

**MEDINA COUNTY EMPLOYEE  
PERSONNEL POLICY**



# Contents

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT .....	5
SECTION 1: GENERAL POLICIES .....	9
A. COUNTY EMPLOYMENT .....	11
1A-1 EMPLOYMENT AT-WILL.....	11
1A-2 APPLICATION FOR EMPLOYMENT.....	11
1A-3 EMPLOYEE STATUS POLICY .....	12
1A-4 EQUAL EMPLOYMENT OPPORTUNITY .....	13
1A-5 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT.....	14
1A-6 PERSONNEL FILES .....	15
1A-7 NEPOTISM.....	15
B. WORK RULES AND EMPLOYEE RESPONSIBILITY .....	18
1B-1 ATTENDANCE .....	18
1B-2 DRESS CODE .....	18
1B-3 TOBACCO/SMOKE FREE WORKPLACE.....	19
1B-4 CONFLICT OF INTEREST.....	19
1B-5 HARASSMENT .....	19
1B-6 SEXUAL HARASSMENT.....	21
1B-7 POLITICAL ACTIVITY .....	22
1B-8 OUTSIDE EMPLOYMENT .....	23
1B-9 BREAKS.....	23
1B-10 GRIEVANCES.....	23
1B-11 DISCIPLINE.....	24
1B-12 LICENSE AND CERTIFICATIONS .....	25
1B-13 CONFIDENTIALITY .....	25
1B-14 WHISTLEBLOWER.....	26
C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY .....	26
1C-1 COUNTY PROPERTY USAGE .....	26
1C-2 COUNTY VEHICLE USAGE .....	27
1C-3 MILEAGE.....	28

1C-4 TRAVEL .....	29
1C-5 CELL PHONE USAGE .....	34
1C-6 COMPUTER AND INTERNET USAGE .....	34
<b>D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY .....</b>	<b>37</b>
1D-1 WORKERS COMPENSATION .....	37
1D-2 RETURN TO WORK.....	38
1D-3 EMPLOYEE SAFETY .....	39
1D-4 DRUG AND ALCOHOL- ALL EMPLOYEES.....	40
1D-5 DRUG AND ALCOHOL- CDL EMPLOYEES .....	44
1D-6 WORKPLACE VIOLENCE .....	44
1D-7 SOCIAL MEDIA .....	45
<b>SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS.....</b>	<b>47</b>
<b>A. EMPLOYEE PAYROLL.....</b>	<b>48</b>
2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR.....	48
2A-2 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS.....	50
2A-3 COMPENSATION .....	50
2A-4 WEATHER CLOSINGS AND EMERGENCIES .....	51
2A-5 COMPENSATORY TIME OFF.....	53
2A-6 PAYROLL DEDUCTIONS.....	54
2A-7 WORK WEEKS AND WORK PERIODS.....	54
2A-8 TIME RECORDS .....	55
2A-9 PAY PERIODS.....	55
2A-10 WORK SCHEDULES.....	56
2A-11 HOURS WORKED .....	56
2A-12 LAW ENFORCEMENT PAY AND OVERTIME.....	56
2A-13 OVERTIME CALCULATIONS AND RULES.....	57
2A-14 TRANSFERS .....	57
2A-15 PROMOTIONS .....	57
2A-16 DEMOTIONS.....	58
2A-17 SEPARATIONS .....	58
2A-18 RETIREE REHIRES .....	59
<b>B. EMPLOYEE BENEFITS .....</b>	<b>60</b>

2B-1 HEALTH AND DENTAL PLANS ..... 60

2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL ..... 62

2B-3 VACATION ..... 62

2B-4 PTO (PERSONAL TIME OFF) ..... 64

2B-5 HOLIDAY ..... 65

2B-6 JURY DUTY ..... 66

2B-7 BEREAVEMENT LEAVE ..... 67

2B-8 LONGEVITY PAY ..... 67

2B-9 MILITARY LEAVE ..... 68

2B-10 PAID QUARANTINE LEAVE..... 70

2B-11 RETIREMENT ..... 71

2B-12 SOCIAL SECURITY/MEDICARE ..... 71

2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL) ..... 72

2B-14 LEAVE OF ABSENCE - OTHER ..... 78

## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Medina County Employee Handbook that outlines my benefits and obligations as a County employee. I the undersigned have read the Medina County Employee Handbook that the Medina County Commissioner's Court has adopted. If I need clarification on any of the information in this handbook, I will contact my immediate supervisor.

I further understand that the Medina County Employee Handbook is not a contract of employment. I understand that I am an at-will employee and that either the County or I may terminate my employment at any time, with or without cause, and with or without notice.

I understand that this employee handbook is intended to provide guidance in understanding Medina County's policies, practices and benefits. I understand that Medina 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 understand as a County employee, I 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.

I further understand that as a Medina 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 teamwork 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, post-accident and follow-up drug and alcohol testing.

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

---

Printed Name of Employee

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Signature of Employee

---

Date Signed

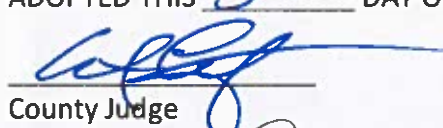
**COUNTY OF MEDINA  
COMMISSIONERS COURT ORDER**

WHEREAS the Medina County Commissioners' Court desires to provide the employees of Medina County with a uniform format for dealing with various employment related issues; and

WHEREAS the Medina County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Medina County Commissioners Court and hereby approve, and adopt, the MEDINA COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS 3rd DAY OF November, 2025

  
County Judge

  
Commissioner Pct. 1

  
Commissioner Pct. 2

  
Commissioner Pct. 3

  
Commissioner Pct. 4

Witnessed and Attested By:

  
County Clerk



## RESOLUTION FOR MEDINA COUNTY

I the undersigned have read the Medina County Employee Handbook that the Medina County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Medina County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Medina County employees, and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Medina County Employee Handbook, as witnessed by my signature below.

---

Printed Name of Elected Official

---

Office of Elected Official

---

Signature of Elected Official

---

Date Signed

# Medina County Employee Handbook

Welcome to Medina County!

We are excited to have you as an employee of Medina County. You were hired because the elected official, appointed official, or department head believes you can contribute to the success of Medina County, and share our commitment to serving the public and our constituents with excellence.

Medina County is committed to providing excellent service to the public in all of our county offices. As part of the team, we hope you will discover that the pursuit of excellence is a rewarding aspect of your career here.

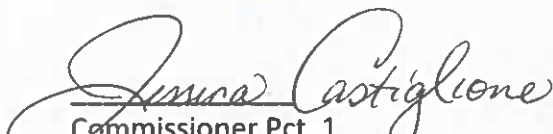
This employee handbook contains some key policies, benefits, and expectations of Medina County, and other information you will need.


Your job is essential to fulfilling our mission of serving our county constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Medina County employee. You should use this handbook as a ready reference as you pursue your career with Medina County. Please consult with your elected official, appointed official, or department head regarding questions you may have concerning this employee handbook.

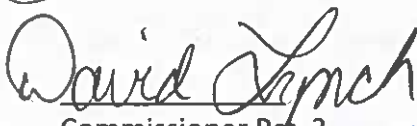
Welcome aboard!

Sincerely,

  
County Judge

  
Commissioner Pct. 1

  
Commissioner Pct. 2

  
Commissioner Pct. 3

  
Commissioner Pct. 4





# **SECTION 1: GENERAL POLICIES**

Medina County's government organization is established by the Constitution of the State of Texas and by state statutes. Operations are governed by state and federal law and by actions of the Commissioners' Court.

The Commissioners' Court consists of four County Commissioners, each elected by the voters of a Commissioner's Precinct, and the County Judge, elected by all of the voters of the County. Officials are elected for a four-year term of public service. The Commissioners' Court is the chief policy, administrative or executive branch of the county government. Among its many functions, the Court:

- Sets salary for elected officials, department heads, and employees;
- Sets the tax rate; Adopts the annual budget;
- Approves new programs or changes existing ones;
- Adopts regulations and policies; and
- Approves and manages County facilities.

The Commissioners' Court carries out these and other specific duties by meeting in regular and special sessions.

The term of office for Medina County elected officials is determined separately by state law. Elected officials are directly responsible to the voters for performing the duties assigned to their offices.

## **A. COUNTY EMPLOYMENT**

### **1A-1 EMPLOYMENT AT-WILL**

All employment with Medina County shall be considered “at will” employment. No contract of employment shall exist between any individual and Medina County for any duration, either specified or unspecified. No provision of this employee handbook shall be construed as modifying your employment at will status.

Medina 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.

Medina County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. Employees of Medina County shall have the right to leave their employment with the County at any time, with or without notice.

### **1A-2 APPLICATION FOR EMPLOYMENT**

#### **SELECTION**

Medina County has three methods of recruiting and selecting persons to fill vacancies. They are as follows:

- a. Promotion from within;
- b. Lateral transfer from within;
- c. Public announcement requiring submission of written application.

Each Elected Official/Department head shall be responsible for selecting the applicant whom he/she feels best meets the qualifications for an open position in his/her department.

Selection of the person to fill the vacancy will be made by the Elected Official/Department head with consideration of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the specified job.

#### **JOB ANNOUNCEMENTS**

Announcements for Medina County job openings may include, but not be limited to:

- a. Advertisements in local newspapers;
- b. Postings on bulletin boards in the Medina County Courthouse and Human Resources Department.;
- c. Other means selected by individual Elected Official/Department heads.

All (including inter-departmental) Medina County job announcements will be posted for a minimum of three (3) working days.

Each elected official/department head will decide how job openings will be announced and will forward job opening information to the Human Resources Department.

#### **APPLICATION PROCEDURE**

All individuals interested in consideration for employment with Medina County must complete a Medina County Application for Employment (see index).

Copies of the Medina County Application for Employment are available through the Human Resources Department and/or online at [MedinaTX.gov](http://MedinaTX.gov), Employment opportunities, Job Openings.

#### **DISQUALIFICATIONS**

Applicants may be disqualified for consideration of employment. These reasons include, but are not 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 has applied;
- 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.

### **1A-3 EMPLOYEE STATUS POLICY**

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. The status of a position cannot be changed without the approval of the Commissioners Court. This policy defines both health insurance and retirement benefits. Full-time employees will be eligible for health insurance.

#### **REGULAR FULL TIME**

A full-time employee shall be any employee in a position who has a normal work schedule of 30 hours or more per week. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Medina County makes exempt status determination based on the Fair Labor Standards Act.

#### **REGULAR PART TIME**

A part-time employee shall be any employee in a position who has a normal work schedule of less than 30 hours per week. All regular part-time employees must be placed on TCDRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits. If the employee works an average of thirty (30) or more

hours a week on a consistent basis, the employee will be reclassified as full-time and be eligible for health insurance through the county under the Affordable Care Act.

### **SEASONAL**

A seasonal employee shall be any employee who is hired into a position that lasts and begins at approximately the same time each year. Examples may include, but are not limited to, election workers. Seasonal employees can be either part-time or full-time, and they may qualify for health insurance through the county under the Affordable Care Act depending on the number of hours worked per week, and the length of employment. Seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

### **TEMPORARY PART TIME**

A temporary part-time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period or until a specific project is completed, **but no longer than 6 months**. If this project goes beyond 6 months, the employee will move into a regular part-time status. Temporary part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

### **TEMPORARY FULL TIME**

A temporary full-time employee shall be any employee who is expected to work for thirty (30) or more hours each week in a position that is expected to last no more than 2 months' time frame. Temporary full-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

### **OTHER PERSONNEL**

Any employee who has a majority of their salary paid by agencies other than Medina County (Extensions Agents, District Attorney, District Judge, etc.) are not considered Medina County employees. These employees, however, may be eligible to all other benefits afforded other county employees within legal limitations as determined by Commissioners Court.

## **1A-4 EQUAL EMPLOYMENT OPPORTUNITY**

Medina 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, 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 Human Resources Department, Elected Official, Appointed Official, or Department head.

### **REASONABLE ACCOMODATION**

Medina County shall make reasonable accommodation for otherwise qualified disabled individuals to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to non-disabled individuals.

Reasonable accommodation shall be determined through consultation with the disabled individual and, where and when deemed necessary, through consultation with outside resources.

### **COMPLAINT PROCESS**

Medina County urges employees who feel they have been subject to discrimination under this policy to bring these allegations directly to the Commissioners' Court, Human Resources Director, or any other elected official.

If Medina County receives notice that a county employee has filed a discrimination complaint, this complaint will be forwarded to the County Judge for Commissioners' Court review. A County representative, the Human Resources Director, affected Elected Official/Department head, and members of the Commissioners' Court will work together to respond to the charge and to resolve the complaint.

## **1A-5 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

It is the policy of Medina 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 Human Resources, Elected Official, Appointed Official, or Department Head. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

It is Medina County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation imposes 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 Human Resources Department Elected Official, Appointed Official, or Department Head. Reasonable accommodation shall be determined through an interactive process of consultation.

## **1A-6 PERSONNEL FILES**

### **MAINTENANCE**

The Medina County Human Resources 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.

### **CONFIDENTIALITY**

It is important that the personnel records of Medina County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Medina 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.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether the employee has family members confidential. Employees 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 their first day of employment.

## **1A-7 NEPOTISM**

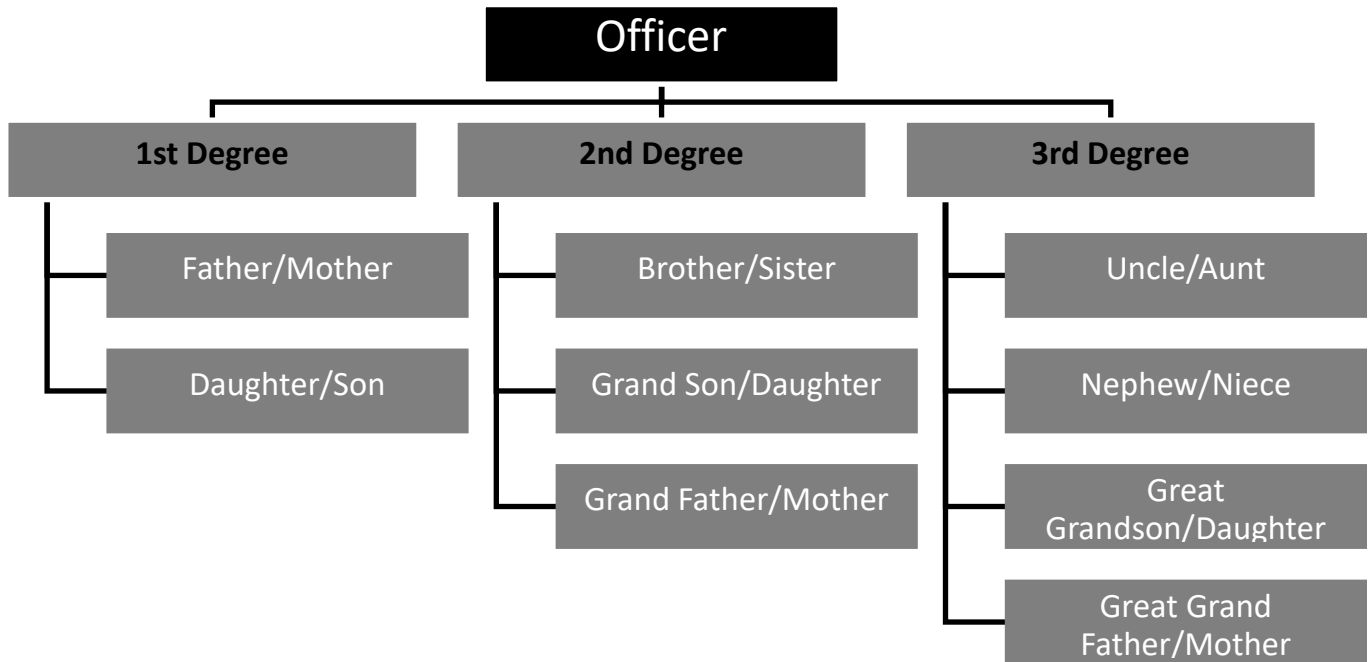
### **EMPLOYMENT OF RELATIVES**

Texas Government Code Chapter 573, a Public Official of Medina County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over. Furthermore, should a newly hired department head or newly elected official have a family member related within the third degree or closer of consanguinity (blood) or the second degree or closer of affinity (marriage) already working in their department, the employee may remain employed in that department; however, he or she shall not be promoted to or transferred into a more senior or better paid position within that department during the tenure of their relative's term as department head or elected official.

A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

## CONSANGUINITY KINSHIP CHART

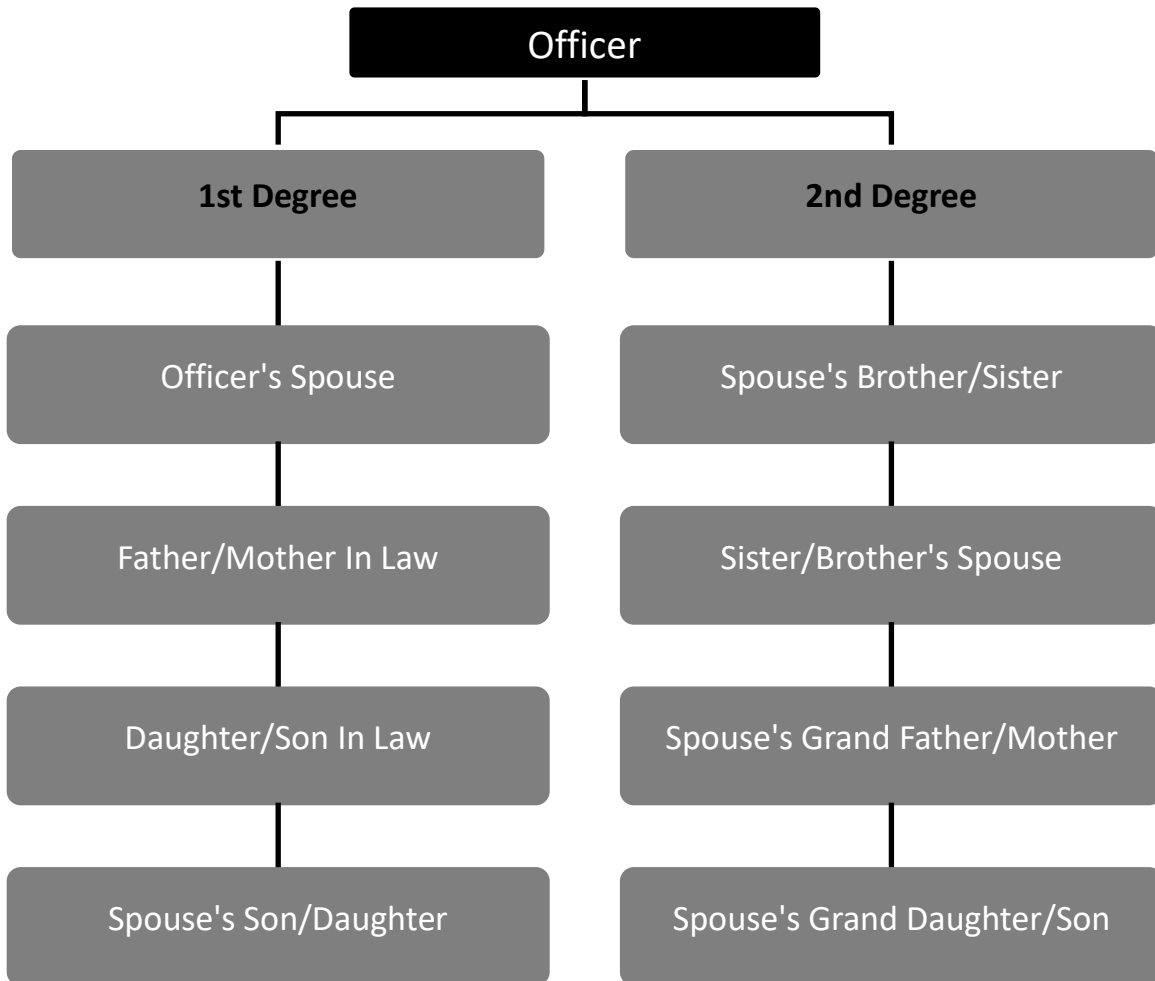
(Relationship by Blood)





## AFFINITY KINSHIP CHART

(Relationship by Marriage)



## **B. WORK RULES AND EMPLOYEE RESPONSIBILITY**

### **1B-1 ATTENDANCE**

As a Medina County employee, you are expected to be punctual and demonstrate consistent attendance.

#### **ATTENDANCE**

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor unless prior approval for absence is given by the supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

#### **TARDINESS**

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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.

#### **EXCUSED/UNEXCUSED ABSENCE/TARDINESS**

Each supervisor is 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. Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

#### **ABANDONMENT OF POSITION**

An employee who does not report for work for three (3) consecutive scheduled workdays, and who fails to notify their supervisor, shall be considered to have resigned their position by abandonment.

### **1B-2 DRESS CODE**

Medina County expects all employees to be well groomed, clean, and neat at all times. Each Elected official or department head will determine the type of attire that is acceptable. Employees are required to always act in a professional manner and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

### **1B-3 TOBACCO/SMOKE FREE WORKPLACE**

Medina County endeavors to provide a healthy environment. A tobacco free environment helps create a safe and healthy workplace. Medina County recognizes the hazards caused by tobacco use and exposure to secondhand tobacco smoke. Medina County prohibits tobacco smoking in any building owned or used by Medina County, any county owned vehicle or heavy equipment machinery.

The use of tobacco products within any DSHS (Department of State Health Services) contractor facility is strictly prohibited.

### **1B-4 CONFLICT OF INTEREST**

Employees of Medina 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 their ability to make objective decisions in regard to their work and responsibility as a Medina County employee.

Employees involved in conflict-of-interest situations shall be subject to discipline, up to and including termination and these actions may have criminal consequences for employees.

#### **PROHIBITED**

Activities which constitute a conflict of interest shall include but not 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 their duties for the County; or
- 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.

### **1B-5 HARASSMENT**

#### **POLICY**

Medina 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.

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

## **REPORTING**

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

## **INVESTIGATION**

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

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

## **PROCEDURES**

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

- a. When practical, express your feelings of harassment to the harasser and ask him/her to stop the unwanted behavior.
- b. Record the time, place, and specifics of each incident, including all witnesses.
- c. Report continuing harassment to the elected official, appointed official, or department head who is responsible for your department, or to the County Judge, another member of the Commissioners' Court, County Attorney, or Personnel/HR Director.
- d. If a thorough investigation reveals that unlawful harassment, sexual or otherwise, has occurred, Medina County shall take remedial action in accordance with the circumstances.

## **CLAIMS**

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they

work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to Human Resources.

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.

## **1B-6 SEXUAL HARASSMENT**

### **POLICY**

Sexual harassment is strictly prohibited by Medina County, whether committed by an elected official, an appointed official, a department head, a co-worker or a non-employee the county does business with. It is the policy of Medina County to provide a workplace free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

### **VIOLATIONS**

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment.

### **DEFINITIONS**

Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where:

- a. the submission to such conduct is either an expressed or implied condition of employment; or
- b. the 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.

All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

### **REPORTING**

Employees who feel they have been sexually 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 harassment to the official or department head may not be the best course of action, the report should be made to Human Resources.

## **INVESTIGATION**

Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

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

## **PROCEDURES**

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 sexual harassment to the Elected Official, Appointed Official, or Department Head who is responsible for your department or to Human Resources.
- d) If a thorough investigation reveals that unlawful sexual harassment has occurred, Medina County will take effective remedial action in accordance with the circumstances, up to and including termination.

## **CLAIMS**

Retaliation against an employee who reports sexual harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

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

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 regarding sexual harassment charges.

## **1B-7 POLITICAL ACTIVITY**

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

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.

## **1B-8 OUTSIDE EMPLOYMENT**

Medina County employees are expected to give their full and undivided attention to their job duties. They should not use Medina County facilities or equipment or their association with Medina 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 Medina County that interferes with the employee's assigned duties with Medina County.

## **1B-9 BREAKS**

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. The Texas Right to Express Breast Milk in the Workplace Act also imposes duties on public employers and, under other state law, is applicable for the duration of a nursing mother's need to express breast milk. Medina County supports the practice of expressing breast milk.

Medina County will provide reasonable breaks for a nursing mother to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

Medina County will provide the nursing mother with a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case-by-case basis.

Medina County does not allow any retaliation against a nursing mother for asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk. A reasonable accommodation will be given for the needs of employees who express breast milk. An employee of the county who needs to express breast milk may not be discriminated against.

All other employee breaks are determined by each official or department head and are not required to be given. If your department provides you with a break, it may not be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for a nursing mother; however, if paid breaks are provided for employees, a nursing mother must be given the same amount of paid break time.

## **1B-10 GRIEVANCES**

Any employee having a grievance related to their job should discuss the grievance with their immediate supervisor.

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 or Human Resources.

The decision of the elected or appointed official with final responsibility for the employee's department shall be final in all job-related grievances.

#### **ADDITIONAL POLICIES/INFORMATION**

If an employee believes he/she has a grievance relating to harassment or the Texas Whistleblower Act, please see the Medina County Policy on Harassment or the Medina County Whistleblower Policy for further information/instructions (Pg26).

### **1B-11 DISCIPLINE**

Each Elected Official/Department head 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 Elected Official/Department head feels is not acceptable as it relates to the employee's job or the best interest of the department or County.

#### **TYPES OF DISCIPLINE**

Determination of the method of discipline is at the sole discretion of the individual Elected Official/Department heads. Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination.

#### **REASONS**

Examples of reasons for administering discipline shall include, **but not be limited to:**

- a. Insubordination or other disrespectful conduct – failure or unwillingness to accept or recognize the authority of the Elected Official/Department head
- b. Absence without permission – including failure to notify a Elected Official/Department head of sick leave, repeated tardiness, early departure
- c. Endangering the safety of other persons through negligent or willful acts
- d. Unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business not on County property
- e. An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.
- f. Unauthorized use or negligence of public funds or property
- g. Conviction of official misconduct
- h. Conviction of a felony or drug related charge
- i. Falsification of County documents or records
- j. Unauthorized use of official information or unauthorized disclosure of confidential information
- k. Unauthorized or abusive use of official authority
- l. Incompetence or neglect of duty
- m. Boisterous or Disruptive behavior in the workplace



- n. Use of abusive language
- o. Theft or inappropriate removal or possession of property
- p. Threatening or fighting in the workplace
- q. Unsatisfactory performance or conduct
- r. Excessive absenteeism
- s. Gross Misconduct (inappropriate work relations, fighting, threats, and etc.)

### **DISCIPLINARY SUSPENSION**

An employee may be suspended with or without pay for disciplinary reasons or pending investigation if the Department Head/Elected Official determines the suspension is in the best interest of the County.

### **AT WILL EMPLOYMENT**

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

Medina 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.

## **1B-12 LICENSE AND CERTIFICATIONS**

Medina County has positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses a license or certification, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such a license or certification is illegal under either Federal or State Law.

## **1B-13 CONFIDENTIALITY**

Medina County is a public entity; however, some county employees acquire confidential (confidential, non-public) information because 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.

### **SECURITY**

Regarding the personnel information on employees of Medina 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. No information from any record placed in an employee's file will be communicated to any person or organization except by the Elected Official/Department head responsible for personnel files or an employee authorized and designated to do so by that Elected Official/Department head. The county will adhere to the Public Information Act requirements.

## **1B-14 WHISTLEBLOWER**

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

### **POLICY**

Chapter 554 of the Texas Government Code, known as the Texas Whistleblower Act, protects a public employee from adverse personnel action by his or her employer when, in good faith, the employee makes a protected disclosure of wrongful conduct by the public employer or another public employee to an appropriate law enforcement authority or other appropriate authority.

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.

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

### **CLAIM**

An employee who, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources.

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

## **C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **1C-1 COUNTY PROPERTY USAGE**

#### **RESPONSIBILITY**

Each county employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to them. County employees shall only use equipment, tools, and other County property that they are authorized to use. Personal use of county equipment, supplies, tools, and any other county property is not permitted and may result in discipline up to and including termination. Improper use may subject employees to criminal prosecution.

## **1C-2 COUNTY VEHICLE USAGE**

### **RESPONSIBILITY**

Some employees may be required to use county vehicles as a part of their job. Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

### **PERSONAL USE**

Consequently, when an employee uses a county vehicle for commuting, it is considered personal use of the vehicle and subject to applicable income tax, FICA, and retirement withholdings and will be reported on the employee's W-2 form. Deputy Sheriffs', Animal Control, Buildings and Grounds, Precinct, Emergency Management vehicles are excluded from this provision under IRS publication 15B under "Qualified non-personal-use vehicles". Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If they have any change in status of their license, they must immediately notify their supervisor. An employee whose job involves operation of a vehicle requiring a license for its legal operation shall be subject to possible job change, demotion or termination if that license is suspended or revoked.

Other than as stated above, personal use of any County vehicle, equipment, supplies, tools, or property by any Medina County employee will not be permitted.

Personal use includes, but is not limited to, the following:

- A. Transporting family members and/or anyone not employed by Medina County in a County vehicle not for county business;
- B. Use of County equipment and/or tools for personal use, on or off the clock.

Employees discovered to be using County equipment/vehicles for personal use will be subject to disciplinary action up to/including termination.

### **LICENSES**

A County employee who operates any County vehicle/equipment which requires a license shall be required to have a current valid license for that vehicle/equipment during the time he or she operates it.

Any employee who operates a vehicle/equipment which requires a license for legal operation will notify his/her supervisor of any change in the status of that license immediately. The Elected Official/Department heads then must notify the Treasurer's office of the change in the employee's license status.

An employee whose job involves operation of a vehicle/equipment requiring a license for its legal operation will be subject to possible job change or termination if that license is suspended or revoked.

An employee whose job involves operation of a vehicle/equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's insurance carrier, even though the employee's license has not been revoked or suspended, will be subject to possible job change or termination.

Any traffic citation ("ticket") for a moving violation an employee receives while operating a County vehicle will be solely the responsibility of that employee. Medina County will not authorize payment of any fee or fine for violation of traffic laws. All employees must report any such traffic citations to their supervisors immediately.

### **ACCIDENTS**

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to their supervisor and to the proper law enforcement or other authority immediately. A copy of all accident and incident reports prepared by the employee shall be sent to the Supervisor and the Treasurer's Office. A copy of all accident and incident reports must be submitted to the supervisor within 24 hours and the County Treasurer's office within three (3) working days.

## **1C-3 MILEAGE**

### **POLICY**

Medina County funds car allowances for the County Judge, County Commissioners, Constables, Justices of the Peace, Tax Assessor/Collector and Extension Agents. All other departments budget individually for mileage reimbursement. Funds are budgeted for reimbursement of mileage expenses in the departments not listed above for elected officials, department heads and employees performing official County business.

### **QUALIFICATIONS**

To qualify for travel reimbursement, a completed request voucher and google map search showing the mileage must be submitted together to verify the requested mileage reimbursement.

### **REIMBURSEMENT**

Mileage will be reimbursed at a rate not to exceed the current IRS mileage reimbursement rate. Commuting miles are not reimbursable according to the IRS. If they are paid, then they are considered taxable income and should go through payroll. For additional information please see the IRS publication at 2025 Publication 15-B.

Failure to submit the Commissioners Court approved reimbursement form with all appropriate detailed backup documentation will result in delay in the processing until the correct form and backup is provided. If an employee uses a personal vehicle for travel for county business, the rules on the following table apply:

	From Your Home	From Your Primary Work Location	From A Temporary Work Location
<b>To Your Home</b>		No mileage allowed	Mileage allowed
<b>To Your Primary Work Location</b>	No mileage allowed		Mileage allowed
<b>To A Temporary Work Location</b>	Mileage allowed	Mileage allowed	Mileage allowed to a second temporary location

This is a reimbursement process and does not allow for payment prior to the expense being incurred or travel being completed.

#### **CAR ALLOWANCE**

Any county official who receives a car allowance is ineligible to receive any other mileage reimbursement. The county official's car allowance will be included on their W2s subject to taxes and other withholdings.

### **1C-4 TRAVEL**

Section 152.011 of the Texas Local Government Code gives the Commissioners Court the authority to set the amount of travel expenses allowable for County Officials and Employees who travel on Official County Business.

#### **ELIGIBILITY**

- a. This travel policy applies to all Medina County Employees, Department Heads and Elected/Appointed Officials.
- b. Anyone who receives a monthly travel allowance is ineligible to receive any other automobile mileage reimbursement.
- c. All air travel will be considered on a case-by-case basis for all County Employees.
- d. For authorized trips, only actual reasonable expenditures will be reimbursed subject to the limits set forth in this policy document.
- e. Request for travel reimbursement must be submitted no later than one month after the last day of travel. The travel reimbursement form is the only acceptable form to process a reimbursement.

## **REIMBURSABLE EXPENDITURES**

The following items are reimbursable within the limits explained in the supporting sections:

- a. Personal automobile
- b. Rental Car/Rideshare
- c. Out of state travel
- d. Air travel
- e. Lodging
- f. Meals
- g. Telephone calls
- h. Registration fees
- i. Travel with companion/other employees

To be reimbursed, original receipts (other than meal receipts), original car rental agreement, itemized hotel receipt, training agenda and any supporting documents must be turned in with the Reimbursement Form

### **PERSONAL AUTOMOBILE**

If a county vehicle (department vehicle or the shared vehicle at the Auditor Office) is unavailable or not feasible, personal vehicle travel shall be reimbursed at the Official State Rate listed on the Texas Comptroller of Public Accounts website:

<https://fmx.cpa.texas.gov/fmx/travel/texttravel/rates/current.php>

If one employee is traveling, that employee will be reimbursed for the actual mileage traveled. Mileage should be shown on a Google map showing the total mileage one or both ways. Travel should be from home (if departing from home) or from work location (if leaving from work) and should show the address of the departure and arrival point and the one or two-way mileage. For two or more employees traveling together in the same vehicle, only one employee will be reimbursed for actual mileage traveled and they are the only one who should make the claim. Mileage traveled outside the route detailed on the Google map provided will not be reimbursed.

All mileage reimbursement will be processed and paid through Accounts Payable.

### **RENTAL CAR/RIDESHARE**

Auto rentals should be limited to situations where the county employee shared vehicle (at the Auditor's Office), or County Vehicles used within departments, or any county vehicle are unavailable.

Reimbursable costs for an auto rental include the daily fee of up to a mid-sized car, fuel, parking, and tolls.

Original receipts and original rental agreement must be turned in with the Travel Reimbursement Form.

Employees will be reimbursed for the base fee use of a Rideshare service (Uber, Lyft, etc.). Tips for Rideshare services are non-reimbursable.

## **OUT OF STATE TRAVEL**

All County Employees must get approval from Commissioners Court prior to traveling out of state and prior to registering for an out-of-state conference.

Law enforcement and juvenile probation are exempt from this policy.

## **AIR TRAVEL**

When the most cost-efficient travel is by air, reimbursement will be limited to coach fare and one (1) checked bag except for the instances noted below:

- a. In the event of medical necessity
- b. In an extreme emergency

## **LODGING**

Medina County will pay for accommodations up to the single room rate unless two or more county employees enrolled in the travel reason are sharing a room. Employees should book specially contracted, cancellable, conference rates as soon as possible to ensure the best rate. Hotel or any type of lodging costs should be kept to the conference rate or less including if they must book at a different place of lodging than the normal venue.

Medina County will pay for the prior night of lodging accordingly:

<b>Miles</b>	<b>Conference Start Time</b>
60 – 120	On or before 10:30 a.m.
121 – 240	On or before Noon
241 – 360	On or before 3:00 p.m.
361 – 480	On or before 6:00 p.m.

If an employee travels more than 480 miles, the County will pay for the prior night regardless of the conference start time.

## **MEALS**

Per the IRS rules set for the current year, payments for the first and last day of travel shall be allowed for meals and incidentals when overnight stay is required. Detailed agendas for training are required for reimbursement and travelers must note any meals that were provided by the conference, hotel, or event sponsors.

Employees who are not staying overnight shall be paid the current IRS year per diem rate per meal. This per diem rate will be taxed and applied on the employee's paycheck following the submission of the travel voucher. Employees who normally clock out for lunch must be clocked out during lunch time to be eligible to receive a reimbursement for lunch. Auditor's Office will verify timesheets to review transactions. Travel reimbursement forms must be submitted to the HR's office for processing.

The County will NOT reimburse any meal expenses for the following items:

- a. Alcoholic beverages

### **TELEPHONE CALLS**

The County will reimburse “county business” telephone calls not covered by a calling plan.

Employees who receive a cell phone allowance or use provided county issued phones to make calls are not eligible to receive a reimbursement.

### **REGISTRATION FEES**

Registration fees will be paid directly to the sponsoring organization. If registration fees are not prepaid, the County will reimburse travelers for registration fees and conference materials when receipts are submitted with the Travel Reimbursement Form. If a receipt cannot be obtained, documentation for the expenditure must be submitted.

To guarantee the best price available, it is recommended to register for conferences and trainings at the earliest convenience when registration opens.

### **TRAVEL WITH COMPANION / OTHER COUNTY EMPLOYEES**

The County will not reimburse personal, spouse, or companion travel and other related travel expenditures. The employee is responsible for allocating only his/her portion of expenditure on the Travel Reimbursement Form and for identifying them on hotel and other receipts. When lodging costs more due to adding non-reimbursable travelers, the employee must note that fact on the receipt, provide proof of the single room rate, and claim only the single rate. When possible, if a non-reimbursable traveler travels with the employee, pay expenses separately for them so their charges don’t show on the voucher receipts which can create misunderstandings/miscalculations.

If multiple people from the same department stay together in the same lodging AND its paid with a county credit card, just one traveler claims it on their voucher (write on the receipt how many people stayed there). Other travelers can leave it blank or write in the lodging area that it was covered by another traveler.

### **TRAVEL REIMBURSEMENT FORM**

The Reimbursement Form is provided by the Auditor’s Office. Employees must submit it and supporting documentation to the Auditor’s Office. Original documents such as itemized bills hotels, the page of an airline ticket showing the itinerary and cost, a google maps (or similar document) showing the departure point, arrival point, and the one or two-way mileage, receipts for other expenditures, and the training agenda (showing dates and times) must be attached for documentation. Credit card charge slips will not serve as adequate documentation for reimbursement. If a Travel Cash Advance was acquired, it must be noted on the Travel Reimbursement Form. All Travel Reimbursement Forms should be submitted within one week of return.



Missing Receipts: If a traveler loses (or never received) their receipt (it should be rare or the following may cease to be an option for them), they must do all they can to get a new receipt (i.e. calling hotel). If still not possible, they can provide a memo (typed or handwritten but signed) stating, "I certify I bought (or paid for) state purchased item(s) on Month Date, 20\*\* and have lost (or never received) the receipt. (If the missing receipt is a hotel bill, add "I further certify that no food nor alcoholic drinks are being claimed nor additional expenses for additional guests.>"). "Attached is a page from my credit card statement showing the amount claimed." On the statement, they should circle or highlight the charge, name, and last numbers of their credit card.

The traveler is required to sign the Travel Reimbursement Form certifying the claimed amounts are actual and reasonable; the purpose of the trip or conference name must be indicated. The Travel Reimbursement Form must be reviewed/approved by the Elected Official/Department head or their designee. Elected Official and Department Head vouchers will be reviewed by the Auditor's Office. All signatories should ensure that only legitimate expenses are being claimed on the voucher.

The Auditor's Office is responsible for the review of all Travel Reimbursement Forms. During the review, the Auditor is authorized to return any questionable or incomplete vouchers to the employee to obtain additional approval or documentation supporting claim. Documentation and explanations are key to successful voucher submissions. Employees should write down any additional information that will help the voucher examiner understand and process the voucher and remove any papers not needed to process the claim.

#### **NON-REIMBURSABLE EXPENDITURES**

Reimbursement shall not be made for expenditures incurred for the sole benefit of the traveler such as entertainment, tips for services, movie rentals, etc. Other expenditures not reimbursable include:

- a. Traffic fines for parking or speeding violations
- b. Lost or stolen cash or other personal property
- c. Repairs to personal vehicles used for County travel
- d. Cancellation fees/hotel/rental car costs for unreasonable failure to cancel hotel or transportation reservations
- e. Spouse or family member expenditures
- f. Commuting costs between home and the office
- g. Laundry service

#### **TAX EXEMPT**

Medina County qualifies as a tax-exempt entity. Please make sure you send the tax-exempt form to the place of lodging before you arrive or take a copy of the form with place of lodging, rental agency, or airport. Copies of the tax-exempt form are available at the Treasurer's Office.

## **1C-5 CELL PHONE USAGE**

### **REIMBURSEMENT PLAN: BUSINESS USE OF PERSONAL CELL PHONES**

Medina County determines, on a case-by-case basis, the need for a county provided cell phone(s) or monthly cell phone allowance. Medina County will provide a cell phone allowance of \$50 per month for an employee who must use their personal cell phone for work purposes as approved by their supervisor.

### **OVERSIGHT RESPONSIBILITY**

Elected Official/Department heads shall periodically review each authorized employees continued need to use a personal cell phone for business purposes. The Elected Official/Department head is responsible for notifying the Human Resources Department if the employee no longer needs to use a cell phone for his/her job subject to the following conditions:

- a. Medina County must first authorize the employee to use his/her personal cell phone for County business. An authorization form shall be signed by the employee's Elected Official/Department head; the employee shall sign and agree to maintain the cell phone contract in his/her name. The authorization form will identify the employee and the employee's personal cell phone number. A copy will be retained by the employee and by the Medina County Human Resources Department.
- b. If an employee changes his/her cell phone number, a new cell phone contract must be completed at that time
- c. The monthly cell phone allowance will be processed bi-monthly. The cell phone allowance is a taxable item and will be added to the employee's paycheck, subject to all applicable tax and retirement withholdings.

Medina County strongly discourages 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.

Medina County bans all employees from texting while operating any county owned vehicle or county owned equipment. Federal law prohibits any CDL drivers operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of CDL. Employees in possession of a Medina County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

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

## **1C-6 COMPUTER AND INTERNET USAGE**

In order for a Medina County employee to utilize a Medina County computer, they must complete the annual Cyber Security and AI training.

The use of Medina County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Medina County business and for authorized purposes 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.

Use is defined as "excessive" if it interferes with normal job functions, 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.

### **POLICY GOALS**

The regulations and restrictions contained in this policy are intended to achieve the following goals:

- a. To ensure that computer services are used for appropriate County purposes;
- b. To wisely use limited resources including, but not limited to, internet bandwidth and storage space on the County server and individual computers;
- c. To avoid streaming video and/or audio clips or other such downloads that use excessive resources and adversely affect legitimate uses of the internet; and
- d. To avoid the introduction of viruses, worms, and other destructive forces by music downloads or other means.

### **COMPUTER USAGE MONITORING**

Use of Medina County computers, networks, and Internet access is a privilege granted by officials or department heads and may be revoked at any time for inappropriate conduct carried out on such systems. 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.

Medina County owns the rights to all data and files in any computer, network, or other information system used in the county. Medina 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. Medina 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 employee 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 copy

right laws, download any illegal or unauthorized downloads. Medina 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.

### **EMAIL MONITORING**

E-mail is an important asset and critical component of Medina County's communication system. The e-mail system is provided by the County for employees to facilitate their performance of office work, and the contents are the property of Medina County. Although the County does not routinely monitor e-mail, it reserves the right to view, retrieve, retain, or delete any e-mails, instant messages, or other such communications.

### **MISUSE OF EMAIL/INTERNET**

Misuse of e-mail or the internet may result in disciplinary action, up to and including termination of employment. Such misuses may include, but are not limited to, the following:

- a. Transmission of obscene, profane, or offensive material over any County communication system, including computer equipment.
- b. Downloading, viewing, creating, or transmitting erotic or pornographic materials;
- c. Paying bills, online banking, or online shopping that is not directly related to County business;
- d. Creating or transmitting messages, jokes, or other communications that violate applicable anti-harassment policies or that create an intimidating or hostile work environment.
- e. Use of County equipment to set up or conduct any type of business or to participate in chain letters;
- f. Transmissions of any confidential information to unauthorized sources as prohibited by the Texas Public Information Act or other State or Federal laws or regulations;
- g. Unauthorized use of another person's password or accessing a mailbox or any other records without appropriate authorization;
- h. Broadcasting unsolicited personal views on social, political, religious, or other non-business related matters;
- i. Solicitation to buy or sell goods;
- j. Any conduct with the equipment which encourages or invites advertising, mass e-mails, pop-up ads, spam, or the like

### **NON-AUTHORIZED USE**

Employees should not bring personal computers to the workplace or connect them to Medina County electronic systems, unless expressly permitted to do so by their supervisor and or IT department. Violation of this policy may result in disciplinary action, up to and including termination of employment.

### **SECURITY**

Employees and authorized users are responsible for maintaining the security of their computers, accounts, and passwords. They must take precautions to prevent unauthorized

access to their mailbox and other information by logging off or locking the computer when their PCs or terminals are unattended. Care must also be exercised to prevent disclosure of passwords to anyone other than Medina County Administration or persons authorized to service the computer equipment. Due care must be taken to protect the confidentiality and security of County records and other information not to be disclosed pursuant to the Texas Public Information Act.

## **D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY**

### **1D-1 WORKERS COMPENSATION**

#### **ELIGIBILITY AND BENEFITS**

All Medina County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven (7) calendar days as the result of eligible work-related injuries or illnesses, with the exception of Law Enforcement employees who receive salary continuation.

Employees may use paid leave for all workers' compensation time off less than 8 days. Employees will be paid for time off for doctor's appointments and physical therapy with the appropriate paperwork from the doctor but shall not exceed 40 hours per week.

#### **COORDINATION WITH FMLA LEAVE**

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

#### **REPORTING**

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

#### **PHYSICIANS RELEASE**

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

#### **CONTRIBUTORY FACTORS**

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

## INSURANCE

While on workers' compensation leave, the employee shall be required to pay for health insurance and supplemental insurance premiums no later than the 20<sup>th</sup> of every month involved. Failure to pay premiums by the due date will result in cancellation of the related coverage.

Medina County will make every effort to bring the injured employee back to work as soon as reasonably possible. Medina County has a return-to-work policy in place and if a position is found that will meet all the restrictions, the employee will be given a bona fide offer of employment. If the employee refuses to return to work, and family medical leave has been exhausted, workers' compensation benefits may be affected, and the employee may be terminated.

## 1D-2 RETURN TO WORK

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

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

### RETURN TO WORK OPTIONS:

- Return to prior position at full duty with doctor's release stating that the injured employee can perform the job functions without restrictions.
- Light Duty – for any employee who is unable to return to their prior position and perform the regular duties of that job but can return with certain restrictions, Medina County will try to accommodate light duty when possible but **cannot guarantee** the availability of light duty.

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

### FOUR (4) WEEK LIMIT

Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be initially offered for a period of four (4) weeks and then will

be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician (unless FMLA time is still available).

### **EMPLOYEE REFUSAL OF WORK**

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

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

### **MEDICAL INFORMATION**

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

### **COORDINATION WITH FMLA**

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

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

## **1D-3 EMPLOYEE SAFETY**

Medina County is committed to providing a safe workplace for our employees.

### **RESPONSIBILITY**

Each County employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements. Safety procedures may differ at each county department. Your supervisor will provide you with specific information pertaining to your position.

Failure to follow the safety standards set by the County or your supervisor subjects an employee to disciplinary action, up to and including termination.

### **SAFETY TRAINING**

Medina County Employees are expected to participate in safety training hosted by the county.

## **ACCIDENTS AND REPORTING**

Despite everyone's best efforts to safely perform work, there may be some work-related accidents; these may or may not involve personal injury or property damage.

The first consideration in the event of an accident is taking care of any injured persons and prevention of further injuries or damage.

### **ACCIDENT REPORTING**

It is important that all work-related accidents be reported and investigated.

It is the responsibility of the Elected Official/Department head to notify the Loss Control Office as soon as is practical when an accident occurs. This allows an effective and timely investigation to be conducted and meaningful recommendations for correction and future avoidance can be made.

If an accident occurs that does not involve lost work time, does not require medical attention, and does not involve a motor vehicle, the Elected Official/Department head is responsible for conducting the investigation, making recommendations to prevent future such occurrences, and forwarding a report of all of his/her findings to the Medina County Loss Control Office.

Any accident which involves lost work time or requires medical attention will require investigation by the Loss Control Office, working with the appropriate Elected Official/Department head, to seek prevention of future such occurrences.

### **EMPLOYEE SUGGESTIONS**

Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to their supervisor. Employees are encouraged to make suggestions to their Elected Official/Department heads of improvements that would make the workplace safer.

## **1D-4 DRUG AND ALCOHOL- ALL EMPLOYEES**

### **PURPOSE**

Medina County is a drug and alcohol-free workplace. A county employee may not be present at work during a period the employee's ability to perform their duties is impaired by drugs or alcohol. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

### **APPLICABILITY**

This policy applies to all employees of Medina County regardless of rank or position and shall include full-time, part-time and temporary employees. The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

### **POLICY**

An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting



County business not on County property. An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County. An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County.

An employee may not use 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.

### **PRESCRIPTION MEDICATIONS**

An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do their job safely and effectively. An employee must keep prescription medications used at work in their original container.

An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of their job duties.

If the use of a medication could compromise an employee's ability to do their job or the safety of the employee, fellow employees or the public, the employee must report the condition to their supervisor at the start of the workday or used appropriate personnel procedures (e.g., call in sick, use leave, request change of duty).

A supervisor must treat any information related to an employee's authorized use of prescription medications and any other medical information provided by the employee as confidential information.

An employee having problems with drugs or alcohol is encouraged to seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problems provided by the County's health plan program is available in the employee's health plan booklet or from the Human Resources Office.

### **POLICY VIOLATIONS**

Any employee who violates this policy shall be subject to disciplinary measures up to and including termination.

### **TREATMENT**

An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protection as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program may result in termination. The post rehabilitation program will

last for as long as two years. If at any time the employee tests positive or refuses the volunteer drug test during this post rehabilitative program the employee may be terminated.

Medina County will drug test employees who ARE NOT CDL license holders under the following conditions:

#### **PRE-EMPLOYMENT DRUG TESTING**

Medina County has a pre-employment drug testing requirement that must be passed post offer for Law Enforcement employees and CDL Drivers 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.

#### **SUSPICION-BASED TESTING**

Under the Influence shall be defined as having a blood alcohol concentration of .02 or more.

#### **REASONABLE SUSPICION**

If an employee is having work performance problems or displaying behavior that may be alcohol or drug related or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy where immediate action is necessary, the elected official or supervisor will require that employee to submit to alcohol or drug test. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- 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
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

Elected Officials or supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated and that the substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

1. Confront the employee involved and keep them under direct observation until the situation is resolved. Inform the employee of the problem with their job performance and specific violations of the County Policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of either the elected official or supervisor as well as the employee.
4. The elected official or supervisor will **remove** the employee from the county workstation and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Human Resources Office for filing.

### **POSTACCIDENT TESTING**

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment will be required to be tested.

#### **Testing Procedures**

1. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, they may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Medina County.
4. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to their residence.
5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

Each employee is expected to cooperate and consent to a drug test when requested under the terms of this policy. Refusal to consent to a drug and/or alcohol test when requested is cause for termination.

Any employee who violates this drug and alcohol policy may be terminated.

### **1D-5 DRUG AND ALCOHOL- CDL EMPLOYEES**

CDL Drivers are an extremely valuable resource for Medina County's business. Their health and safety is a serious Medina County concern. Drug or alcohol use may pose a serious threat to driver's health and safety. It is, therefore, the policy of the County to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

The Federal Highway Administration ("FHWA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Medina County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Medina County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

It is the policy of Medina 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. Medina County will conduct electronic queries 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.

A detailed policy and procedure is available at the Human Resources Office and at every Precinct-Road and Bridge Office.

### **1D-6 WORKPLACE VIOLENCE**

Medina County is committed to providing a workplace free of violence. Medina 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 fear for their safety. Employees are required to

report all suspicious conduct or comments to their immediate supervisor. Employees should always be aware of their surroundings and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department. For workplace violence, only authorized law enforcement officials and authorized employees may possess a firearm or other weapon, with a permit only, in County offices, any buildings owned or used by Medina County, and County owned vehicles. For non-law enforcement authorized employees, they must have written permission from their elected official allowing this responsibility. 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.

## **1D-7 SOCIAL MEDIA**

### **POLICY**

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as TikTok, Twitter, Facebook, LinkedIn, YouTube, and Instagram, etc. Medina 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 and/or position in the county; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Medina County among the community at large. Medina 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.

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.

- If your posts on social media mention Medina County, make clear that you are an employee of Medina County and that the views posted are yours alone and do not represent the views of Medina County.
- Do not mention Medina County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Medina County, respond respectfully with factual information, not inflammatory comments.
- 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.
- Social media activities should not interfere with your duties at work. Medina County monitors its computers to ensure compliance with this restriction.

- You must comply with copyright laws, and cite or reference sources accurately.
- Do not link to Medina County's website or post Medina County material on a social media site without written permission from your supervisor.
- All Medina 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.
- Any confidential information that you obtained through your position at Medina County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

#### **SOCIAL MEDIA APPLICATIONS AND SERVICES PROHIBITED ON COUNTY DEVICES**

Medina County prohibits the installation or use of the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or a social media application or service specified by proclamation of the governor on any device owned or leased by Medina County and requires the removal of covered applications from those devices.

The installation and use of a covered application may be acceptable to the extent necessary for providing law enforcement; or developing or implementing information security measures. In order for the installation to be approved Medina County must require the use of measures to mitigate risks posed to this state during the use of the covered application, and the documentation of those measures.

## **SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS**

## A. EMPLOYEE PAYROLL

### 2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

#### **POLICY**

Medina County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the Payroll Office's attention, Medina County will promptly make corrections necessary at the next payroll. **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

#### **RESPONSIBILITY**

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 records are correct. Your time record must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time record if it is not accurate. When you receive each paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

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 record. 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 record. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must tell your department head, Elected Official or Human Resources.

#### **VIOLATION OF TIME**

It is a violation of Medina County policy for any employee to falsify a time record, or to alter another employee's time record. 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 record to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to your department head, Elected Official or Human Resources.



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.

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: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

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: 1) partial day absences for personal reasons, sickness or disability; or 2) your absence because the facility is closed on a scheduled work day; or 3) your absence because of the County's operating requirements; or 4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or 5) any other deductions prohibited by state or federal law.

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.

## **REPORTING**

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. 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 your Elected Official. 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.

## **2A-2 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS**

Medina County will comply with the IRS with regard to fringe benefits such as county uniforms, county vehicle usage, and day-trip meals. Employees may be responsible for paying payroll taxes on such fringe benefits.

## **2A-3 COMPENSATION**

### **PAY INCREASES**

Each year, Commissioners' Court, during the annual budget preparation phase, reviews each department's salary requirements, requests for salary increases, and requested position realignment or establishment. If such changes are approved, the changes shall take effect on the first full pay period in October of the new fiscal year. Request for additional personnel/positions throughout the budget year will not be considered unless it is considered by the Court to be an Emergency such as Pandemic/Disaster situations. Other situations where additional personnel could be considered is if the County receives funding from any unseen revenue sources throughout the year.

Realignment of a position will only be allowed during budget planning. Any change to a position pay amount will need to be in line with exactly what is budgeted for that position. You cannot lower pay from one position and use that amount to increase pay on another position.

Grant budgeting will fall under separate guidelines and all payroll changes will be subject to grant funding and grant guidelines with Commissioners Court approval.

### **PERSONNEL PAY CHANGES MID YEAR**

Should a departmental vacancy occur during the fiscal year, the department head may reassign personnel to new positions within the department which are assigned higher pay schedules.

Presentations of intradepartmental pay changes to Commissioners' Court shall be the only method of authorization to increase employee pay.

Employees shall not be paid at a higher rate than that authorized for each position by Commissioners' Court. Department heads may pay employees less than the maximum for their pay schedules, but not less than the current Federal minimum wage.

Medina County Commissioners Court annually sets the maximum compensation for each employee in accordance with federal and state laws.

Medina County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioner's Court has adopted this exemption.

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, but they remain non-exempt for FLSA purposes.

Temporary employees shall be paid hourly at least the minimum wage established by the Fair Labor Standards Act, as amended.

In the event of a major disaster where the County Judge has issued a disaster declaration and it has been extended by the Commissioners' Court, in order for the County to be reimbursed by FEMA, all salaried employees will be calculated in the same manner as hourly employees for the duration of the disaster incident and the disaster declaration is rescinded or allowed to expire.

## **2A-4 WEATHER CLOSINGS AND EMERGENCIES**

As a general practice, Medina County does not close its operations unless the health, safety, and security of county employees are seriously brought into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing.

The County Judge will notify all entities with a public announcement. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

Many county departments are continuously operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each official or department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

Essential Employees: Law enforcement, Jail, Dispatchers **will not** receive Emergency hours or pay other than their regular hours worked during an emergency declared by the County Judge.

Essential Employees: Road and Bridge Employees may receive emergency hours only (the same as any non-essential employee) if they are called in during a weather closing/emergency during an emergency declared by the County Judge.

In the event of an Emergency Closing deemed by the Medina County Judge, Road and Bridge Essential Employees will receive Emergency Pay for hours worked outside their regular scheduled work week, within their department, during the emergency time period.

All employees eligible for emergency hours during a closure will receive the number of hours customarily worked during the day that the emergency was deemed. For example, if a department typically works M-F 8 to 5, the number of hours they will receive for a whole day closed would be 8. If an office typically works from M-T 6:30 to 5, and one of those days is deemed an emergency closure, then those employees will receive 10 hours of emergency hours.

### **HAZARDOUS DUTY PAY**

In any declared emergency, County, State, or Federal, the County Judge will determine if hazardous duty pay is authorized for employees who respond to the emergency. The following policy outlines the standard practice for implementing hazardous duty pay, as authorized by the County Judge. However, each emergency event and situation will be reviewed to determine how to best handle hazardous duty pay. Emergency situations that may warrant hazardous pay to include but are not limited to: Natural Disasters, Fires, Epidemic/Health Crisis, and etc.

County employees who perform declared emergency response duties are eligible for additional compensation of \$5.00per hour of actual time spent performing hazardous duties. Only non-exempt Road and Bridge and non-exempt Law enforcement employees will be eligible for Hazardous Duty Pay. Departments who employ essential employees will keep accurate records of employee time charges while they are actively performing hazardous duties. Elected Officials/Department Heads will establish duties that are considered hazardous to ensure consistency across the county regarding employee eligibility.

During or shortly after the emergency, the Elected Official who employs essential employees will make a recommendation for a pay rate, \$5.00per hour, to be paid to employees while they are actively engaged in performing hazardous duties.

### **ON CALL-ROAD AND BRIDGE**

There is an expectation that employees in certain departments, Road and Bridge, will be called after normal scheduled work hours to respond to emergency situations. Road and Bridge employees who are required to accept on-call, must be available and fit for work. Elected Officials will determine who the on-call Road and Bridge employee(s) are based off a rotation schedule, location of emergency, or availability that the elected official will establish with their precincts.

If the on-call employee is not available and fit while they are called out after their normal work hours, then it will be up to the elected official how to proceed with disciplinary actions if warranted.

Road and Bridge workers will receive one and one-half (1 ½) times their regularly hourly rate of pay, for any hours worked responding to the emergency, over 40 hours in the same week, in accordance with the provisions of the FLSA.

Any hours worked when responding to an on call after hours, not deemed an emergency, will be paid straight time. The employee will receive 1.5 times pay only if the employee is over 40 hours in the same week. Non-emergency call outs will be defined by the elected officials in their own precincts.

The safety of Medina County employees is always of highest priority. When a Road and Bridge employee responds to a call out for an emergency, for safety, Road and Bridge employees can only have a maximum of 16 hours charged for a day of work. If a Road and Bridge employee meets this max, then it will be mandatory for the precinct employee to be off the next 8 hours, minimum, to ensure proper rest. It will be up to the Elected Official to ensure their employees follows this guideline and to allow/warrant making the time up to meet the employees on call compensation.

## **2A-5 COMPENSATORY TIME OFF**

### **OVERTIME WORK**

Employees may be required by their department heads to work hours in excess of 40 hours per week. Due to restricted revenues, only law enforcement positions are funded for overtime pay. Therefore, when unfunded departments must work overtime, Medina County uses compensatory time off to compensate employees for overtime hours worked. Overtime for law enforcement employees shall be handled in accordance with the policy for overtime compensation established by the Sheriff's Department and approved by Commissioners' Court.

### **ACCRUAL**

Compensatory time off, or "comp time", accrues when an employee actually works over 40 hours per week. When this occurs, "comp time" shall be granted at one-and-one-half (1 ½) hours for every hour worked over 40 hours per week.

### **LEAVE COMBINATION**

"Comp time" is accrued ONLY if an employee actually works over 40 hours in one work week. It will not accrue with a combination of less than 40 hours worked and any other type of benefit leave (i.e. vacation, sick, funeral, or citizenship leave, etc.). If a combination of less than 40 hours worked and benefit leave result in over 40 hours per work week on a Medina County timekeeping record, the leave time will be adjusted to maintain a 40 hour work week.

### **MAXIMUM ACCRUAL**

An employee may not accrue more than 40 hours of "comp time". Once an employee reaches the maximum accrual, any additional overtime hours worked will be paid out at one-and-one-half (1 ½) times the employee's regular hourly pay rate.

### **USE OF COMPENSATORY TIME**

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 he/she works. Compensatory time may be used for any purpose desired by the employee. Medina County shall have the right to require employees to use earned compensatory time at the convenience of the County.

#### **BUY BACK OF COMPENSATORY TIME**

Medina County shall retain the right to “buy back” all or part of an employee’s unused compensatory time at any time by paying the employee for that time at the employee’s current regular pay rate.

#### **CASH PAYMENT FOR OVERTIME**

Medina 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 current regular rate of pay.

#### **PAY AT TERMINATION**

At the time of an employee’s termination from Medina County employment, accrued “comp time” will be paid out at the employee’s current pay rate

#### **OTHER**

Any issues on compensatory time or overtime not address in this policy or the rest of the body of the manual shall at least meet the minimum requirements of the Fair Labor Standards Act (FLSA) and its regulations issued by the Department of Labor to administer that Act.

### **2A-6 PAYROLL DEDUCTIONS**

Deductions shall be made from each employee’s paycheck for federal withholding, social security, Medicare, and any other deductions required by law.

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deductions authorized by the Commissioners’ Court and approved by the employee shall also be made from the employee’s paycheck.

No optional deductions shall be made from an employee’s paycheck unless the employee turns in written authorization for the deduction to the Human Resources Office.

### **2A-7 WORK WEEKS AND WORK PERIODS**

#### **WORK SCHEDULE**

The normal work schedule for Medina County employees shall be 40 hours per week. The two exceptions to this will be:

- a. Law enforcement officers, with a work period of 86 hours/14 days per two (2) week pay period;

- b. Grants, which have their own specific guidelines.

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Medina County shall begin at 12:01 a.m. on each Saturday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and 86 hours as established by the Medina County Commissioners Court.

#### **OFFICE HOURS**

Usual and customary office hours are from 8:00 a.m. to noon, 1:00 p.m. to 5:00 p.m. No office will be left unattended during office hours. However, it will be up to the Elected Official/ Department Head to adjust office hours to better serve Medina County and employees.

#### **SCHEDULE ADJUSTMENTS**

Department heads/Elected [Officials](#) may adjust the regular hours of operation and lunch periods in order to better serve the public or to meet the requirements for continuous services.

### **2A-8 TIME RECORD**

#### **TIME KEEPING METHOD**

Each hourly employee is required to use an electronic timekeeping method on a daily basis. Failure to complete an electronic time record may result in an employee only receiving minimum wage payment until the proper time record has been completed and turned into the Human Resources Department. The electronic 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 records are governmental documents and as such require accurate and truthful information. Falsifying a time record, a governmental record is a criminal offense. Employees shall only use appropriate available leave to account for their regular weekly work schedule.

If an employee is absent on the day when timekeeping records are to be submitted to the Payroll department, the employee's department head or Elected Official will complete, sign, and submit a temporary record. Upon the employee's return, he/she shall sign the permanent timekeeping record and remit it to the Payroll department.

Timekeeping records are governmental documents and as such require accurate and truthful information and are subject to Texas Penal Code 37.10. Falsifying a timekeeping record, a governmental record, is a Class "A" Misdemeanor.

### **2A-9 PAY PERIODS**

The pay period for Medina County shall be a bi-weekly pay period with the pay period dates established by the Commissioners' Court. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

The Texas Payday Law does not apply to political subdivisions of Texas (Counties), therefore final wages will be issued on the regularly scheduled payday.

## **2A-10 WORK SCHEDULES**

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. Each Elected official or department head shall determine the exact working schedules for their employees. Some departments in Medina County's normal working hours do consist of working 10-hour days/4 days a week.

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.

The two exceptions to this will be:

- a. Law enforcement officers, with a work period of 86 hours/14 days per two (2) week pay period;
- b. Grants, which may have their own specific guidelines.

## **2A-11 HOURS WORKED**

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. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

Elected officials/Department heads shall determine each employee's work hours, subject to the laws governing working hours and the provisions of the Medina County budget.

### **CALCULATION OF HOURS WORKED**

All hours worked will be calculated by quarters, based on seven-minute limits, or "the seven-minute rule", as per the example listed below:

- a. 8:00 = 7:53-8:07
- b. 8:15 = 8:08-8:22
- c. 8:30 = 8:23-8:37
- d. 8:45 = 8:38-8:52
- e. 9:00 = 8:53-9:07.

## **2A-12 LAW ENFORCEMENT PAY AND OVERTIME**

Medina County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Law enforcement employees' salary covers all hours up to 86 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime. (For additional information on Overtime see next section)



## **2A-13 OVERTIME CALCULATIONS AND RULES**

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on “Law Enforcement Pay and Overtime.”)

Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

### **LAW ENFORCEMENT OVERTIME**

#### **DEPUTIES**

Deputies may be required to work up to 86 hours biweekly for the same biweekly salary. Any hours worked over the 86 hours will be overtime pay at time and a half. For any deputies that work less than 80 hours for the biweekly pay period, they will be paid on an hour-to-hour basis. Deputies do have the option to utilize leave (PTO or Vacation) to meet their 80 hours to obtain their biweekly salary and not be paid on an hour-to-hour basis.

#### **JAILERS**

Jailers are assigned to work 84 to 86 hours biweekly. Jailers are paid on an hourly basis. Any hours worked over the 86 hours will be overtime at time and a half. Jailers do have the option to utilize leave (PTO or Vacation) to bring their hours to 84 hours max.

#### **DISPATCH**

Dispatch employees are assigned to work 40 hours weekly, which equates to 80 hours in a two-week pay period. Dispatch employees are paid on an hourly basis. Any hours worked over the 40 hours weekly will be overtime and be paid at time and a half. Dispatch does have the option to utilize leave (PTO or Vacation) to bring their hours to 40 hours max per week.

## **2A-14 TRANSFERS**

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary.

Elected officials, appointed officials, or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-15 PROMOTIONS**

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 budgeted 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.

## **2A-16 DEMOTIONS**

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 budgeted 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. However, the pay reduction cannot bring the employee's pay below the Federal minimum wage.

## **2A-17 SEPARATIONS**

### **TYPES**

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Medina County shall be designated as one of the following types:

1) resignation; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

### **RESIGNATION**

A resignation shall be classified as any situation in which an employee voluntarily leaves their employment with Medina County, and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to their supervisor.

### **RETIREMENT**

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. An employee who is retiring should notify their 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.

### **DISMISSAL**

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Medina 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.

### **REDUCTION IN FORCE**

An employee shall be separated from employment because of a reduction in force when their 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.

When reductions in force are necessary, decisions on individual separations will be made by Elected Officials/Department heads after considering:

- a. The relative necessity of each position;
- b. The performance record of each employee; and
- c. Qualification of the employee for the remaining positions.

#### **DEATH**

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

#### **DISCIPLINARY SUSPENSION**

An Elected Official/Department head may suspend, with or without pay, an employee for disciplinary reasons if he/she determines that suspension is in the best interest of the County and the public. (Suspension with pay continues for only 30 days, at which time pay will cease.)

#### **SUSPENSION FOLLOWING INDICTMENT/MISCONDUCT**

An Elected Official/Department head may suspend without or with pay an employee indicted for a felony or an employee accused by information of official misconduct or oppression if he/she determines that suspension is in the best interest of the County and the public. (Suspension with pay continues for only 30 days, at which time pay will cease.)

The suspension may continue until the indictment or information is dismissed or tried and, if tried, until the trial and appeal (if any) are completed. The Elected Official/Department head may review and change the status of the suspension at any time.

A suspended employee is entitled to reinstatement to the position held before suspension, without loss of benefits, if the indictment or information is dismissed, the employee acquitted, or the conviction reversed on appeal.

The suspension of an employee reinstated under this subsection is not a disciplinary suspension

#### **FINAL PAY ON SEPARATION**

Upon separation from County employment, employees who have completed at least 90 days of employment will be paid for accrued and unused vacation leave. All earned and unused compensatory time will be paid. **Employees are not paid for any accrued and unused PTO.**

#### **2A-18 RETIREE REHIRES**

Retired employees shall be eligible to apply for open positions with Medina County as long as the following provisions are met:

- a. The retiree has been retired for at least a full calendar month,
- b. No prior arrangement or agreement was made between Medina County and the retiree for re-employment, and
- c. strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of one full calendar months. A bona fide separation means there is no prior agreement or understanding between Medina County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

Newly elected officials who have recently retired from the county cannot draw their retirement because they have an arrangement to return to work for the county. Employees also cannot retire with an agreement to go work in a different department or different position. Changing employee status does not matter when determining if someone is still working for the county. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered a new member for the purposes of beneficiary determination and benefit selections.

## **B. EMPLOYEE BENEFITS**

### **2B-1 HEALTH AND DENTAL PLANS**

#### **MEDICAL AND DENTAL ELIGIBILITY**

All full-time regular employees of Medina County shall be eligible for the group medical plan and dental plan benefits. Regular hourly employees who work an average of thirty (30) or more hours a week will be eligible for health insurance. Regular part time, temporary seasonal, temporary part time, who work an average of less than thirty (30) hours a week will not be eligible for health insurance. Any employee working 30 or more hours a week will be eligible for health benefits.

Details of coverage under the group medical insurance plan and dental plan are available in the Medina County Human Resources Office and may be obtained during the normal working hours for that office.

**EFFECTIVE DATE**

The effective date for coverage under the Medina County group medical and dental insurance shall be the first of the month after the first 90 days of employment.

**DEPENDENT COVERAGE**

Eligible employees may cover their qualified dependents.

An employee may add dependents within 31 days of eligibility. If dependents are not added within the 31 days, their enrollment must wait for the next open enrollment period.

The cost of the dependents' monthly insurance premiums is solely the responsibility of the eligible employees.

Deductions for dependent coverage shall be made through payroll deduction from the employee's check.

Deductions begin the first of the month immediately preceding the coverage effective date.

**COBRA**

Employees who leave the employment of Medina 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 Human Resources Office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

**LIFE INSURANCE ELIGIBILITY**

All full-time regular employees of Medina County are eligible for life insurance coverage. Each employee is insured in an amount determined by Commissioners Court. Medina County pays for the entire premium of this employee coverage.

**HIPAA**

A federal law known as HIPAA (the Health Insurance Portability and Accountability Act) requires that Medina County employees as well as those who administer health care plans take reasonable steps to ensure the privacy of personally identifiable health information (PHI). The term PHI includes all individually identifiable health information that is communicated orally, in writing, or in electronic form between a plan participant and those who provide health care services and who administer health care plans. PHI includes any combination of a member's name, address, date of birth, social security number, marital status, and sex when disclosed with the person's health history, medical records, or information about present or future health care. PHI should be disclosed only to health care providers for treatment, to third party

administrators who make coverage determinations and payments, and to the people who administer the health care plan on behalf of the plan administrator.

## **2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL**

### **ELIGIBILITY AND TYPES OF COVERAGE**

Full time Medina County employees are eligible for supplemental insurance products such as supplemental life, dental, vision, long term disability and others.

### **PREMIUM RESONSIBILITY**

All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from Human Resources.

## **2B-3 VACATION**

### **ELIGIBILITY**

The following employee classifications shall be eligible for the vacation benefit: Full time employees. These following employee classifications shall not be eligible for the vacation benefit: Part-time, seasonal and temporary.

### **INITIAL ACCRUAL AND WAITING PERIOD**

Accrual of vacation shall begin on the employee's first day of work in a full-time position. However, an employee must work for 90 days in said position before he/she is eligible to use vacation leave.

Employees shall only be able to use vacation which has already been earned and shall not be allowed to "borrow" against future accruals

### **ACCRUAL RATE**

Employees shall earn vacation at the rate of 3.08 hours per pay period, which is equivalent to 80 hours per year. Full-time employees' averaging less than 40 hours per week on a regular basis will earn vacation hours on a prorated basis.

### **ADDITIONAL VACATION LEAVE**

All employees having **MORE** than five (5) years of consecutive service with Medina County shall be granted additional leave in a lump sum effective January 1 of each year as follows:

- a. 6+ years – 8 hours
- b. 7+ years – 16 hours
- c. 8+ year – 24 hours
- d. 9+ years – 32 hours
- e. 10+ years 40 hours (maximum award)

Vacation shall not be accrued while an employee is on leave without pay. 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 90 days in such a position before being eligible to take any vacation.

### **MAXIMUM ACCRUAL**

The maximum amount of unused vacation an employee shall be allowed to have at one time is 160 hours. When an employee reaches the maximum accrual, they shall not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy.

### **VACATION LEAVE CARRY-OVER**

An employee may carry over a maximum of 40 hours of vacation leave from one calendar year to the next. On December 31 of each calendar year any vacation leave in excess of 40 hours will be removed from payroll records. The employee will lose those vacation hours and no payment will be received.

Scheduling of vacations shall be at the discretion of the Elected Official or Department head.

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

### **HOLIDAY DURING VACATION**

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

Only the appropriate amount of vacation hours will be used to account for the minimum number of hours needed for the designated work week/work period. (i.e. 40 or 86/171)

Each employee shall be responsible for accurately recording all vacation time used on their time record.

### **PAY AT TERMINATION**

If an employee has worked for Medina County less than one (1) 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 not receive pay for all unused vacation.

Elected officials, department heads, and salaried employees do not fall under this policy and will not be paid out unused vacation time. Salaried employees who are not department heads or elected officials should consult with their individual department heads in regards to their vacation and PTO.

## **2B-4 PTO (PERSONAL TIME OFF)**

### **ELIGIBILITY**

The following employees shall be eligible for PTO (Personal Time Off):

Full-time employees.

These employee classifications **shall not** be eligible for PTO (Personal Time Off):  
part-time, seasonal and temporary.

### **INITIAL ACCRUAL AND WAITING PERIOD**

Eligible employees shall accrue PTO leave at a rate of 3.08 hours per pay period. Accrual of PTO leave shall start at the time an individual begins work for the County in a position eligible for the PTO leave benefit, but an employee must work a minimum of 90 days before being eligible to take PTO. PTO leave shall not be accrued while an employee is on leave without pay.

Employees shall not be allowed to borrow PTO leave against future accruals

### **MAXIMUM ACCRUAL**

The maximum amount of PTO leave an employee shall be allowed to have at any time is 240 hours. When an employee reaches the maximum accrual, they shall not be allowed to accrue additional time until the employee takes PTO hours to reduce the balance below the 240 maximum hours allowed.

### **PTO LEAVE CARRY OVER**

An employee may carry over a maximum of 240 hours of PTO leave from one calendar year to the next. Employees will not be allowed to receive pay in lieu of taking time off.

### **HOLIDAY DURING PTO**

If a holiday falls during the employee's PTO, the PTO will not be charged against the employee's balance.

### **TERMINATION**

Employees **SHALL NOT** be paid for unused PTO leave at the termination of employment.

Employees cannot use PTO in lieu of giving two weeks' notice. However, if approved by supervisor, they can use PTO during the last 2 weeks of employment.

Only the appropriate amount of PTO hours will be used to account for the minimum number of hours needed for the designated work week/work period. (i.e. 40, 80, 84)



## **2B-5 HOLIDAY**

### **ELIGIBILITY**

The following employee classifications shall be eligible for the holiday benefit: Full-time non-law enforcement. These employee classifications shall not be eligible for the holiday benefit: part-time, seasonal and temporary.

### **HOLIDAYS**

The County holidays shall be determined by the Medina County Commissioners' Court. All holidays are paid based on an eight (8) hour workday.

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.

An eligible employee, scheduled to work or called in to work on a holiday, will be paid holiday pay at their regularly hourly wage for an eight (8) hour period in addition to the wage they earn that day.

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Medina 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 upon termination.

### **LAW ENFORCEMENT HOLIDAY PAY**

1. Patrol Deputies and Patrol Sergeants who are scheduled to work on an approved county holiday will be paid 1/10 of their bi-weekly salary, in addition to the regular wage they earn for that day.
2. Jailers and Dispatchers who are scheduled to work on an approved county holiday will be paid 8 additional hours at their hourly wage, in addition to the regular wage they earn for that day.
3. All other eligible employees will receive 8 hours of pay at their regular hourly wage.

Please see the chart below:

Title(Internal)	Eligible for Holiday Pay	If no Holiday is worked, will receive 8 hours on their timesheet
<b>County Jail</b>		
Corrections Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Chief Deputy	<input type="checkbox"/>	<input type="checkbox"/>
Lieutenant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sergeant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transport Officer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Sheriff's Office</b>		
Telecommunications	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Captain	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Chief Deputy	<input type="checkbox"/>	<input type="checkbox"/>
Civil	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Criminal Investigation Division	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Crisis Intervention	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
K-9	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Lieutenant	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Narcotics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Patrol (Sergeant/Deputy-Off Shift)	<input type="checkbox"/>	<input type="checkbox"/>
Patrol (Sergeant/Deputy-On Shift)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
School Resource Officer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sergeant (Non Patrol)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Sex Crimes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Street Crimes	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

### CALL OUTS ON HOLIDAY

If an employee is not scheduled to work on a county approved holiday and is called out for duty, the employee must work a **minimum of 4 hours** on that county approved holiday (time only counts within the 24-hour period of the actual holiday) in order to receive the additional full holiday pay. Anything less than 4 hours will be paid at the employee's regular hourly wage.

### 2B-6 JURY DUTY

All employees of Medina 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 up to 8 hours a day not to exceed 40 hours per week. If dismissed, the employee should return to work or take PTO, vacation or comp time as approved by their supervisor.

Pay for serving on a jury 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.

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. 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, other eligible paid leave, or leave without pay.

## **2B-7 BEREAVEMENT LEAVE**

### **FUNERAL**

All employees shall be allowed up to 3 days (24 hours) of bereavement leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include:

- parent
- grandparent/grandchild
- child (foster or step)
- spouse
- sibling
- spouse's parent or grandparent
- brother or sister-in-law

Step relatives are included in this policy, i.e. stepparent, step grandchild, spouse's stepparent etc. Medina County does not authorize paid funeral leave for the death of other persons, relatives or not, or for other family emergencies.

Bereavement leave shall be utilized within 30 days of the passing of the employees' immediate family and persons mentioned above.

If Bereavement/Funeral leave is needed beyond the limits set in this policy, it shall be the employees' responsibility to communicate directly with their department head/elected official for options that may include but not limited to: charging to available vacation, PTO or compensatory time or leave without pay.

## **2B-8 LONGEVITY PAY**

### **ELIGIBILITY**

Full-time employees of Medina County with five or more consecutive years of service may be eligible for longevity pay. Only regular full-time service will be counted for eligibility and pay purposes. Temporary, part-time, or non-qualified leave of absence will not be counted.

The eligibility requirements apply to elected and appointed officials as well as regular full-time employees.

Certain employees whose salary/income is capped by state or federal law or grant funding may not be eligible to receive pay under this plan.

### **PAY CALCULATION**

A year of service, for longevity purposes, will be counted if an employee has been employed a full year before October 1.

Regular, full-time dates of service accepted as evidence of eligibility for longevity will ONLY be those dates reflected in documentation on file in an employee's Medina County Personnel File located in the Human Resources Department.

- . 5 years to 9 full years of continuous service - \$1,000 annually
- . 10 years to 14 years of continuous service - \$1,500 annually
- . 15 years to 19 years continuous service - \$2,500 annually
- . 20 years to 24 years continuous service - \$3,000 annually
- . 25 years to 29 years continuous service - \$4,000 annually
- . 30 years to 39 years continuous service - \$4,500 annually
- . 40 years plus - \$5,000 annually

## **PAYMENT**

If approved during the budget cycle, payment will be made annually in a lump sum amount to each eligible employee during the month of November, calculated on the full years of employment attained in accordance with the attached schedule. Partial years of employment will not be counted in determining the longevity pay amount

## **NON-CONTINUOUS EMPLOYMENT**

In the event a County employee discontinues regular full-time employment with the County (either voluntarily or involuntarily) for a period of more than 30 calendar days and subsequently is re-employed by Medina County in a regular full-time position, the prior regular full-time years of employment will not be counted in determining eligibility for or amount of longevity pay until such employee has been re-employed for **five (5)** continuous years. Upon completion of five continuous years, the prior employment service will be bridged and calculated for purposes of determining longevity pay.

## **DISCONTINUED EMPLOYMENT**

Longevity will not be paid in the event an employee discontinues employment as the result of resignation, retirement, lay off, dismissal, or otherwise.

## **WITHHOLDINGS**

The calculation of longevity pay amounts hereunder are gross amounts and are subject to all legally required withholding amounts (e.g. income tax, FICA, retirement, etc.) Additional supplementary deductions, such as savings deductions, will only be withheld at the request of the employee.

## **DURATION**

This plan may be modified, amended, or terminated at any time by the Commissioners' Court. Longevity pay is subject to budgeting and will be considered at each annual bud

get process on a "funds available basis".

## **2B-9 MILITARY LEAVE**

## **USERRA**

In 1994, the Uniformed Services Employment and Reemployment Rights act, hereafter called "USERRA", replaced the Veteran's Reemployment Rights Act.

USERRA requires public and private employers to allow employees to take leave to serve in the military. The Act also requires employers to reinstate eligible employees upon their return from service in the military and to train or otherwise qualify returning employees.

The Act also requires that employers not discriminate against an employee because of past, present, or future military obligations.

### **GUARD AND RESERVE**

Any Medina 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 vacation 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 Medina 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.

### **ORDERS**

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

Upon the request of the employee, Medina 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.

Medina 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.

### **INSURANCE**

USERRA guarantees employees a continuation of health benefits for the first 18 months of active military duty (at the employee's expense), through the County's COBRA insurance plan.

## **RETIREMENT**

USERRA protects an employee's pension benefits once the employee returns from military leave.

## **2B-10 PAID QUARANTINE LEAVE**

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

## **2B-11 RETIREMENT**

### **ELIGIBILITY AND CONTRIBUTIONS**

All regular employees (full time and part time) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short-term part-time employees will not be eligible for retirement benefits. Eligible employees shall make contributions of 6% of their gross income to the retirement program through a payroll deduction. Medina County shall contribute to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Human Resources Office during the normal working hours for that office.

### **RETIREE INSURANCE**

A Medina County employee hired before October 1, 2011, who retires-fully vested in the retirement system and chooses to receive monthly annuity payments, through TCDRS, is eligible to be covered by the Medina County health and dental insurance plan until the attainment of Medicare. Premiums for the employee and dependents are solely the responsibility of the eligible retiree.

Effective with hires on or after October 1, 2011, employees who retire fully vested in the retirement system and choose to retire before attaining eligibility for Medicare coverage will no longer be eligible to remain on the County's health and dental insurance plan; other than is provided for them under Federal COBRA laws. In addition, such retired employees' dependents will not be eligible for enrollment.

Employee coverage for employees hired before October 1, 2011, terminates when the retiree becomes eligible for Medicare.

For more information on any of the above retiree insurance choices, please visit the Human Resources department for more details.

## **2B-12 SOCIAL SECURITY/MEDICARE/UNEMPLOYMENT**

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.

All regular full and part-time employees are covered under the Texas Unemployment Compensation Insurance Program. Medina County pays for this coverage. Elected officials are not covered by Unemployment Insurance.

## **2B-13 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 Medina 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 Human Resources 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 make 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 (3) 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. Medina 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 Medina County is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth of a healthy newborn child (i.e., bonding time) 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:**

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

**SUBSTITUTION OF PAID LEAVE:**

Medina County requires substitution of paid leave for all FMLA or MFL events. An employee must follow the compensatory, vacation and PTO 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:

- 1) Offered COBRA if they are unable to return to work; or
- 2) If approved by the commissioner's court and made part of this policy, the county can choose to continue to pay for the employee's health insurance premiums. (Please check with your insurance carrier before adopting open ended payment of insurance premiums for an inactive employee)

**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 15<sup>th</sup> 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 PTO 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 PTO 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, unless other employees who go on leave without pay are allowed to do so.

An employee who is out on approved FMLA leave may not take trips outside of the county unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. An employee may ask their immediate supervisor for written permission to take other trips outside of the county which may be granted at the supervisor's sole discretion.

Employees are forbidden from working 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 who has lost time because of a work-related injury/illness shall be required to provide a work release from the attending physician before allowing the employee to return.

**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.

**RESPONSIBILITIES:**

Medina County will post the current FMLA poster as provided by the department of labor. If an employee asks for FMLA leave for any reason, Medina 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.

**2B-14 LEAVE OF ABSENCE - OTHER**

Employees may request a personal leave of absence. 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. A return to work after a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.