Resources representative in the County Treasurer's Office for more information.

QUALIFYING EVENTS

Family medical leave under this policy may be taken for the following reasons:

1. the birth of a child and to care for that child;
2. the placement of a child in the employee's home for adoption or foster care;
3. 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;
4. the serious health condition of the employee that makes the employee unable to perform the essential functions of their job;
5. 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;
6. 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; or
7. 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.

SERIOUS HEALTH CONDITION

Serious health condition is 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.

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

1. 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:
 - A. Treatment two or more times within 30 days of incapacity; or
 - B. Treatment by a health care provider on at least one occasion within the first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
2. Any period of incapacity due to pregnancy or pre-natal care.
3. 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.
4. Any period of incapacity that is permanent or long term due to a condition for which treatment is not effective.
5. Any period of incapacity or absence to receive multiple treatments by a health care provider.

QUALIFYING EXIGENCY LEAVE

An eligible employee may be entitled to use up to 12 weeks of their FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, child of any age or parent in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active duty status in a foreign country.

Qualifying exigencies may include:

1. short-notice deployment (up to seven days of leave);
2. attending certain military events and related activities;
3. arranging for alternative childcare;
4. addressing certain financial and legal arrangements;
5. periods of rest and recuperation for the covered military member (up to fifteen days of leave);
6. attending certain counseling sessions;
7. attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active duty status);
8. other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee;
9. attending family support or assistance programs and informational briefings;
10. acting as the covered military member's representative before a governmental agency;
11. addressing issues that arise from the death of a covered military member while on active duty status in a foreign country; and

12. other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and employee.

LENGTH OF LEAVE

An employee may use up to 12 weeks leave per 12-month period under this policy. Lampasas County sets the 12-month period used under this policy as a "rolling" 12-month period measured backward from the date an employee uses FMLA leave.

A married couple who both work for the county is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth or placement of a child, or care for a parent with a serious health condition. The combined limit for a married couple employed by the county is 26 weeks in a single 12-month period if leave is to care for a covered service member or veteran with a serious injury or illness.

MILITARY CAREGIVER LEAVE

An eligible employee may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is either a current member or veteran of the Armed Forces (Regular, Reserve or National Guard).

An eligible employee may take up to 26 weeks of leave to care for a covered service member of the Armed Forces (Regular, Reserve, or National Guard) who has been rendered medically unfit to perform their duties due to a serious injury or illness incurred in the line of duty while on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve, or National Guard) 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 five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The MFL entitlement is applied on a per-injury basis and an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or covered veteran with a subsequent serious illness or injury, except that no more than 26 weeks may be taken within any single 12-month period.

An eligible employee may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five-year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

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

WORK RELATED INJURY

Lampasas County will always designate qualifying work related injuries with lost time as FMLA qualifying.

SUBSTITUTION OF PAID LEAVE

Lampasas County requires substitution of paid leave for all FMLA or MFL events. An employee must follow the compensatory, vacation and personal leave policy guidelines. The balance of FMLA is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

The maximum amount of paid and unpaid leave that may be used under this policy in a 12-month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness which is a maximum of 26-weeks in a 12-month period.

CONTINUED EMPLOYEE BENEFITS

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status.

While on unpaid leave, the employee is required to pay for premiums due to the county no later than 30 days after the date of the pay period in which the premium comes due. The county may cancel unpaid coverage by providing the employee advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

At the end of the 12-week leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, an eligible employee will be offered COBRA if they are unable to return to work.

INTERMITTENT LEAVE AND REDUCED SCHEDULE

An employee may take intermittent leave under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member or the care of a covered military member or veteran.

An employee may work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran.

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

CERTIFICATION REQUIREMENTS

The county has the right to ask for certification of the serious health condition of the employee or the employee's eligible family member when the employee requests or is using leave under this policy.

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have their physician complete and return the medical certification, or provide appropriate documentation, within 15 days of the employee's receipt of the form to be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

The employee must respond to the county's request for certification within 15 days of receipt of the request or provide a reasonable explanation for the delay in writing before the 15th day after receipt of the request. If an employee does not provide certification or otherwise respond, the county may deny leave under this policy.

If an employee requests intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The county may request re-certification for intermittent or reduced schedule leave every six months in connection with an eligible absence.

The county may ask for a second opinion from a health care provider of the county's choice, at the expense of the county, if the county has reason to question the certification, unless the leave is necessary to care for a seriously injured or ill covered service member supported by an invitational travel order (ITO) or invitational travel authorization (ITA) to join an injured or ill service member at their bedside.

If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require a third certification, at the expense of the county, from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

REQUESTING LEAVE

Unless FMLA leave is unforeseeable, an employee is required to submit a written request for leave under this policy to their immediate supervisor.

Where reasonably practicable, an employee should give their immediate supervisor a minimum of 30-days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30-days' notice, the employee is required to give as much notice as possible.

REINSTATEMENT

An employee returning from leave under this policy, and who has not exceeded the 12-week maximum leave period allowed, will be returned to the same job or a job equivalent to the job the employee held before going on FMLA leave. An employee who has not exceeded the 26-week maximum leave period in a single 12-month period, allowed to care for a seriously ill or injured

covered military member, will be returned to the same job or a job equivalent to the job the employee held before going on leave.

If an employee is placed in a different position, it will be one with equivalent status, pay, benefits, and other employment terms and which entails substantially equivalent skill, effort, responsibility, and authority.

The county has no obligation to reinstate an employee who takes more than the 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave allowed, including an employee with available personal or vacation leave.

REPAYMENT OF BENEFITS

Unless an employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or another situation beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy will be required to reimburse the county for all medical premiums and other benefits paid by the county while the employee was on leave without pay related to their FMLA leave.

OTHER BENEFITS

While on leave without pay under this policy, an employee does not earn vacation or personal leave, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy.

Employees shall not work another job while on approved FMLA leave from the county.

REGULATION

Any area or issue regarding family and medical leave that is not addressed in this policy is subject to the basic requirements of the FMLA and the regulations issued to implement it.

RETURN-TO-WORK

An employee is required to provide a fitness-for-duty certification before the employee returns to work.

ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any federal or state law that provides greater family of medical leave rights.

COUNTING

To count employees in the county we will include all full time employees, all part-time employees currently getting paid and all temporary employees currently getting paid. This will not include a count of elected officials, CSCD employees, A&M County Agents or any employees paid by the state. The county will not count people on the payroll register that are NOT getting paid.

RESPONSABILITIES

Lampasas County will post the current FMLA poster as provided by the department of labor. If an employee asks for FMLA leave for any reason, Lampasas County will respond in writing and will use the FMLA forms (WH-381) Notice of Eligibility and Rights and Responsibility and form (WH-382) Designation Notice to notify the employee of their eligibility rights.

2.15 SICK LEAVE POOL

AUTHORITY

This policy is established by the Lampasas County Commissioners Court pursuant to Texas Local Government Code, Chapter 157, Subchapter E, Sections 157.071 through 157.075.

PURPOSE

The Sick Leave Pool program provides a source of additional paid leave to an employee for their own catastrophic illness or injury that causes an employee to exhaust all earned leave time and go into an unpaid status. This leave may not be used to care for an employee's family member.

ADMINISTRATION OF THE POOL

At the direction of the Lampasas County Commissioner's Court the HR Representative in the Treasurer's Office shall serve as the Pool Administrator. The Pool Administer shall be responsible for developing mechanisms to transfer accrued personal leave into and out of the pool; developing rules and procedures for the operation of the pool; and developing forms for contributing leave to, or requesting leave from, the pool.

POOL ADMINISTRATOR RESPONSIBILITY

The Pool Administrator shall be responsible for:

- Developing necessary forms for enrollment and withdrawal of hours from the Sick Leave Pool. Forms must be approved by Commissioners Court.
- Maintaining adequate records of Sick Leave Pool balances, deposits and withdrawals.
- Reviewing and processing all requests for Sick Leave Pool hours and determining eligibility based on the requirements of this policy.
- Protecting the employee's confidentiality with regard to any information submitted in the process of requesting or receiving hours from the Sick Pool.
- Requesting additional information from an employee, when necessary, in order to determine if a request is eligible for Sick Leave Pool leave.
- Processing all requests for leave within ten (10) business days from the time a completed request is received.
- Notifying the employee, pay roll, and the employee's department head if the request for Sick Leave Pool leave has been approved or denied.

ELIGIBILITY

All regular full time status employees who are eligible to earn vacation, personal or compensatory time and who meet the following basic eligibility requirements may participate in the Sick Leave Pool.

Basic Eligibility Requirements:

- Employee must be continuously employed by the County for at least twelve (12) months.
- Employee must be actively enrolled in the program for the current fiscal year, October 1st through September 30th, with a minimum donation of 15.99 hours of personal leave to the Pool.
- Employee may only use pool leave for their own catastrophic illness or injury.
- Employee must exhaust all paid leave time prior to becoming eligible to use time from the Sick Leave Pool.
- Employee must provide a Medical Certification of Illness/Injury from the healthcare practitioner who is treating the employee for the catastrophic injury/illness.
- Employee must not be receiving Workers Compensation benefits.
- Employee must not be claiming a catastrophic illness or injury that occurred during the course of employment with any other employer.
- Employee must apply, using the designated forms, to the Pool Administrator.

ENROLLMENT AND CONTRIBUTIONS TO THE POOL

To enroll in the Sick Leave Pool employees are required to contribute a minimum of 15.99 hours of personal leave to the Pool; and may contribute a maximum of forty hours of personal leave to the Pool each fiscal year. Contributions to the pool must not cause an employee's personal leave balance to drop below zero (0) hours at the time of contribution.

Enrollment forms will be distributed to all eligible employees annually during Open Enrollment. Completed enrollment forms must be submitted to the HR representative in the Treasurer's Office no later than the last working day in September. Failure to meet this deadline will forfeit the right to join the Sick Leave Pool for the upcoming fiscal year beginning October 1st.

Any contributions made to the Sick Leave Pool are strictly voluntary. Once made, contributions may not be revoked. Contributions may only be made to the general Pool and may not be designated for the benefit of a specific employee.

Enrollment and contribution to the Sick Leave Pool is not a guarantee that an employee will receive hours from the Pool should the employee file a request.

Upon termination of county employment participants of the Sick Leave Pool may contribute up to eighty (80) hours of personal leave to the Pool.

QUALIFYING ILLNESS OR INJURY

The Pool Administrator must review each request and apply the criteria established by this policy to determine if the illness or injury presented is a qualified catastrophic illness or injury.

This policy defines catastrophic illness or injury as follows: A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and

that forces the employee to exhaust all earned leave time and thus lose compensation from the County.

There are certain conditions that Lampasas County does not consider to be severe enough to designate as 'catastrophic'. While these conditions may be temporarily incapacitating, if they occur *with only minor complications or with no major complications*, they are determined to be non-catastrophic. Conditions of a chronic nature, which may require long-term medical treatment or a lifestyle change as part of the treatment, are not in and of themselves considered catastrophic. Such conditions are not usually covered unless accompanied by a catastrophic condition or complication that leads to a catastrophic condition.

Examples of such conditions not considered catastrophic include, but are not limited to: a broken limb, cold/allergy/pneumonia, hysterectomy with minor or no complications, pregnancy (including pre-planned caesarian sections) with minor or no complications, elective and or cosmetic procedures that are unrelated to a serious diagnosis and certain types of surgeries with minor or no complications (appendectomy, tonsillectomy, etc.). Such conditions typically require two (2) or less days of hospitalization and typically require three (3) weeks of recovery.

Examples of conditions that generally are considered severe enough to designate as catastrophic include, but are not limited to: a stroke with residual paralysis or weakness, incapacitating heart attack, some cancers, major surgery (to be considered on a case-by case basis), pregnancy with major complications, hepatitis, broken hip, severe brain or internal injuries, coma, organ transplant, loss of limb or severe burns. Such conditions typically require three (3) days or more of hospitalization and typically require at least four (4) weeks of recovery time.

REQUESTING SICK LEAVE POOL HOURS

Required forms are available from the Pool Administrator in the County Treasurer's Office. To request hours from the Sick Leave Pool an employee, or their designated representative, shall:

- Complete the employee portion of the Sick Pool Request form and submit the form to the pool administrator.
- Submit Medical Certification of Illness/Injury form. Form must be completed by the employee's treating physician. If a current medical certification has been submitted for purposes of Family Medical Leave (FMLA) which covers the same period of requested Pool leave, the pool administrator may elect to use that certification as meeting the criteria of required documentation.
- Provide any additional information or documentation requested by the pool administrator in order to make a determination on the request.
- Provide a written release from a treating physician documenting the employee's ability to return to duty.

APPROVAL AND DISBURSEMENTS

The Pool Administrator will review each request and apply the criteria established by this policy before approving any request for hours from the Sick Leave Pool. If an employee is critically ill and unable to file an application for sick leave from the Pool, their department head may submit

the application for the employee or the employee's family may contact the pool administrator to apply.

SICK LEAVE POOL HOURS

Employees who meet the eligibility requirements may be eligible to receive hours not to exceed the lesser of one-third (1/3) of the balance of the Sick Leave Pool or 240 hours at the time of the request. This is the maximum amount permitted per employee, per fiscal year. Once an employee is determined to be eligible, the pool administrator shall determine the amount of time the eligible employee will be granted and shall approve the transfer of time from the Pool to the employee.

The maximum Sick Leave Pool hours that may be awarded per payroll period is eighty (80) hours.

MEMBERSHIP YEAR

The Sick Leave Pool operates on the County's fiscal year from October 1st through September 30th. An employee may request to use the Pool for one or more catastrophic illnesses or injuries in the course of one fiscal year; however, once the maximum amount of hours is reached in a given fiscal year no further requests may be considered. An employee who has been granted and used the maximum allowed amount of Sick Leave Pool time is not eligible for additional Sick Leave Pool time until one year has elapsed from the last Sick Leave Pool day used.

Approved Sick Leave Pool time shall be used in the same manner as accrued leave. Eligible employees who utilize hours from the Pool are not required to pay back Pool leave. Holiday leave will be used in place of Pool leave if a Holiday occurs during such time off.

INTERMITTENT USE

An employee who needs to use awarded leave from the sick leave pool intermittently is required to utilize all currently accrued leave before re-accessing the remainder of the leave from the sick leave pool. The County may require the employee to produce evidence of the cause or circumstances necessitating intermittent use of the leave awarded from the sick leave pool.

All personal leave accrued during the working intervals between intermittent sick leave pool uses, must be exhausted before using the remainder of the leave awarded for the catastrophic illness/injury.

UNUSED SICK LEAVE POOL HOURS

Once an employee returns to work after a catastrophic illness or injury, any unused Pool leave will be returned to the Sick Leave Pool. In no case will disbursed Pool hours be eligible for monetary payout if the employee did not use the leave time. Further, the estate of a deceased employee who received Pool leave is not entitled to payment for unused leave acquired from the Sick Leave Pool.

Requests for hours from the Sick Leave Pool are considered on a first come, first serve basis, determined by the date or time when all necessary information has been provided. The administrator determines eligibility and the amount of leave given. All decisions by the administrator are final.

REVIEW OF DENIAL

If the pool administrator makes the determination that a Sick Leave Pool request does not meet the criteria for approval and may be denied, the administrator may seek counsel from the County Attorney to review the decision prior to notifying the employee of a final determination.

All decisions by the administrator are final. Denial of Pool leave cannot be grieved and is specifically excluded from the County's grievance process.

NOTIFICATION

Upon a Sick Leave Pool request approval the pool administrator will notify the employee, payroll, and the employee's department head.

Upon a Sick Leave Pool request denial the pool administrator will notify the employee, and the employee's department head.

COORDINATION WITH OTHER BENEFITS

All leave used from the Pool will count towards the employee's available FMLA entitlement.

An employee is no longer permitted to receive or use Sick Pool Leave when they become eligible to receive Worker's Compensation benefits, long-term disability benefits, Social Security disability benefits, or any other supplemental benefits.

OTHER

Lampasas County may discontinue or terminate the Sick Leave Pool program without cause or legal liability at any time. The County reserves the right to change the program policies, guidelines, procedures, terms and conditions at any time.

Any employee found violating the provisions of the program, committing fraud or misrepresentation in their request of Sick Leave Pool use, or attempting to use the program for a reason other than its intended purpose is subject to disciplinary action, including reimbursing the County for improperly used leave and termination of employment.

An employee receiving Sick Pool Leave may not perform any outside work or engage in any extra duty employment while using Pool hours.

2.16 PERSONAL LEAVE OF ABSENCE

Employees who have worked for Lampasas County six months or more 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. Employment with the County shall be terminated for those on leave when the employee is unable or otherwise does not return to active duty at the end of the approved leave period.

While on approved leave of absence employees shall be required to use accrued personal, vacation, and compensatory time before taking leave without pay.

2.17 ADMINISTRATIVE LEAVE

An employee may be placed on administrative leave, with pay, as deemed appropriate by the elected official or department head and/or with the direction of the County Attorney.

Administrative leave with pay will be assigned when the employee is the subject of, or witness in, an investigation and it is determined to be in the best interest of the parties and Lampasas County that the employee be removed from the workplace.

At the end of the end of administrative leave, if the employee is found to require disciplinary action, Lampasas County reserves the right to designate the employees own accrued leave in lieu of the administrative leave with pay.

Administrative leave, without pay, may be assigned as deemed appropriate by the elected official or department head as a disciplinary measure. Such leave shall be documented on the employee's timesheet and in the employees personnel file in the County Treasurer's office.