

# *Ector County, Texas*



## **EMPLOYEE HANDBOOK**

**ADOPTED BY**

**ECTOR COUNTY  
COMMISSIONERS' COURT**

**Latest Revision 06/14/2022**

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## **0.10 EMPLOYEE WELCOME MESSAGE**

### **Welcome New Employee!**

On behalf of your colleagues, we welcome you to ECTOR COUNTY and wish you every success here. We are excited to have you as an employee of ECTOR COUNTY. You were hired because the Elected Official, Appointed Official or Department Head believes you can contribute to the success of ECTOR COUNTY, and share our commitment to serving the public and our constituents with excellence.

Your job, every job, is essential to fulfilling our mission of serving our county constituents everyday and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every ECTOR COUNTY employee. We believe that each employee contributes directly to ECTOR COUNTY'S growth and success, and we hope you will take pride in being a member of our team. ECTOR COUNTY is committed to providing excellent service to the public in all of our County offices. As a part of our team, we hope you will discover that the pursuit of excellence is a rewarding aspect of your career here.

This handbook was developed to describe some of the expectations of our employees and to outline the key policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with ECTOR COUNTY. Each Elected Official may wish to adopt departmental policies which compliment our ECTOR COUNTY Employee Handbook. You should use this handbook as a ready reference as you pursue your employment with ECTOR COUNTY. Please consult with your Elected Official, Appointed Official or Department Head regarding questions you may have concerning this employee handbook.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Sincerely,

Dustin Fawcett  
Ector County Judge

Mike Gardner  
Commissioner Precinct 1

Samantha Russell  
Commissioner Precinct 3

Greg Simmons  
Commissioner Precinct 2

Billy Hall  
Commissioner Precinct 4

## **0.20 ORGANIZATION DESCRIPTION**

### **I. MISSION STATEMENT**

The mission of ECTOR COUNTY is to provide quality public services to its citizens in a timely, efficient and courteous manner. ECTOR COUNTY strives to accomplish this objective while maintaining fiscal responsibility and governmental accountability to safeguard the public trust.

### **II. ORGANIZATIONAL STRUCTURE**

ECTOR COUNTY, TEXAS is a body, corporate and political, created under Article IX, Section 1, of the Constitution of the State of Texas in the year 1887. ECTOR COUNTY operates under the State of Texas statutes, and provides such services as are authorized by State law to advance the welfare, health, morals, comfort, safety and convenience of ECTOR COUNTY and its inhabitants. The Commissioners' Court, consisting of four County Commissioners and the County Judge, as Elected Officials, is the policy-making body of ECTOR COUNTY.

### **III. THE HISTORY OF ECTOR COUNTY**

ECTOR COUNTY was named for Confederate General Matthew Duncan Ector, Commander of the noted Ector's Brigade and an attorney during the Civil War Era. Matthew D. Ector was born in Putnam County, Georgia, in 1822. He was educated at Center College, Kentucky, and admitted to practice law in Georgia in 1844. He came to Texas in 1847 at the age of 25. Ector settled at Henderson, Rusk County, where he practiced law. He entered the Confederate Army as a private and served on General Hogg's staff. He advanced rapidly in position and held the rank of Brigadier-General at the close of the war.

General Ector returned to Texas in 1865 and was appointed District Judge of the Sixth Judicial District on June 25, 1866, by Governor James Throckmorton. In 1866, Judge Ector deposited, at the Department of State of the United States, his original oath of allegiance to the Union on September 17, 1865, being in the form prescribed by the President's proclamation of May 29, 1865. It was approved and signed by William H. Seward, Secretary of State. Ector received a full pardon accepting certain requirements from Andrew Johnson, President of the United States. In 1874, Judge Ector was nominated and commissioned by Governor Richard Coke as Judge of the Sixth Judicial District. He became Justice of the Court of Criminal Appeals when it was created in 1875. A year later, Ector was elected as Judge of the Court of Appeals, the election being approved by Governor Richard Coke on April 18, 1876. Judge Ector died October 29, 1879, while Judge of the Court of Civil Appeals.

#### Historical Background:

The first visitors to ECTOR COUNTY were in the 1500's, when three Spanish Conquistadors traveled through the area and found Indians of the Jumanos tribe residing here. In the 1700's, ECTOR COUNTY was part of the Comanche War Trail and home for herds of wild buffalo. Families heading for the California Gold Rush traveled through the County in 1849.

In July, 1891, the citizens of many West Texas communities celebrated the centennial of the coming of the railroad to this area. One of these communities, between Fort Worth and El Paso, was ECTOR COUNTY. Early in July, 1881, the Texas and Pacific Company extended the transcontinental railroad system through the isolated territory of western Tom Green County. Approximately 296 miles west of Fort Worth, the labor crews built a one-story frame house in what is now known as Odessa. This section house, No. 163, was to be used for housing of maintenance laborers and as a storehouse for railroad equipment. The Texas and Pacific Company built such structures every ten miles along the route to insure adequate upkeep on its investment. Population around the area was scarce, but as was the case with most of the southwestern United States, people followed the railroad.

Land promoters were primarily responsible for attracting settlers to the barren West Texas plains. The Texas and Pacific Company had accumulated some five million acres from State land grants, and being anxious to sell the land at a profit, hired promotional companies to help them unload the excess. In 1884, a loan agent decided to start a campaign to sell a block of land west of Midland. In brochures distributed in the Midwest and eastern states, the agent publicized the territory as a great wheat-producing region, second only behind Odessa, Russia. From that time on, as the legend goes, the section house, located twenty miles west of Midland, was called Odessa.

Between 1886 and 1890, two land promotion schemes attracted permanent residents to settle around the section house in Odessa. Citizens petitioned the Legislature in 1885 to create a new county to include Odessa, but it was not until 1887 that the Texas Legislature divided Tom Green County into 13 counties. In 1887, ECTOR COUNTY contained less than 100 residents and was under the administrative jurisdiction of ECTOR COUNTY. The law required 150 residents to organize a county, and it was four years before Ector County qualified.

On November 11, 1890, a petition containing 156 names requesting legal organization of ECTOR COUNTY was approved by the Midland Commissioners' Court. The ties with Midland were broken, and an election for temporary officials was called January 6, 1891. The following officers were elected: County Judge C.W. Rathbun; County and District Clerk J.S. Devereux; County Commissioner James Bolton; and Sheriff and Tax Collector E.F. Dawson. Soon, Commissioners M.G. Buchanan, J.W. Driver and J.L. Gray were appointed.

Ranching, both sheep and cattle, was the mainstay of the economy in ECTOR COUNTY from the mid-1880's through 1927. Farming was attempted on a small scale, but proved unsuccessful. During this forty-year period, the basic entities of the community were formed. Churches were founded almost immediately with congregations being served by circuit preachers and laymen. Services were held at the courthouse, in homes or under the trees. Schools, social organizations, commercial businesses and political clubs soon followed.

The major discovery of oil in ECTOR COUNTY did not actually occur until 1929. The gusher was located in the southwest section of the county on the W.E. Connell ranch. Drilling supervisor Robert Penn "brought in" the well and the community that developed around this productive field was named Penwell in his honor. This was the beginning of further search for additional successful wells. The subsequent wells which became productive were to be the foundation of a lasting economic boom in this Permian Basin county.

ECTOR COUNTY has taken its place as a center for oil production and petroleum products. As a result of its prominence in the North American oil industry, ECTOR COUNTY has become an attraction for people all over the nation seeking employment. Fortunately, jobs have been available throughout the years and economic instability has not been a constant fear. Through several periods of boom, the 1920's, the 1950's, and the 1970's, ECTOR COUNTY has continued to grow and prosper. The residents of this community take pride in the fact that their hometown has been recognized as an up and coming city of the future and has been able to withstand the "boom" and "bust" cycles throughout its history.

In addition to the oil industry, education has flourished through Odessa College, which was established in 1949, and the University of Texas of the Permian Basin, which was created in 1969. The medical industry has grown with the addition of the Texas Tech Regional Academic Health Center in 1981.

## **0.30 INTRODUCTORY STATEMENT**

This handbook is designed to acquaint you with ECTOR COUNTY and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by ECTOR COUNTY to benefit employees. One of our objectives is to provide a work environment that is conducive to your professional growth.

No employee handbook can anticipate every circumstance or question about policy. As ECTOR COUNTY continues to grow, the need may arise, and ECTOR COUNTY reserves the right, to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes to the handbook as they occur.

(Remainder of page intentionally left blank)

## **0.40 EMPLOYEE ACKNOWLEDGEMENT FORM**

The employee handbook describes important information about ECTOR COUNTY, and I understand that I should consult my supervisor and the Human Resources Department regarding any questions not answered in the handbook. I have entered into my employment relationship with ECTOR COUNTY voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I, or ECTOR COUNTY, can terminate the relationship at will, with or without cause, and with or without notice, at any time, so long as there is no violation of applicable federal or State law. I further understand that hiring, firing, and disciplinary procedures may differ in each County department.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that ECTOR COUNTY retains the right to change this handbook, and to modify or cancel any of its employee benefits when the need for change is recognized. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Commissioners' Court of ECTOR COUNTY has the ability to adopt any revisions to the policies in this handbook. I understand and acknowledge that I have a responsibility as an ECTOR COUNTY employee to keep informed of any such changes.

Furthermore, I acknowledge that this handbook is neither a contract of employment (stated or implied) nor a legal document. I understand that no representative or agent of the County has the authority to give or extend the time period of my employment. I further understand that as an ECTOR COUNTY employee, I have a personal responsibility to provide quality service to the public, to achieve 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 for overtime to the extent provided by law and I may be required to take earned compensatory time at the County's discretion. I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it. I understand the most updated version will be found on the Human Resources Policy website.

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Employee's Signature

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Printed Name of Employee

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Date Signed

## **SECTION 1: EMPLOYMENT**

### **1.01 Employment-At-Will**

Effective Date: 03.09.15

Employment with ECTOR COUNTY is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, ECTOR COUNTY may terminate the employment relationship at will at any time, with or without notice or cause.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between ECTOR COUNTY and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at ECTOR COUNTY's sole discretion. ECTOR COUNTY shall also have the right to change any condition, benefits, policy, or privilege of employment at any time, with or without notice.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Commissioners' Court of ECTOR COUNTY.

### **1.02 Employee-Management Relations**

Effective Date: 03.09.15

ECTOR COUNTY believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors. Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that ECTOR COUNTY amply demonstrates its commitment to employees by responding effectively to employee concerns.

The Commissioners' Court has the authority to develop, administer and interpret personnel policies and procedures in accordance with applicable State and federal laws. Elected Officials, Department Heads and subordinate management personnel are responsible for enforcing the provision of these policies and for cooperating with the Commissioners' Court on all related matters pertinent to their organizational units.

The Commissioners' Court may advise Department Heads in all areas of personnel administration, including employee-management relations, training and development, and employee health, safety and morale. No one Commissioners' Court member has the authority to discipline, hire, fire, or reinstate any ECTOR COUNTY employee. All Commissioners' Court action must be conducted with a majority vote in a regular or special meeting in accordance with State law.

With the exception of matters reserved to the Commissioners' Court, the general and final authority for personnel management rests with the Elected Official or Department Head, who may delegate it as necessary and proper. Elected Officials have the authority and responsibility for the management of their respective departments in accordance with State law. They may have additional or differing policies including hiring, discipline and termination of employees.

## **1.03 Equal Employment Opportunity**

Effective Date: 03.09.15

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at ECTOR COUNTY will be based on merit, qualifications, and abilities. ECTOR COUNTY does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, gender stereotyping, national origin, age, genetic information, pregnancy, disability, or any other characteristic protected by law. This statement applies to all phases of economic opportunity and privilege of employment, except where required by law or where a bona fide occupational qualification (BFOQ) exists, including, but not limited to, recruitment, hiring, placement, transfer, promotion or demotion, discipline, layoff, recall, termination, raises, compensation, benefits, training, contractors, subcontractors, vendors, and to the use of all facilities and participation in all County-sponsored activities.

Any employee desiring any type of accommodation should advise their Elected Official, Department Head or Human Resources Director. ECTOR COUNTY will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship for ECTOR COUNTY. Reasonable accommodation shall be determined through the interactive process of consultation with the disabled individual and, where deemed necessary, through consultation with outside resources. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations will 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 governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. The Commissioners' Court of ECTOR COUNTY, 1010 East 8th Street, Room 120, Odessa, Texas 79761, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 504 of the Rehabilitation Act and the Americans with Disabilities Act regulations, including changes made by the ADA Amendments Act (ADAAA).

Any employees with questions or concerns about any type of discrimination in the workplace **are required** to bring these issues to the attention of their immediate supervisor or the ADAAA Grievance Officer/EEO Officer/Human Resources Director at 432-498-4025. Employees can request a reasonable accommodation, raise concerns, and make reports without fear of reprisal. All Elected Officials, Appointed Officials, Department Heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality. Any employee found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

The [\*\*ECTOR COUNTY Anti-Discrimination and Harassment Policy\*\*](#) is published under separate cover. This Policy is presented during orientation, may be found on the County's website, and is located in each department. Please refer to that document for full details of the [\*\*ECTOR COUNTY Anti-Discrimination and Harassment Policy\*\*](#). Questions about the policy may be directed to the head of your department or the Human Resources Director.

## **1.04 Business Ethics and Conduct**

Effective Date: 03.09.15

The successful business operation and reputation of ECTOR COUNTY is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of ECTOR COUNTY is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to ECTOR COUNTY, its citizens, and taxpayers to act in a way that will merit the continued trust and confidence of the public.

ECTOR COUNTY will comply with all applicable laws and regulations and expects its Department Heads, officials, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises, where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the County Attorney for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every ECTOR COUNTY employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

## **1.05 Hiring of Relatives/Nepotism**

Effective Date: 03.09.15

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

In accordance with the Texas Government Code Chapter 573 on Nepotism, an elected or appointed official of ECTOR COUNTY shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he or she supervises. The [\*\*ECTOR COUNTY Nepotism Policy\*\*](#), published under separate cover, addresses the employment of all relatives subject to the conditions set forth by law or the

Policy. This Policy is presented during orientation, may be found on the County's website, and is located in each department. Please refer to that document for full details of the [\*\*ECTOR COUNTY Nepotism Policy\*\*](#). Questions about the policy may be directed to the head of your department or the Human Resources Director.

## **1.06 Immigration Law Compliance**

Effective Date: 03.09.15

ECTOR COUNTY is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

ECTOR COUNTY participates in E-Verify. In compliance with the Immigration Reform and Control Act, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within three (3) days of employment. Former employees who are rehired must also complete the form.

Employees with questions or seeking more information on immigration law issues should contact the Human Resources Department. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **1.07 Conflicts of Interest**

Effective Date: 03.09.15

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which ECTOR COUNTY wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Human Resources Department for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established by the Texas Local Government Code and controlled by the policies of ECTOR COUNTY as approved by the Commissioners' Court.

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

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of ECTOR COUNTY's governmental operations. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to their Elected Official or Department Head, as soon as possible, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which ECTOR COUNTY does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or governmental operations involving ECTOR COUNTY.

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

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

- Soliciting, accepting, or agreeing to accept, a financial benefit, gift, or favor, other than from ECTOR COUNTY, that might reasonably tend to influence the employee's performance or duties for ECTOR COUNTY or that the employee knows or should know is offered with the intent to influence the employee's performance;
- Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for ECTOR COUNTY;
- Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for ECTOR COUNTY; or
- Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as an ECTOR COUNTY employee in favor of that person.

(Remainder of page intentionally left blank)

## **1.08 Outside Employment**

Effective Date: 03.09.15

An employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with ECTOR COUNTY. All employees will be judged by the same performance standards and will be subject to ECTOR COUNTY's scheduling demands, regardless of any existing outside work requirements.

Outside employment must be reported to and approved by the employee's Elected Official or Department Head. In those cases where a conflict may exist, the Elected Official or Department Head will report the facts to the Commissioners' Court. Department Heads will report any of their own outside employment to the Commissioners' Court for approval prior to engaging in such outside employment. Elected Officials are excluded from the requirements set forth in this policy for reporting outside employment as specific State statutes address conflict of interest issues relating to Elected Officials.

If ECTOR COUNTY determines that an employee's outside work interferes with performance or the ability to meet the requirements of ECTOR COUNTY as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with ECTOR COUNTY.

Outside employment will present a conflict of interest if it has an adverse impact on ECTOR COUNTY.

## **1.09 Disability Accommodation**

Effective Date: 03.09.15

ECTOR COUNTY is committed to complying fully with the Americans with Disabilities Act Amendments Act (ADAAA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. This policy is neither exhaustive nor exclusive.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position. Post-offer medical examinations are required only for those positions in which there is a bona fide job-related physical requirement. They are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

It is ECTOR COUNTY's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the organization. In accordance with the ADAAA, reasonable accommodations will be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your Elected Official, Appointed Official, Department Head or the Human Resources Director. Reasonable accommodation shall be determined

through the interactive process of consultation with the disabled individual and, where deemed necessary, through consultation with outside sources. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

ECTOR COUNTY is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. ECTOR COUNTY will follow any State or local law that provides individuals with disabilities greater protection than the ADAAA.

The Commissioners' Court of ECTOR COUNTY, 1010 East 8th Street, Room 118, Odessa, Texas 79761, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 504 of the Rehabilitation Act and the ADA Amendments Act regulations. Questions or complaints should be addressed to the ADAAA Grievance Officer/Human Resources Director at 432-498-4025.

## **1.10 Job Posting**

Effective Date: 03.09.15

ECTOR COUNTY believes in promoting employees from within when practicable, and elected officials need not post job openings for internal promotions. This job-posting procedure is to give all employees an opportunity to apply for positions outside of their department for which they are interested and qualified. In general, notices of all regular, full-time and part- time job openings are posted on the employee bulletin board and on the Ector County website ([www.co.ector.tx.us](http://www.co.ector.tx.us)) under Human Resources.

Job postings generally include the title, the department, job description, the salary level, the minimum hiring specifications, the essential functions of the job, and the closing date for filing applications. Positions are normally posted for 5 to 7 business days.

To be eligible to apply for a posted position, employees must meet the minimum hiring specifications for the position, be capable of performing the essential functions of the job, with or without a reasonable accommodation, and be an employee in good standing in terms of your overall work record.

Employees are responsible for monitoring job vacancy notices and for completing and filing an application with Human Resources during the posting period for a specific opening.

Employees are not required to notify their supervisor when submitting an application for a posted position, but are encouraged to do so. However, if you are a finalist for the position, your supervisor will be notified prior to the completion of the application process for a recommendation, among other things. A member of the Human Resources Department will contact you regarding your application and the status of your candidacy.

## **SECTION 2: EMPLOYMENT STATUS & RECORDS**

### **2.01 Employment Categories**

Effective Date: 03.09.15

It is the intent of ECTOR COUNTY to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and ECTOR COUNTY.

Each employee is designated as either NON-EXEMPT or EXEMPT from federal and State wage and hour laws based on the Fair Labor Standards Act. NON-EXEMPT employees are entitled to overtime pay or comp time under the specific provisions of federal and State laws. EXEMPT employees are excluded from specific provisions of federal and State wage and hour laws. An employee's EXEMPT or NON-EXEMPT classification and job description may be changed only upon written approval of the Commissioners' Court of ECTOR COUNTY when changes to job duties cause the position to no longer meet the provisions of the federal or State laws under which the position was previously classified as EXEMPT or NON-EXEMPT.

In addition to the above categories, each employee will belong to one other employment category:

**ELECTED OFFICIALS** are not classified as employees and their duties and responsibilities are defined by State law. They shall be governed by State law when it is in conflict with the provisions stated within this manual. Generally, they are eligible for ECTOR COUNTY's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**APPOINTED OFFICIALS** are those Department Heads/supervisors who are non-elected, but rather appointed, by the Commissioners' Court of ECTOR COUNTY or Judges of ECTOR COUNTY in accordance with State law. These officials are exempt from the overtime pay requirements and they are considered to be employed on a salary basis. Generally, they are eligible for ECTOR COUNTY's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**REGULAR FULL-TIME** employees are those who are in a position which has a normal work schedule of at least 40 hours per week. Full-time employees are generally eligible for all County benefits, subject to the terms, conditions, and limitations of each benefit program. 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.

**REGULAR PART-TIME** employees are those who are in a position which has a normal work schedule of less than 30 hours per week. Part-time employees receive all legally mandated benefits (such as Social Security and workers' compensation insurance), but they are ineligible for all of ECTOR COUNTY's other benefit programs such as health, dental and life insurance, as well as paid vacation or holidays. All regular part-time employees must be placed on TCDRS retirement, regardless of the number of hours worked per week.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Temporary employees may have work schedules as assigned by their manager. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of ECTOR COUNTY's other benefit programs.

All employees are considered to be "at will" employees and employee status shall not be considered a contract of employment.

## **2.02 Access to Personnel Files**

Effective Date: 03.09.15

ECTOR COUNTY Human Resources Department maintains an official personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

ECTOR COUNTY Elected Officials may retain personnel files within their departments for their own employees and employees of those departments are subject to the additional policies of the Elected Officials to whom they report. Employees of the Sheriff's Office and law enforcement personnel in other departments are subject to the rules and guidelines governing recordkeeping for law enforcement officers.

However, Elected Officials, Appointed Officials and Department Heads are required to submit to Human Resources all personnel documents generated regarding their employees, including, but not limited to, such records as: hiring documents, I-9 forms, changes in status or salary, training records, written warning notices, disciplinary actions, performance appraisals, improvement plans, separation notices, termination documents, drop from payroll forms, driver's license updates, accident reports, and injury reports for the official personnel file.

Employees who wish to review their own personnel file should contact the Human Resources Department. Based on the schedule and Human Resources staffing availability, employees may review their own file in the ECTOR COUNTY Human Resources office and in the presence of an individual appointed to maintain the files. Employees may also request a copy of their personnel file.

The Texas Public Information Act (TPIA) allows employees, public officials and former employees and officials to elect whether or not to keep certain information about themselves confidential. Unless the choice is made to keep the information confidential, the following information about ECTOR COUNTY employees and officials may be subject to public release if requested under the TPIA: home address, home telephone number; Social Security number, and information that reveals family members. Employees and officials are given the opportunity to sign a form at enrollment designating what information is to be kept confidential.

## **2.03 Employment Reference Checks**

Effective Date: 03.09.15

To ensure that individuals who join ECTOR COUNTY are well-qualified and have a strong potential to be productive and successful, it is the policy of ECTOR COUNTY to check the employment references of all applicants. Each department conducting interviews will be responsible for performing reference checks of their respective applicants.

The Human Resources Department will respond to telephone reference inquiries by confirming only dates of employment, wage rates, and position(s) held. Requests for additional information must be submitted in writing. No additional employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry. ECTOR COUNTY and the Sheriff's Office complies with requirements of the Texas Commission on Law Enforcement (TCOLE) regarding reference checks.

## **2.04 Personnel Data Changes**

Effective Date: 03.09.15

All employees are required to promptly notify ECTOR COUNTY of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Human Resources Department in writing. If information impacts the status of employees or dependents on health, dental or life insurance coverage, the Insurance Department must be notified in compliance with the rules and regulations outlined in the ECTOR COUNTY Employee Health Benefit Plan document provided to each covered employee.

## **2.05 Benefits Waiting Period**

Effective Date: 03.09.15

During the benefits waiting period, new employees are eligible for those benefits that are required by law, such as Social Security and workers' compensation insurance. After the benefits waiting period is complete, they may also be eligible for other ECTOR COUNTY-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

## **2.06 Employment Applications**

Effective Date: 03.09.15

ECTOR COUNTY relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in ECTOR COUNTY's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## **2.07 Performance Evaluation**

Effective Date: 03.09.15

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. An initial formal written performance evaluation will be conducted within four (4) months of an employee's date of hire. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is generally evaluated according to an ongoing 12-month cycle, beginning at the fiscal-year end in anticipation of step increases to be included in the next year's budget. Elected Officials and Department Heads have the opportunity to evaluate staff and approve step increases for those who are performing satisfactorily or disapprove step increases for those who fail to meet standards. Although step increases are included in the budget, they are not automatically given without the supervisor's approval.

Performance Evaluation forms are available on-line from the Human Resources Department. Completed, signed forms shall be forwarded to the Human Resources Department to be filed in the employee's personnel file as a documented record of the evaluation.

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## **SECTION 3: EMPLOYEE BENEFIT PROGRAMS**

### **3.01 Employee Benefits**

Effective Date: 03.09.15

Eligible ECTOR COUNTY employees, as defined in Section 2.01 of this Handbook, are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, and unemployment insurance) cover all employees in the manner prescribed by law.

The following benefits or programs are available to eligible employees:

- Credit Union
- Deferred Compensation Plan
- Dental Benefits
- Educational Financial Assistance
- Employee Assistance Program
- Family and Medical Leave
- Health Benefits
- Holidays
- Jury Duty Leave
- Life Insurance
- Military Leave
- Retirement Plan
- Sick Leave Benefits
- Supplemental Life Insurance
- Travel Allowances
- Vacation Benefits
- Vision Benefits
- Voting Time Off
- Witness Duty Leave

### **3.02 Vacation Benefits**

Effective Date: 06.26.17

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. All full-time ECTOR COUNTY employees, who are not elected or appointed by various judges in accordance with the law, will be eligible to earn and use vacation time as described in this policy. All vacation time will be computed from date of full-time employment with ECTOR COUNTY.

Employees will accrue 40 hours vacation leave after successful completion of 6 months of continuous full-time employment. An employee may not take any vacation time until after the employee has reached six months full-time service with ECTOR COUNTY. Vacation shall not be accrued while an employee is on leave without pay.

No employee will be entitled to take unearned vacation time nor will any employee take vacation time in advance of earning said vacation credit. The amount of paid vacation time employees receive each year increases with the length of employment as shown in the following schedule:

- Employees who have 0 to 4 years of continuous service with ECTOR COUNTY: 3.07 hours per pay day (120 hours maximum accrual), plus 0.18 on Anniversary Date
- Employees who have 5 to 9 years of continuous service with ECTOR COUNTY: 4.69 hours per pay day (160 hours maximum accrual), plus 0.14 on Anniversary Date
- Employees who have 10+ years of continuous service with ECTOR COUNTY: 6.15 hours per pay day (200 hours maximum accrual), plus 0.10 on Anniversary Date

Employees may take their accrued vacation at any time after six months of full-time service with ECTOR COUNTY. Paid vacation time can be used in minimum increments of one-quarter hour. Employees may take vacation time earned, up to the total number of days accrued, provided each employee requests advance approval from his/her Elected Official or Department Head at least one week (this may vary in different departments) prior to the time vacation time is to commence. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. The final decision for vacation schedules will rest with each Elected Official or Department Head. Department Heads shall notify members of the Commissioners Court, via email to "all Commissioners" email address, when taking vacation of one or more days prior to the time the vacation time is to commence.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

In the event that available vacation is not used by the end of the benefit year, employees may carry a maximum of 40 unused vacation hours forward to the next benefit year. If the total amount of unused vacation time reaches a "cap" equal to the maximum accrual amounts shown below, further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.

Employment 0 to 4 years	-	120 hours maximum accrual
Employment 5 to 9 years	-	160 hours maximum accrual
Employment 10 years and beyond	-	200 hours maximum accrual

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. Employees shall be responsible for accurately recording all vacation time used on their time sheet.

Should any employee terminate employment with ECTOR COUNTY and should the employee have accrued vacation time, the employee shall be paid upon termination for vacation time accrued after the employee has reached six (6) months of full-time service.

Should any employee terminate employment with ECTOR COUNTY and later be re-employed by ECTOR COUNTY, none of the prior service shall be considered in granting vacation time. The employee will be granted vacation time in the same manner and rate as any new employee.

### **3.03 Holidays**

Effective Date: 03.09.15

Each year the Commissioners' Court of ECTOR COUNTY determines an Official Holiday Schedule, which will be observed by all ECTOR COUNTY departments and shall be with pay, unless otherwise specified by the Commissioners' Court. The list of Official Holidays generally includes some of the following days:

- New Year's Day (January 1)
- Martin Luther King, Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Good Friday (Friday before Easter)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans' Day (November 11)
- Thanksgiving (fourth Thursday and Friday in November)
- Christmas (two days)
- New Year's Day (January 1)

ECTOR COUNTY will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):

- Regular full-time employees

Depending on departments (i.e. Sheriff/Juvenile), a holiday may fall on an assigned workday, in which case the holiday will be paid on the next payroll for those employees.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime, unless the holiday time actually worked qualifies as overtime.

If eligible non-exempt employees are scheduled to work on a recognized holiday, they shall be compensated at their straight-time rate for the hours worked on the holiday.

If eligible employees are called in to work on a holiday because of a County emergency, or other special need of ECTOR COUNTY, they shall be given a paid holiday during the next pay period or shall be paid on the next payday equivalent to the amount of time worked on the holiday, as determined by the Elected Official or Department Head.

An employee, who is absent without approved leave or is on leave without pay on the workday immediately preceding or following a holiday, will not be paid for the holiday.

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for ECTOR 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. Such requests for use of leave should be made at least one week in advance and will be given priority by ECTOR COUNTY.

### **3.04 Use of Personal Leave**

Effective Date: 03.09.15

It is the policy of ECTOR COUNTY, Texas that all employees who earn holiday leave shall use that leave prior to any other personal leave. Holiday leave may not be accrued in excess of 24 hours. It shall be taken before vacation leave. If the employee has reached maximum accrual of vacation leave, a combination of holiday and vacation leave may be taken so that the employee will not lose either holiday or vacation leave.

If an employee has earned compensatory time, the employee must first use holiday leave (if applicable), then compensatory leave, and finally, vacation leave. The employee may not earn compensatory time in excess of 20 hours, per ECTOR COUNTY Policy, without prior approval of the Elected Official, Department Head and Commissioners Court, except in the event of an emergency.

### **3.05 Workers' Compensation Insurance**

Effective Date: 03.09.15

ECTOR COUNTY provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. The insurance covers 100% of eligible medical expense, death and disability on any employee who qualifies. Subject to applicable legal requirements, workers' compensation insurance provides temporary income benefits after a short waiting period.

An employee who sustains work-related injuries or illnesses should inform his/her supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action. This will enable an eligible employee to qualify for coverage as quickly as possible. Claim forms are available through each Elected Official/Department Head or at the Human Resources/Insurance Department. Employees who sustain work-related injuries or illnesses and are unable to report for work seven or more days, or are hospitalized overnight, will be placed on Family and Medical Leave if the injury or illness qualifies under Family and Medical Leave. The Family and Medical Leave will run concurrently with their worker's compensation. The [\*\*ECTOR COUNTY Family and Medical Leave Policy\*\*](#) is published under separate cover. This Policy is presented to all employees at enrollment, may be found on the County's website and is located in each department. Please refer to that document for full details. Questions about the policy may be directed to the head of your department or the Human Resources Director.

An employee who sustains a bona fide, on-the-job work-related injury may seek medical attention from the medical facility or professional of his or her choice, provided the facility or professional is included in the approved Workers' Compensation Network of providers. After a

medical professional has been selected, an employee may not change providers without the permission of the Texas Workers' Compensation Commission. Additional information regarding filing a workers' compensation claim and the guidelines regulating these claims is available in the Human Resources/Insurance Department, 1010 East 8<sup>th</sup> Street, Room 126.

### **3.06 Sick Leave Benefits**

Effective Date: 06.26.17

ECTOR COUNTY provides paid sick leave benefits to all eligible employees for periods of temporary absence due to personal illnesses or injuries, or for personal appointments with physicians, optometrists, dentists, and other qualified medical professionals. Eligible employee classification(s):

- Regular full-time employees

Eligible employees will accrue sick leave benefits at the rate of 3.69 hours per pay day (plus 0.06 on Anniversary Date) or 96 hours per year. Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins on the employee's full-time hire date.

Paid sick leave can be used in minimum increments of one-quarter hour. Eligible employees may only use sick leave benefits for an absence due to their own illness or injury, unless the employee takes Family and Medical Leave to care for an eligible family member. The guidelines of the Family and Medical Leave Act and Policy shall apply in that event.

An employee who is unable to report to work due to illness or injury should notify his/her Elected Official, Department Head or direct supervisor, according to the guidelines of their department, before the scheduled start of the workday, if possible. The Elected Official, Department Head or direct supervisor must also be contacted on each additional day of absence. An Elected Official or Department Head may require a physician's statement or some other acceptable documentation of injury or illness verifying the inability to report to work, as well as the beginning and expected ending dates of such period. Such verification may be required as a condition to receiving sick leave benefits. Department Heads shall notify members of the Commissioners Court, via email to "all Commissioners" email address, when taking sick leave of one or more days prior to the time the sick leave is to commence, if possible.

Where sick leave is to be used for medical appointments, employees shall be required to notify their Elected Official, Department Head or direct supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, employees shall notify their Elected Official, Department Head or direct supervisor within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to make the notification within 15 minutes of the normal starting time, the employee should make the notification as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his/her Elected Official, Department Head or direct supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee qualify.

An employee who becomes ill and cannot report to work for seven or more days, or is hospitalized overnight, will be placed on Family and Medical Leave if the injury or illness qualifies. The guidelines of the Family and Medical Leave Act and the [\*\*ECTOR COUNTY Family and Medical Leave Policy\*\*](#), published under separate cover, shall apply. Please refer to that document for full details of the [\*\*ECTOR COUNTY Family and Medical Leave Policy\*\*](#). Questions about the policy may be directed to the head of your department or the Human Resources Director.

Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence. ECTOR COUNTY will not pay an employee who is on sick leave after total sick leave time accumulated by the employee has been used by the employee. An Elected Official or Department Head may retain the individual as an employee within the particular department; however, the employee's status will be considered as a "leave of absence without pay" or "time off without pay". Sick leave may not be used in conjunction with Workers' Compensation benefits.

An eligible employee who has used all available sick leave and is a member of the ECTOR COUNTY Sick Leave Pool may apply for time from the Pool. The ECTOR COUNTY Sick Leave Pool Policy is published under separate cover and is available to all employees for review. Please refer to that document for full details of the ECTOR COUNTY Sick Leave Pool Policy. Questions about the policy may be directed to the head of your department or the Human Resources Director.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 480 hours worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

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

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### **3.07 Time Off to Vote**

Effective Date: 03.09.15

ECTOR COUNTY encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, ECTOR COUNTY will grant up to two hours of paid time off to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the election day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

Employees must submit a voter's receipt on the first working day following the election to qualify for paid time off.

### **3.08 Emergency Leave**

Effective Date: 03.09.15

Employees, who wish to take time off due to the death of an immediate family member or to attend to the medical needs of members in the immediate family, should notify their supervisor immediately.

Up to thirty-six (36) hours of paid emergency leave per year will be provided to eligible employees in the following classification(s):

- Regular full-time employees

Emergency leave pay is calculated based on the base pay rate at the time of absence and will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

ECTOR COUNTY defines "immediate family" as the employee's spouse, mother, father, children, brother, sister, grandparents, in-laws, and relatives living in the home. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

Emergency days are banked annually in January and cannot be accumulated or accrued.

### **3.09 Jury Duty**

Effective Date: 03.09.15

ECTOR COUNTY encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification will be paid jury duty leave for any time during working hours with proof of service. Upon completion of jury duty, a summary sheet of hours served on jury duty shall be presented to the Payroll Manager.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee. Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees

The employee must show the jury duty summons to his/her supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either ECTOR COUNTY or the employee may request an excuse from jury duty if, in ECTOR COUNTY's judgment, the employee's absence would create serious operational difficulties.

ECTOR COUNTY will continue to provide health insurance benefits for the full term of the jury duty absence.

### **3.10 Witness Duty**

Effective Date: 03.09.15

ECTOR COUNTY encourages employees to appear in court for witness duty when subpoenaed to do so.

All employees are allowed time off from work if summoned, by subpoena or court order, to appear in a civil, criminal, legislative, or administrative proceeding. To qualify for witness leave, an employee must submit to his/her supervisor a copy of the summons to appear as soon as it is received.

If employees have been subpoenaed or otherwise requested to testify as witnesses by ECTOR COUNTY, they will receive paid time off for the entire period of witness leave. If employees are summoned by any other entity, ECTOR COUNTY will grant up to eight hours of paid time off for the witness leave period and the remainder of the witness leave period will be unpaid leave. Employees may use accrued vacation time or comp time for the remainder of the witness leave period, if the employee has any such available leave time.

The employee is expected to report for work whenever the court schedule permits.

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### **3.11 Benefits Continuation (COBRA)**

Effective Date: 03.09.15

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under ECTOR COUNTY's health plan when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at ECTOR COUNTY's group rates plus an administration fee. ECTOR COUNTY, through its Third Party Administrator, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under ECTOR COUNTY's health insurance plan. The notice contains important information about the employee's rights and obligations.

### **3.12 Educational Assistance**

Effective Date: 03.09.15

ECTOR COUNTY recognizes that the skills and knowledge of its employees are critical to the success of the organization. The Commissioners' Court of ECTOR COUNTY has approved the use of funds from the Employee Enrichment Fund to provide scholarships each semester to local education entities. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within ECTOR COUNTY.

ECTOR COUNTY will provide educational assistance via these scholarships to all eligible employees who apply during the application period established by the Human Resources Department. To maintain eligibility, employees must remain on the active payroll and be performing their job satisfactorily through completion of each course. Employees in the following employee classification(s) are eligible for educational assistance:

- Regular full-time employees
- Regular part-time employees

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or as a part of a degree plan in order to be eligible for educational assistance. ECTOR COUNTY has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable future position. Employees should contact the Human Resources Department for more information or questions about educational assistance.

While educational assistance is expected to enhance an employee's performance and professional abilities, ECTOR COUNTY cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

Should funds from the Employee Enrichment Fund no longer be sufficient to cover these scholarships, ECTOR COUNTY reserves the right to discontinue educational assistance scholarships to employees.

### **3.13 Medical and Dental Benefits**

Effective Date: 06.26.17

ECTOR COUNTY's Employee Health Benefit Plan provides employees and their dependents access to medical and dental insurance benefits. Employees in the following employment classifications are eligible to participate in the health benefit plan:

- Regular full-time employees

New employees become eligible for health and dental coverage on the first of the month following a 60-day waiting period. Once the employee has qualified for health and dental benefits, the employee may obtain coverage under the Group Plan for eligible dependents at the employee's own cost. In addition, each employee must contribute to a portion of his/her health insurance premium. The amount will be deducted from the employee's pay check the first two pay periods of the month. Months with three bi-weekly pay periods will not have a deduction for medical and dental insurance benefits. Eligible employees may participate in the health benefit plan subject to all terms and conditions of the agreement between ECTOR COUNTY and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health benefit plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Each eligible employee will receive a copy of the Health Benefit Plan document. Information on cost of coverage will be provided in advance of enrollment to eligible employees. Any questions concerning coverage may be directed to the ECTOR COUNTY Insurance Department.

Insurance claim forms may be obtained from the Human Resources/Insurance Department, ECTOR COUNTY Courthouse Administration Building, 1010 E. 8<sup>th</sup> Street, Room 126. Claim forms must be completed in full -- this includes the diagnosis and signature of each physician. copies of all bills should be attached to each form and submitted to the Third Party Administrator for processing. If assistance is needed in submitting insurance claims, please contact the Insurance Department at (432) 498-4011.

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### **3.14 Life Insurance**

Effective Date: 03.09.15

Life insurance offers you and your family important financial protection. ECTOR COUNTY provides a basic life insurance plan for eligible employees. Each full-time ECTOR COUNTY employee and retiree is covered by a life insurance policy paid for by ECTOR COUNTY. This standard policy is a basic life insurance policy, which pays your beneficiary \$12,500.00, but drops to 1/2 value at retirement. Each full-time ECTOR COUNTY employee has the option to purchase additional supplemental life insurance coverage at his/her own cost.

Accidental Death and Dismemberment (AD&D) insurance provides protection in case of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.

Employees in the following employment classifications are eligible to participate in the life insurance plan:

- Regular full-time employees

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between ECTOR COUNTY and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources/Insurance Department for more information about life insurance benefits.

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### **3.15 Retirement Plan**

Effective Date: 12.20.18

Retirement with Ector County shall be governed by State and federal laws and regulations.

ECTOR COUNTY joined the Texas County and District Retirement System on December 1, 1968. The employee contribution to this system is 7% of the employee's gross salary, which is deducted from the employee's pay check and is matched with County funds. The matching funds applied by the County to the employee's retirement are determined by the Commissioners' Court. The current amount of the percentage match is available from the Payroll or Auditor's Office.

Each person who is a regular full-time or part-time employee, or a person regularly engaged in the performance of the duties of an elected or appointed office of ECTOR COUNTY, shall become a member of the Retirement System upon the first day of the month following the date of employment. This does not apply to temporary employees.

A "retiree" means a covered employee who is eligible for retirement under the Texas County and District Retirement System. Such covered employee must meet ECTOR COUNTY'S "rule of 75" requirement of combined years of service and years of age, or age 60 plus 8 years of service, or any age plus 30 years of service. The guidelines to qualify for retirement in force at the time of the covered employee's retirement shall apply. Effective January 1, 2021, in order to retain health and dental insurance, the employee must retire with at least 12 years of service with ECTOR COUNTY, meet the "rule of 75", or be age 60 with 12 years of service, or any age plus 35 years of service, and with no break in service from ECTOR COUNTY until date of retirement. Retirees who meet the above description will be allowed to continue in ECTOR COUNTY'S health insurance program, but must contribute monthly to the cost of that insurance. The amount and guidelines for payment of said premium contribution is available from the County Insurance and County Treasurer's Office. (No employee hired after October 1, 2015 will be eligible to retain health and dental insurance at retirement.)

Should an employee leave the employment of the County prior to qualifying for retirement benefits, that employee shall have the right to apply for a refund of the employee's contribution to the System along with interest earned on his/her contribution. Interest is not earned until after one full year of participation in the Retirement System. Should the employee withdraw from the System, the employee shall not be entitled to the County's portion contributed to the System on his behalf.

For further information on the Texas County and District Retirement System, please refer to your Texas County and District Retirement Handbook. Your Elected Official or Department Head should also have a handbook. Members eligible for retirement may contact the Human Resources/Payroll Department for forms and instructions.

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## **SECTION 4: TIMEKEEPING AND PAYROLL**

### **4.01 Fair Labor Standards Act Safe Harbor**

Effective Date: 09.13.18

ECTOR 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 Administrator's attention, ECTOR COUNTY will promptly make any corrections necessary. Please review your paystub 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.

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 approve/sign your time record if it is not accurate. When you receive your paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Unless you are authorized by your Elected Official, Department Head or direct supervisor, you should not work any hours that are not authorized. Non-exempt employees should report at your scheduled work time and leave at your scheduled stop time. Any variance is not permitted unless authorized in writing by your supervisor. Do not start work early, finish work late, work during a meal break, or perform any extra or overtime work unless you are authorized to do so. That time worked is to be recorded in your name in the electronic timekeeping system as part of the departmental time record. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you 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.

It is a violation of ECTOR COUNTY policy and the Texas Penal Code 37.10 for any employee to falsify a timecard, timesheet, or time record, or to alter another employee's timecard, timesheet, or 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 timecard, timesheet or 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 the Human Resources Director, 1010 E. 8<sup>th</sup> Street, Suite 126, Odessa, Texas 79761, (432) 498-4025.

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 ECTOR 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, such as during salary review times, 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.

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance 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 salary 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 after all paid leave is exhausted; or 5) the first or last week of employment in the event you work less than a full week.

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.

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 the Payroll Administrator, Human Resources Department, 1010 E. 8<sup>th</sup> Street, Suite 126, Odessa, Texas 79761, (432) 498-4026. If you are unsure of who to contact or you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney, 300 N. Grant Street, Suite 201, Odessa, Texas 79761, (432) 498-4150. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee, supervisor or Payroll processor who violate(s) this policy. In addition, ECTOR COUNTY will not allow any form of retaliation against individuals who report alleged violation 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 will result in disciplinary action, up to and including termination.

## **4.02 Compensation**

Effective Date: 03.09.15

ECTOR COUNTY Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law and ECTOR COUNTY complies with the Fair Labor Standards Act (FLSA).

Law Enforcement personnel are handled in accordance with the 207(k) exemption under the FLSA. The Commissioners' Court has adopted this exemption. Information regarding this exemption can be found in the policy on "Law Enforcement Compensation and Overtime".

All non-exempt ECTOR COUNTY employees shall be paid an hourly salary. Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. Exempt employees shall receive a weekly salary for all hours worked. For full-time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in any workweek.

For part-time regular employees, the monthly salary compensates the employee for all hours worked in a workweek up to the amount designated by ECTOR COUNTY for the position.

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

## **4.03 Payroll Deductions**

Effective Date: 03.09.15

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 deduction authorized by Commissioners' Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Human Resources Department/Payroll Office.

## **4.04 Work Weeks and Work Periods**

Effective Date: 03.09.15

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for ECTOR COUNTY shall begin at 12:01 a.m. on each Sunday 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 28 days and 161 hours as established by the ECTOR COUNTY Commissioners' Court.

## **4.05 Pay Periods**

Effective Date: 06.26.17

The pay period for ECTOR 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 weekend, paychecks shall be issued on the last work day immediately preceding the holiday or weekend.

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## **4.06 Work Schedules**

Effective Date: 03.09.15

The normal hours of work for most positions in ECTOR 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. In order to meet the needs of ECTOR 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.

## **4.07 Hours Worked**

Effective Date: 03.09.15

Hours worked during the workday shall include all time actually spent in the service of ECTOR COUNTY as defined by the Fair labor Standards Act (FLSA) and its regulations. The workday for ECTOR COUNTY shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

## **4.08 Law Enforcement Pay and Overtime**

Effective Date: 03.09.15

ECTOR COUNTY Commissioners' Court has adopted the 207(k) exemption under the Fair Labor Standards Act (FLSA) for law enforcement employees, which includes deputies and jailers. These employees have a work period of 28 days and overtime will be due after 171 hours actually worked. Law enforcement employees' salary covers all hours up to 171 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 his/her supervisor before working overtime.

## **4.09 Overtime Calculations and Rules**

Effective Date: 03.09.15

Overtime shall include all time actually worked for ECTOR 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, which generally involves an imminent threat against the governmental operations of ECTOR COUNTY or its citizens, an employee shall be required to have written authorization from his/her supervisor before working overtime.

ECTOR COUNTY'S policy is that overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Non-exempt employees shall receive compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked.

The maximum amount of unused compensatory time and employee shall be allowed to have at any one time is 20 hours. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance to below the maximum.

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested, provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with supervisor's approval. ECTOR COUNTY shall have the right to require employees to use earned compensatory time at the convenience of the County.

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

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

Each employee shall be required to record any compensatory time used within a pay period on the timesheet for that pay period.

## **4.10 Demotions**

Effective Date: 03.09.15

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary grade. Elected 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 deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward.

## **4.11 Transfers**

Effective Date: 03.09.15

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties. Elected Officials or Department Heads may transfer a qualified employee to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners' Court and salary plan guidelines. An employee who moves to a new classification in the same pay grade may receive an increase in compensation only with the recommendation of the Elected Official or Department Head and the approval of the Commissioners' Court. Generally, these movements occur at no change in pay and increases in pay should be the exception.

## **4.12 Reclassifications**

Effective Date: 03.09.15

If an employee is serving in a position that is reclassified to another classification with a higher pay grade, the employee's rate of pay shall be moved to the next step up from the step in the new pay grade that is approximately the same pay level or the minimum of the grade, whichever is higher. If an employee is serving in a position that is reclassified to a classification in a lower grade or the same grade, the employee's salary will not be adjusted. However, if an employee is in a trial period for a new job and has been receiving the pay for the new position, the pay will be reduced if the employee is returned to a previous position due to lack of performance during the promotional period or if the employee requests the move to the previous position.

## **4.13 Promotions**

Effective Date: 03.09.15

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary grade. Elected Officials or Department Heads may promote a qualified employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners' Court and salary plan guidelines. Promotions are subject to a six-month review period. During this period, the employee's performance in the new position shall be closely monitored and evaluated. The employee's Elected Official, Department Head or direct supervisor should complete a written performance appraisal at the end of the review period. The results of the appraisal shall determine whether the promotion becomes a regular full-time position. If the promotion does not become regular full-time, the employee will be returned to his or her previous position or a position with similar levels of responsibility to the previous position. Pay will also be reduced to accurately reflect the lesser responsibilities.

A promoted employee shall be compensated within the new salary range under the same guidelines as new employees, except that an increase of five percent (5%) or more is permitted within the limits of the range with the recommendation of the Elected Official or Department Head and provided the Human Resources Department has ascertained that the promotion complies with all ECTOR COUNTY policies and the recommended salary amount does not exceed the amount budgeted for that position. Any recommended salary amount which exceeds the amount budgeted for the position requires prior Commissioners' Court approval and a budget amendment form. Individuals who are promoted to Department Head or a key supervisory position shall be compensated within the new salary range under the same guidelines described in this policy, except that an increase of 10 percent (10%) or more is permitted within the limits of the range as long as all other guidelines stated above are met.

In all cases, the amount of a promotional increase should be an amount sufficient to reach the minimum salary for the new job. The review period does not require any delay in the promotional pay increase. The increase should become effective on the first day the employee assumes the new position and should not be affected by any previous increases.

## **4.14 Employment Separations**

Effective Date: 03.09.15

Since employment with ECTOR COUNTY is based on mutual consent, both the employee and ECTOR COUNTY have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable State law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

A separation shall be defined as any situation in which the employer-employee relationship between ECTOR COUNTY and a County employee ends. All separations from ECTOR COUNTY shall be designated as one of the following types: 1) resignation; 2) retirement; 3) dismissal; 4) reduction of force; or 5) death.

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with ECTOR 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 his/her Elected Official or Department Head.

A retirement shall be any situation in which an employee meets the requirements to collect benefits under ECTOR COUNTY's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify his/her Elected Official or Department Head of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

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

An employee shall be separated from employment because of a reduction in force when his/her 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.

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

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## **4.15 Paydays**

Effective Date: 06.26.17

All employees are paid bi-weekly with 26 pay periods in the year. Each paycheck for full-time and part-time employees will be paid for work performed during the regularly scheduled pay period. In the event that a regularly scheduled payday falls on a day off, such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

Payroll checks will not be issued to any employee except on the designated payroll dates, or upon written certification by the Elected Official or Department Head that an undue hardship will be created for the employee due to illness or extraordinary extenuating circumstances. If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted to the Human Resources Department/Payroll at least one week prior to departing for vacation.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to ECTOR COUNTY Human Resources Department/Payroll. Employees will receive an itemized statement of wages when ECTOR COUNTY makes direct deposits. All employees hired after October 1, 2012 are required to have their pay directly deposited into a bank account.

## **4.16 Pay Deductions and Setoffs**

Effective Date: 03.09.15

The law requires that ECTOR COUNTY make certain deductions from every employee's compensation. Among these are applicable federal income taxes. ECTOR COUNTY also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." ECTOR COUNTY pays the amount required by federal law in Social Security taxes for each employee.

ECTOR COUNTY offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by ECTOR COUNTY, usually to help pay off a debt or obligation to ECTOR COUNTY or others.

If you have questions concerning why deductions were made from your paycheck or how deductions were calculated, your supervisor can assist in having your questions answered.

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## **4.17 Retiree Rehires**

Effective Date: 03.09.15

Retired employees shall be eligible to apply for open positions with ECTOR COUNTY as long as the following provisions are met: 1) The retiree has been retired for at least 45 days, and 2) no prior arrangement or agreement was made between ECTOR COUNTY and the retiree for re-employment.

The retiree must have a bona fide separation of employment and have been retired for a minimum of 45 days. A bona fide separation means there is no prior agreement or understanding between ECTOR COUNTY and the retiree that the retiree would be rehired after retirement.

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 ECTOR COUNTY, 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 to be a new member for the purposes of beneficiary determination and benefit selections.

## **4.18 Time Reporting/Electronic Timekeeping**

Effective Date: 09.13.18

ECTOR COUNTY has implemented an electronic timekeeping system to ensure accurate tracking of employees' hours worked. All ECTOR COUNTY employees' time shall be recorded at least bi-weekly in ECTOR COUNTY's electronic timekeeping system. Leave such as vacation, sick and other approved leave shall also be recorded in the electronic timekeeping system. The data recorded in the system shall be considered as the "official" record of time worked and leave taken. The official record will be used to resolve any disputes.

ECTOR COUNTY maintains an accurate recording of and proper payment for all time worked by ECTOR COUNTY employees, in compliance with the Fair Labor Standards Act as outlined in **Section 4.01 Fair Labor Standards Act Safe Harbor**.

Each Elected Official or Department Head shall determine the exact working schedules for their employees. In order to meet the needs of ECTOR 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.

Exempt employees will only record any leave time taken. If an exempt employee works less than 80 hours in a time period, the employee will need to record leave time taken in the electronic timekeeping system.

Non-exempt employees shall “clock in” at the beginning and end of their workday, and as necessary, within the workday, per departmental policy, so as to accurately and appropriately record their meal breaks or approved leave time in the electronic timekeeping system. They may use either:

- a biometric clock device
- a web-access link via computer
- an ECTOR COUNTY-provided mobile device (in accordance with the [ECTOR COUNTY Mobile Device Policy](#))

In the case of clock malfunction or other technological problems, it may be necessary to correct or enter missing data. These changes shall be documented and manually added to the employee’s electronic time record, as necessary, by a manager/supervisor to accurately report the employee’s hours. Any clock or web access malfunctions should be promptly reported to the Payroll Administrator’s Office, who will contact the company for assistance and repairs.

Employees should not clock in earlier than 5 minute before their scheduled start time, unless the employee has supervisor approval for early arrival. An employee should not clock out any later than 5 minutes after their scheduled end time, unless the employee has supervisor approval for working late. Employees can clock in 5 minutes prior to and up to 5 minutes after their shift is supposed to start without incurring potential overtime.

As directed in **Section 4.01 Fair Labor Standards Act Safe Harbor**, all employees are required to view their electronic time record to ensure accuracy of their official recorded time. Employees should report discrepancies to their supervisor immediately. All employees are required to approve their electronic time record at the end of the pay period. Supervisors or department timekeepers are required to approve their employee’s electronic time record at the end of each pay period. The required deadlines will be specified by the Human Resources/Payroll Administrator’s office.

Departmental timekeepers shall ensure that employees and supervisor have accurately completed electronic time records. At the end of each pay period, departmental timekeepers will “Sign Off”/approve on all employee electronic time records in the electronic timekeeping system, therefore releasing the recorded data to Payroll for processing.

Departmental timekeepers must perform “sign off”/approval by 10:00 a.m., on the dates specified by Human Resources/Payroll. In the case of holidays, the Human Resources/Payroll Office will send proper notification of the amended due time and date.

As stated in **Section 4.01 Fair Labor Standards Act Safe Harbor**, falsifying timekeeping records is a serious offense subject to disciplinary action up to and including termination. Tampering or interfering with an ECTOR COUNTY clock and/or other ECTOR COUNTY electronic timekeeping equipment is considered a serious offense, subject to disciplinary action, up to and including termination.

Manual edits to hourly employee electronic time records should be limited. If a manual edit is performed, then a comment must be added on the in/out entry to explain why the edit was performed.

Managers should limit editing in/out entries to avoid the accrual of overtime. If an employee is clocking too early/late, then the employee should be counseled. If the employee continues to inappropriately clock, then disciplinary action should be considered.

Managers should never edit an entry to correct a time entry for employees who are tardy. Employees should use just enough accrued leave time in their timecards to make their work week or pay period whole.

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## **SECTION 5: WORK CONDITIONS & HOURS**

### **5.01 Safety**

Effective Date: 03.09.15

To assist in providing a safe and healthful work environment for employees, customers, and visitors, ECTOR COUNTY has established a workplace safety program. This program is a top priority for ECTOR COUNTY. The Human Resources/Risk Management Department has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

ECTOR COUNTY provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. A Safety Advisory Group has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of a member of the Safety Advisory Group. Reports and concerns about workplace safety issues should be made immediately to your Elected Official or Department Head. Whenever possible and time allows, the employee should make an initial report in writing to his/her Elected Official/Department Head; however, in those cases when time will not allow for an initial report, the employee should document the verbal report in writing as soon thereafter as possible. All reports can be made without fear of reprisal. Reports should be immediately forwarded to the Safety/Risk Management Coordinator.

Each employee is expected to adhere to safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Human Resources Department and their appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

The [\*\*ECTOR COUNTY Safety Policy\*\*](#) is published under separate cover. This Policy is presented during orientation, may be found on the County's website and is located in each department. Questions about this Policy may be directed to your Elected Official/Department Head or the County's Safety/Risk Management Coordinator at 432-498-4025.

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## **5.02 Work Schedules**

Effective Date: 03.09.15

The normal work schedule for all full-time County employees is 8 hours a day, 5 days a week.

County offices within the Courthouse and Administration Building will normally be open from 8:00 a.m. to 5:00 p.m. daily, except for Saturday and Sunday. Some offices may close during the noon hour. Coffee and smoke breaks, if allowed, will be regulated by the Elected Official or Department Head. The law allows Elected Officials to set the office hours of those departments under their control.

Those officials who are appointed by Elected Officials, other than the Commissioners' Court, may have their hours of operation set by whomever appointed him or her. In order to better serve the public, the Commissioners' Court may establish the office hours for departments under their management and control.

Offices may remain open during the noon hour, and lunch periods may be staggered and regulated by the Elected Official or Department Head according to the requirements of the office. Elected Officials and Department Heads will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult their supervisor to request participation in the flextime program.

## **5.03 Rest and Meal Periods**

Effective Date: 03.09.15

Each workday, full-time non-exempt employees are provided with rest periods. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All full-time employees are provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

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## **5.04 Smoke- and Vape-Free Workplace**

Effective Date: 08.27.19

ECTOR COUNTY is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As such, the following policy has been adopted and applies to all employees, customers and visitors of ECTOR COUNTY.

In accordance with actions taken by the ECTOR COUNTY Commissioners' Court at their regular meeting on January 25, 1999, and amended on August 27, 2019, all ECTOR COUNTY buildings and vehicles shall be designated smoke- and vape-free. Smoking is defined as the "act of lighting, smoking or carrying, a lighted or smoldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems (ENDS) or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

Employees who violate this policy shall be subject to disciplinary action up to and including immediate discharge.

## **5.05 Emergency Closings**

Effective Date: 05.11.2021

### **DECLARATION OF AN EMERGENCY:**

The County Judge shall be the local County authority to declare an emergency exists, or in the County Judge's absence, the County Judge Pro tem (or the Senior County Commissioner, if necessary). In the event of an emergency closing or evacuation, the County shall provide paid leave for employees in the event of certain emergencies including, but not limited to:

- Inclement weather such as ice & snow conditions
- Tornadoes
- Floods
- Other acts of God
- Nuclear, chemical, and biological emergencies
- Terrorist attacks
- Any other emergency declared by the federal, state, or local authority

### **CLOSING DUE TO AN EVACUATION ORDER:**

When an evacuation has been ordered, all "non-essential", non-emergency personnel will be released from work and encouraged to evacuate. Employees designated by their Department Head as "essential" Emergency Services Personnel will not be authorized to evacuate if an evacuation order is issued in accordance with Chapter 22 of the Texas Labor Code. Any "essential" employee who fails to report to work as scheduled during an emergency evacuation order may be subject to disciplinary action, up to and including termination; if the employee is necessary to provide for the safety and well-being of the general public or is otherwise necessary for the restoration of vital services. Shifts may be established according to departmental needs at the discretion of the Department Head. Employees who are assigned "on call" status must notify supervisors of locations where they can be contacted.

**COMPENSATION OF EMPLOYEES:**

When there is an emergency closure of County offices, all employees who are required to work during the emergency closure will be compensated as indicated below for the duration of the closure for all documented time during which they actually worked. The term "actually worked" means time actively engaged in physical exertion related to the County's business either on the County's premises or to actively engaged in County's business off premises at the direction and control of the County Judge or Senior County Commissioner. Employees with county-issued phones or phone allowances are responsible for maintaining communication during a closure as per their supervisor's instruction. The term "actually worked" shall include stand-by and stand-by/sleep time as recognized under the Fair Labor Standards Act (FLSA) only in those instances where the employee is required by the Commissioner's Court to stay on County premises engaged to wait on instructions to work, and the employee does, in fact, stand by and/or sleep on the County premises. Following are examples for each FLSA classification:

- a. Elected Officials, the County Auditor, Court Reporters and Assistant Criminal District Attorneys are regulated by State Statutes or other law; therefore, they are not subject to overtime compensation during an emergency closure.
- b. Exempt – Employees during an emergency closure who are designated as "essential" would receive his/her regular salary equivalent to his/her work schedule and no additional time.
- c. Nonexempt – Employees during an emergency closure who are designated as "essential" would receive straight-time pay for all hours actually worked during the emergency closure until the total hours actually worked during the work week exceed the designated limit for overtime pay, at which time excess hours will be paid at the required overtime rate. No additional time will be given in excess of an individual's work schedule unless the time actually worked falls under overtime guidelines.
- d. Sheriff's deputies who are designated as "essential" employees during an emergency closure would receive their regular pay, based on a 14-consecutive day work period for hours physically worked only, with a maximum of 86 hours of straight-time before overtime accrues to them. No additional hours will be paid over and above an employee's regular work hours unless the hours physically worked fall under overtime guidelines.
- e. The maximum number of work hours which may be recorded for any single work day is the total hours actually physically worked and the overtime hours actually physically worked.
- f. Full-time, regular employees who are on a scheduled work day, but not required to report for their scheduled shift due to an emergency closure, will be paid for the day/days as Administrative Leave up to the equivalent of their full schedule work shift with no additional time recorded above or beyond their regularly scheduled work hours. If the emergency closure falls on an employee's day off or on a day that leave has been requested and granted, then no additional time will be recorded and the day will be recorded as a regular day off or recorded under the appropriate leave code.
- g. Part-time and temporary employees will be paid for their scheduled time lost only due to an emergency closing. No additional time will be recorded above or beyond their regularly scheduled work hours.
- h. Employees will not receive inclement weather pay on their regularly scheduled days off.
- i. In the event of this type of closing, any employee who is off work or scheduled to be off on sick leave, sick pool, vacation, emergency leave, workers compensation, FMLA,

disciplinary leave, etc. shall have their leave deducted from their appropriate leave balances.

- j. No employees shall be paid in excess of their regularly scheduled work hours unless the hours they physically work fall under the category of overtime.
- k. An employee, who is absent without approved leave or is on leave without pay on the workday immediately preceding or following a Snow Day/Days, will not be paid of the Snow Day or Days.

**RETURN-TO-DUTY PHASE:**

All employees will report to their usual work areas as soon as possible following the order for resumption of normal operations, after the lifting of the emergency closure order and/or instructions from the applicable Elected Official/appointed Department Head. By reporting to work as directed, each employee meets their responsibility to work with other County employees as a team in restoring the community to normal service levels following a disaster. Non-essential service employees who evacuated will report to work at the start of the next normal shift, or sooner as directed, following the announcement of the Return-to-Duty Phase. When all County offices are closed, an announcement will usually be emailed out to Ector County employees, as well as posted on Ector County's website.

**VIOLATION OF THIS POLICY.** An employee violates this policy by:

- a. Refusing to perform assigned duties required by this Policy or to obey any order or directive made or given by a supervisor; or
- b. Failing to report for duty as directed during any applicable phase of this Policy; or
- c. Failure to abide by County Policy, departmental rules of regulations; or
- d. Failure to provide accurate and honest time records; or
- e. Any conduct that interferes with, or might reasonably be expected to interfere with, the proper and orderly conduct of the County's business or that brings, or might reasonably be expected to bring, discredit on the public service.

Consequences for violation of the Policy. A violation of this Policy shall be considered a violation of County Policy, departmental rules, or regulations for which disciplinary action up to, and including, dismissal may be taken.

The County reserves the right to amend, change, or delete this policy at any time, with or without prior notice. Furthermore, this policy does not grant a right or benefit to any employee, either expressed or implied, that in any way alters the "at will" basis of employment that is intended by the County.

## **5.06 Visitors in the Workplace**

Effective Date: 03.09.15

To provide for the safety and security of employees and the facilities at ECTOR COUNTY, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

All visitors should enter ECTOR COUNTY departments at the reception area of each department or building. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on ECTOR COUNTY's premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the reception area.

## **5.07 Workplace Violence Prevention**

Effective Date: 11.13.17

ECTOR COUNTY is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, ECTOR COUNTY has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of ECTOR COUNTY without proper authorization. License to Carry (LTH) or Concealed Handgun License (CHL) permits are required for handguns to be stored or carried in vehicles on County parking lots. See **Section 5.17** for policy regarding ECTOR COUNTY employees' possession of guns on County premises or County vehicles.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, State, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

ECTOR COUNTY will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. The proper Law Enforcement agency will be contacted.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

ECTOR COUNTY encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Director before the situation escalates into potential violence. ECTOR COUNTY is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

## **5.08 Use of Equipment and Vehicles**

Effective Date: 03.09.15

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using ECTOR COUNTY property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

County-owned vehicles and equipment will be used for official ECTOR COUNTY purposes only. Misappropriation of public property by public employees or officials for private benefit constitutes theft under Section 31.03 of the Penal Code, if there is intent to exercise unlawful control over property owned by the State or other governmental entity. Similarly, misuse of public labor or services for private benefit constitutes theft of service under Section 31.04 of the Penal Code.

Any official, department head or employee who knowingly uses or permits usage of a County-owned vehicle or equipment for private purposes, will be terminated and will be reported to law enforcement for criminal investigation.

Note: The term "private profit" is construed to mean any personal use of vehicles, property, supplies, equipment or other thing of value belonging to ECTOR COUNTY.

Only ECTOR COUNTY personnel, authorized by their Elected Official/Department Head/supervisor or by Commissioners' Court, shall use County-owned vehicles or equipment. A current, valid Texas Driver's License and an insurable driving record is required for all personnel using County-owned vehicles or equipment. An Operators License is required for all operators and a Commercial or Chauffeurs License, when specified.

The complete [\*\*ECTOR COUNTY Vehicle User's Maintenance Policy\*\*](#), published under separate cover, provides guidelines on the operation of County-owned vehicles, maintenance schedules and tire repair/ changing responsibilities, and is available from the Equipment Services Department, 7613 W. Dunn and may be found on the County's website. Every employee, who operates a County-owned vehicle, is responsible for being familiar with the complete policy.

## **5.09 Use of Phone, Copy Machines, Mail Systems**

Effective Date: 03.09.15

ECTOR COUNTY telephones are for business only and personal calls should be made with discretion. Personal use of the telephone for long-distance and toll calls is not permitted. Unauthorized use of phones for long distance calls and/or failure to reimburse the County on personal long distance calls will result in disciplinary action, up to and including, termination. A log must be maintained on all long distance calls. The Elected Official or Department Head has the authority to designate who will make ECTOR COUNTY long distance calls.

It is not permitted to abuse, or put to personal use, County-owned property, including ECTOR COUNTY copy machines and facsimile machines. Persons who use County copy machines and facsimile machines must reimburse ECTOR COUNTY for the cost of such use at a rate per page determined by the ECTOR COUNTY Treasurer.

The use of ECTOR COUNTY-paid postage for personal correspondence is not permitted.

## **5.10 Computer and E-mail Usage**

Effective Date: 03.09.15

Computers, computer files, the e-mail system, and software furnished to employees are ECTOR COUNTY property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored.

ECTOR COUNTY strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, ECTOR COUNTY prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

ECTOR COUNTY purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, ECTOR COUNTY does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. ECTOR COUNTY prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate supervisor, the Information Technology Manager or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment. [ECTOR COUNTY's Internet Use Policy](#), published under separate cover, provides guidelines on

the use of the Internet. This Policy is presented during orientation, may be found on the County's website and is located in each department.

## **5.11 Mobile Device Usage**

Effective Date: 03.09.15

ECTOR COUNTY has adopted a [Mobile Device Use Policy](#), which is provided to individuals whose responsibilities require issuance of a County-owned mobile device or the individual has a need to access email and/or other County systems. The Mobile Device Use Policy may be found on the County's website and in each department. The following is a summary of highlights from the Policy.

Only County-owned mobile devices will be allowed to gain access to the County network. Personally-owned devices may not be used for County business, but may have access to County email accounts, if the proper precautions are taken and proper approval is given.

Any employee issued a mobile device under this Policy must comply with the appropriate provisions of the Policy, and related technology use policies and all other ECTOR COUNTY policies. Failure to do so will result in loss of use of the mobile device and may result in disciplinary actions, up to and including, termination.

## **5.12 Social Media Usage**

Effective Date: 03.09.15

ECTOR COUNTY is interested in enhancing its traditional communications methods through the use of social media. The County endorses the secure use of social media technology to enhance communication, collaboration and information exchange; streamline processes; and foster productivity improvements.

However, use of social media must not compromise data confidentiality and integrity. The same standards of conduct, principles and guidelines that apply to ECTOR COUNTY employees in the performance of their assigned duties, apply to employee social media technology use. ECTOR COUNTY has adopted a [Social Media Use Policy](#). This Policy, presented during orientation, may be found on the County's website and is located in each department. The Policy establishes Countywide social media use, protocols and procedures intended to mitigate associated risks from use of this technology, where possible.

All applicable ECTOR COUNTY policies governing employee conduct and communication apply to employees who choose to make comments on County social media sites, as well as non-County social media sites, depending on the circumstance. These policies may apply to employee comments made on or off County time. For example, at no time may employees use social media to discriminate against or harass other ECTOR COUNTY employees or express personal statements or opinions in the name of ECTOR COUNTY. Violations of this Policy shall be reviewed on a case-by-case basis and may result in disciplinary action, up to and including, termination of employment. See the complete details in the ECTOR COUNTY Social Media Use Policy

## **5.13 Workplace Monitoring**

Effective Date: 03.09.15

Workplace monitoring may be conducted by ECTOR COUNTY to ensure quality control, employee safety, security, and customer satisfaction.

Employees who regularly communicate with customers may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our customers' image of ECTOR COUNTY as well as their satisfaction with our service.

Computers or other mobile devices furnished to employees are the property of ECTOR COUNTY. As such, computers, mobile device usage, Internet use, lists of sites accessed by an individual, e-mail and files may be monitored.

ECTOR COUNTY may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Because ECTOR COUNTY is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner, but employees should have no expectation of privacy regarding County-owned equipment, including desks, furniture, file cabinets, lockers, vehicles, computers, mobile devices and cell phones. Files, kept, stored or transmitted on ECTOR COUNTY equipment and accounts may be subject to Texas Open Record laws.

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## **5.14 Out-of-County Travel Policy**

Effective Date: 03.09.15

ECTOR COUNTY employees traveling out-of-county on official County business shall be reimbursed for said travel upon submission of appropriate travel expense forms to the County Auditor. There are three forms used for reporting travel expense and they are:

- Travel Expense Form I - Must be submitted on all requests for reimbursement.
- Travel Expense Form II - Must be submitted on all requests for reimbursement for expense incurred in transporting prisoners.
- Travel Expense Form III - Must be submitted for all requests for expense advances.

All forms are available in the County Auditor's Office.

Each traveling employee is responsible for being familiar with the [\*\*ECTOR COUNTY Travel Policy\*\*](#), which is published under separate cover. This Policy is presented during orientation, may be found on the County's website and is located in each department. The policy includes examples of allowable expenses and statement of responsibilities for Elected Officials, Department Heads and employees.

## **5.15 Procurement Policies**

Effective Date: 03.09.15

The laws of the State of Texas govern the purchasing policies of the County. Most of these laws are located in the Texas Local Government Code – Chapter 262. All purchases in excess of \$50,000 must be made through a formal sealed bid or proposal process with award of the bid or proposal by the ECTOR COUNTY Commissioners Court. Penalties for violation of this law are provided in the statute.

County policies for purchases over \$500 and all procedures related to purchasing are included in the [\*\*ECTOR COUNTY Procurement Policies and Procedures Manual\*\*](#), the [\*\*ECTOR COUNTY Fixed Asset Policies and Procedures Manual\*\*](#), and the [\*\*Purchasing Card Program Policies and Procedures Manual\*\*](#), which have been adopted by the ECTOR COUNTY Commissioners Court. Penalties for violation are provided in these manuals. These policies and manuals are published under separate cover. The policy manuals cover in detail the employee's responsibility in the requisition and payment of supplies and services. The manuals may be found on the County's website and are located in each department. Each employee is responsible for becoming familiar with the ECTOR COUNTY Procurement Policies. Questions may be directed to your Supervisor or the Purchasing Department.

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## **5.16 Breaks for Nursing Mothers**

Effective Date: 08.24.15

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the first year following the birth of a child. The FLSA does not require any breaks other than for nursing mothers. However, if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

It is the policy of ECTOR COUNTY to provide two paid breaks daily for nursing mothers in all departments, including law enforcement personnel. The two breaks are not in addition to the two breaks referenced in **Section 5.03 Rest and Meal Breaks** of this Handbook. Nursing mothers will be allowed whatever time is needed to express breast milk. However, if the time required to express breast milk exceeds the two breaks allowed herein, the excess break time will be unpaid time off. Nursing mothers are entitled to express breast milk breaks for one year following the birth of their child.

Nursing mothers will be provided with a private location, other than a bathroom, to express breast milk. The location will be shielded from view, free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case-by-case basis by the employee's Elected Official/Department Head. Two weeks prior to returning to work after the birth of a child, the nursing mother shall notify the Human Resources Office and the Elected Official or Department Head in writing that she will require the use of the nursing mother break room.

It is the policy of ECTOR COUNTY that retaliation against nursing mothers for asking for express breast milk breaks or taking such breaks is prohibited. An employee who violates this policy is subject to disciplinary action. An Elected or Appointed Official who violates this policy is subject to sanctions as allowed by law.

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## **5.17 Possession of Guns by County Employees on County Premises and County Worksites**

Effective Date: 02.12.19

An ECTOR COUNTY employee who holds a License to Carry (LTC) or a Concealed Handgun License (CHL) issued by the State of Texas, may possess a gun in accordance with the laws of the State of Texas. Any employee who wishes to carry a weapon on ECTOR COUNTY property (**except the ECTOR COUNTY Courthouse, ECTOR COUNTY Adult Probation/Community Supervision and Corrections Department, or ECTOR COUNTY Juvenile Probation/Youth Center**) must provide both the Elected Official/Department Head for which the employee works and the County Judge with a copy of the LTC or CHL. In addition, it is the employee's responsibility to notify the County Judge in the event the employee is involved in a gun-related incident or if the employee no longer possesses a Texas LTC or CHL.

In accordance with the ECTOR COUNTY Commissioners Court Order adopted January 25, 2016, employees are **not permitted** to carry a weapon, whether the handgun is concealed or openly carried, **into the Courthouse, the Adult Probation Building, or the Juvenile Probation Department**, regardless if they possess a Texas LTC or CHL. Prosecutors (with written permission of the Elected Official) and Judges, who possess a LTC or CHL, licensed peace officers, and persons authorized by a court to carry a weapon on the premises of a court or court offices, are permitted to possess a gun on the Courthouse, Adult Probation and Juvenile Probation premises. No employees shall be allowed to open carry while conducting County business, unless they are licensed peace officers whose commission is carried by Ector County.

Any violation of this provision shall result in immediate disciplinary action, up to and including, termination.

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## **SECTION 6: LEAVES OF ABSENCE**

### **6.01 Family and Medical Leave with Military Entitlements**

Effective Date: 03.09.15

[The ECTOR COUNTY Family and Medical Leave Act Policy](#) is published under separate cover. This Policy is presented during orientation, may be found on the County's website and is located in each department. The following is a summary of highlights from the policy. Questions about the policy may be directed to your Elected Official/Department Head or the Human Resources Director.

It is the policy of ECTOR COUNTY to grant up to 12 weeks of family and medical leave (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act implementing Regulations. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in the ECTOR COUNTY Family and Medical Act Leave Policy.

Medical leave is for eligible employees who are temporarily unable to work due to a serious health condition or disability. Family leave is for eligible employees who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. The ECTOR COUNTY FMLA Policy with Military Entitlements extensively defines "serious health condition" and should be reviewed for complete understanding of this term.

Eligible employees should make requests for family and medical leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

During the leave period, health insurance benefits and other benefits specified in the ECTOR COUNTY FMLA Policy will be continued, subject to any restrictions or conditions, set forth in the Policy. The right to take leave under the FMLA Policy shall apply equally to male and female employees of ECTOR COUNTY.

ECTOR COUNTY will require employees to utilize FMLA leave concurrently with other paid leave, including sick leave, vacation leave, emergency leave, holiday leave and if appropriate, Sick Pool leave and worker's comp leave, if the reason for the leave qualifies for FMLA leave, regardless of whether or not the employee has requested FMLA leave. ECTOR COUNTY will provide written notice of an employee's effective date of being placed on FMLA leave.

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## **6.02 Military Leave**

Effective Date: 03.09.15

ECTOR COUNTY complies with all guidelines of the Uniformed Services Employment and Reemployment Rights Act (USERRA), as it relates to the rights of employees or prospective employees because of past, present or future membership or application for membership in a uniformed service. ECTOR COUNTY will follow the guidelines set forth in the USERRA with regard to requiring notice of military time to be served, authorizing military leave, insurance coverage and reemployment following completion of leave.

In addition, an employee of ECTOR COUNTY, who is a member of a reserve component of the Armed Forces, is to be paid his/her regular salary while on active duty with a reserve unit, as long as such military duty does not exceed fifteen days per federal fiscal year. This leave of absence from the employee's respective duties will be without loss of time or vacation time or efficiency rating.

Employees on military leave up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable State laws.

For more information on the regulations and requirements set forth by USERRA, contact the Insurance Department or the Human Resources Department.

## **6.03 Leave of Absence – Administrative**

Effective Date: 03.09.15

An employee may be placed on Administrative Leave, with pay, as deemed appropriate by the Elected Official or Department Head and with recommendation of the Human Resources Director and/or the County Attorney. Administrative Leave, with pay, will be assigned when the employee is the subject of, or witness in, an investigation and it is determined to be in the best interest of the parties and ECTOR COUNTY that the employee be removed from the workplace. The employee may be placed on Administrative Leave, with pay, for a period of three weeks without Commissioners Court approval. The period of Administrative Leave, with pay, may be extended by action of the Commissioners Court.

At the end of the Administrative leave, if the employee is found to require disciplinary action, ECTOR COUNTY reserves the right to designate the employee's own accrued leave in lieu of paid leave for the Administrative leave.

Administrative Leave, without pay, may be assigned, as deemed appropriate by the Elected Official or Department Head, as a disciplinary measure. Notice of such disciplinary Administrative Leave, without pay, will be documented in the employee's personnel file and on the departmental timesheet. The Elected Official or Department Head will notify the Payroll Administrator immediately, in writing, of the leave without pay status.

## **SECTION 7: EMPLOYEE CONDUCT & DISCIPLINARY ACTION**

### **7.01 Employee Conduct and Work Rules**

Effective Date: 11/24/04

To ensure orderly operations and provide the best possible work environment, ECTOR COUNTY expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Carelessness
- Improper conduct
- Failure to follow instructions
- Theft or inappropriate removal or possession of property
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking in prohibited areas
- Sexual or other unlawful or unwelcome harassment
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- Excessive absenteeism or any absence without notice
- Excessive tardiness
- Violation of personnel policies
- Unsatisfactory performance or conduct
- Falsifying governmental records
- Untruthfulness during an investigation or in communications with the public, supervisors, and co-workers
- Any behavior that reflects negatively on ECTOR COUNTY or its image
- Conduct unbecoming an officer

Conduct unbecoming is any conduct which adversely affects the morale, operations, or efficiency of the department or any conduct which has a tendency to adversely affect, lower, or destroy public respect and confidence in the department, or any officer or employee.

Conduct unbecoming also includes any conduct which brings the department or any officer or employee into disrepute or brings discredit upon the department, or any officer or employee. Officers and employees shall conduct themselves at all times, both on and off duty, in such a manner so as to reflect most favorably upon the department and ECTOR COUNTY.

Employment with ECTOR COUNTY is at-will and either ECTOR COUNTY or the employee, may terminate that relationship at any time, with or without cause, and with or without advance notice, so long as there is no violation of applicable federal or State law.

## **7.02 Drug and Alcohol Use**

Effective Date: 03.09.15

It is ECTOR COUNTY's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. The Commissioners' Court of ECTOR COUNTY adopted a Substance Abuse Policy, effective May 15, 1991, in compliance with the Drug-Free Workplace Act of 1988 and the Texas Worker's Compensation Law.

ECTOR COUNTY prohibits the illegal use, unauthorized possession, manufacture, distribution or sale of illegal drugs, illegal inhalants, drug paraphernalia, or illegal substance and the unauthorized use of alcoholic beverages during work hours. County employees must not report for duty under the influence of any drug, alcoholic beverage, intoxicant or other substance, including legally prescribed drugs and medicines, which will in any way affect work ability, alertness, coordination, response or risk the safety of others.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment. Such violations may also have legal consequences.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action, may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all ECTOR COUNTY policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause ECTOR COUNTY any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify ECTOR COUNTY of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

It is the responsibility of each employee to become familiar with the [\*\*ECTOR COUNTY Substance Abuse Policy\*\*](#). This Policy is presented during orientation, may be found on the County's website and is located in each department. Questions about this policy may be directed to your Elected Official/Department Head or the Human Resources Director.

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## **7.03 Sexual and Other Unlawful Harassment**

Effective Date: 06.14.22

ECTOR COUNTY is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's race, color, religion, national origin, ethnicity, disability status, genetic information, age, sex, sexual orientation, gender identity, marital status or any other legally protected characteristic, will not be tolerated. Prohibited discrimination based on sex includes pregnancy discrimination, caregiver discrimination and gender stereotyping. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employee should promptly report an incident of sexual or other unlawful harassment to the ECTOR COUNTY Grievance Officer (Human Resources Director). Employees should raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly advise the Grievance Officer (Human Resources Director) who will handle the matter in a timely and confidential manner to the greatest extent allowed by the law.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

The [\*\*ECTOR COUNTY Anti-Discrimination and Harassment Policy\*\*](#) is published under separate cover. This Policy is presented during orientation, may be found on the County's website and is located in each department. Questions about this policy may be directed to your Elected Official/Department Head or the Human Resources Director.

## **7.04 Attendance and Punctuality**

Effective Date: 03.09.15

To maintain a safe and productive work environment, ECTOR COUNTY expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on ECTOR COUNTY. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence, or as soon thereafter, as possible.

All planned absences (such as compensatory time, vacation, etc.) should be requested in writing and directed to the attention of your Elected Official or Department Head as far in advance as possible. This pre-arrangement will help avoid conflicts with schedules and other work of the respective departments. If you are absent for two consecutive regular work days, without notification and approval by the Elected Official/Department Head, such absence may be considered as a resignation and your employment may be terminated.

Poor attendance and excessive tardiness are disruptive. Employees with serious attendance problems (regardless of the cause) or frequent tardiness will be subject to disciplinary action. Failure to improve, for whatever reason, may lead to dismissal.

## **7.05 Personal Appearance**

Effective Date: 03.09.15

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image ECTOR COUNTY presents to customers and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed or groomed will be sent home and directed to return to work in proper attire and/or with proper hygiene. Under such circumstances, employees will not be compensated for the time away from work.

Consult your supervisor or Elected Official/Department Head if you have questions as to what constitutes appropriate attire and personal hygiene.

## **7.06 Return of Property**

Effective Date: 03.09.15

Employees are responsible for all ECTOR COUNTY property, materials, or written information issued to them or in their possession or control. Employees must return all ECTOR COUNTY property immediately upon request or upon termination of employment. Where permitted by applicable laws, ECTOR COUNTY may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. ECTOR COUNTY may also take all action deemed appropriate to recover or protect its property.

## **7.07 Resignation**

Effective Date: 03.09.15

Resignation is a voluntary act initiated by the employee to terminate employment with ECTOR COUNTY. Although advance notice is not required, ECTOR COUNTY requests at least two weeks' written resignation notice from all employees.

Prior to an employee's departure, a voluntary exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

If an employee does not provide advance notice as requested, the employee will be considered ineligible for rehire.

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## **7.08 Security Inspections**

Effective Date: 03.09.15

ECTOR COUNTY wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, ECTOR COUNTY prohibits the possession, transfer, sale, or use of such materials on its premises. ECTOR COUNTY requires the cooperation of all employees in administering this policy.

Desks, furniture, lockers, file cabinets, other storage devices and vehicles may be provided for the convenience of employees, but remain the sole property of ECTOR COUNTY. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of ECTOR COUNTY at any time, either with or without, prior notice. There should be no expectation of privacy for any ECTOR COUNTY property.

## **7.09 Drug and Alcohol Testing**

Effective Date: 03.09.15

ECTOR COUNTY is committed to providing a safe, efficient, and productive work environment for all employees. The [\*\*ECTOR COUNTY Substance Abuse Policy\*\*](#) is published under separate cover. This Policy is presented during orientation, may be found on the County's website and is located in each department. Please refer to that document for full details regarding drug and alcohol testing. The provisions of this Policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Questions concerning these policies or their administration should be directed to the Human Resources Director.

## **7.10 Informal Problem Resolution**

Effective Date: 03.09.15

ECTOR COUNTY is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from ECTOR COUNTY supervisors and management.

ECTOR COUNTY strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern to their supervisor or the Human Resources Director. No employee will be penalized, formally or informally, for voicing a complaint with ECTOR COUNTY in a reasonable, business-like manner.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

## **7.11 Formal Problem Resolution / Grievance Procedure**

Effective Date: 03.09.15

**Application:** These procedures do not apply to written evaluations by your supervisor. Any employees, who are required to hold a peace officers license for their employment, are also subject to the policies of the Elected Official over their department.

Wages – With regard to issues or questions regarding wages, please refer to the Fair Labor Standards Act Safe Harbor provision in Section 4.01 of this ECTOR COUNTY Handbook.

Discrimination / Harassment – These procedures do not apply to complaints of discrimination or harassment. Please refer to the [\*\*ECTOR COUNTY Anti-Discrimination and Harassment Policy\*\*](#), for procedures concerning complaints or reports of discrimination or harassment. Similarly, any individual subject to disciplinary action, as the result of an investigation under the Anti-Discrimination and Harassment Policy, is not entitled to file a grievance under this grievance procedure. All decisions made under the Anti-Discrimination and Harassment Policy are FINAL.

Americans with Disabilities Act – With regard to appeals of a decision on a reasonable accommodation, please refer to the policies on the Americans with Disabilities Act Amendments Act, under Disability Accommodation in Section 1.09 of this ECTOR COUNTY Handbook.

**Purpose:** The purpose of the grievance system is to settle grievances as quickly as possible to assure efficient work operations and maintain positive employee morale. Elected Officials, Department Heads and supervisors are encouraged to work with employees to resolve grievances informally. No adverse action will be taken against an employee by reason of the exercise of the filing of a grievance.

### **Grievance Procedures:**

**Step One** – Informal Resolution above unless you believe a discussion with your immediate supervisor or the Human Resources Director is not appropriate for your specific complaint.

**Step Two** – Employees may appeal an attempt at an informal resolution to their Department Head or the Elected Official(s) over their department. The decisions of the Elected Official(s) of each department are FINAL.

**Step Three** – Employees who are not working under an Elected Official may appeal the decision of their Department Head to the Elected Official(s) to whom the Department Head reports. The decision of the Elected Official(s) is FINAL.

**No Retaliation** – ECTOR COUNTY does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying ECTOR COUNTY from taking disciplinary action against any employee, up to and including, termination from employment, for any violation of policies or any circumstances warranting disciplinary action.

## **MISCELLANEOUS POLICIES PUBLISHED UNDER SEPARATE COVER AND POSTED ON HR WEBPAGE:**

- 1. ECTOR COUNTY Acceptable Internet Use Policy**
- 2. ECTOR COUNTY Anti-Discrimination and Harassment Policy**
- 3. ECTOR COUNTY Family & Medical Leave Policy with Military Entitlements**
- 4. ECTOR COUNTY Mobile Device Policy**
- 5. ECTOR COUNTY Nepotism Policy**
- 6. ECTOR COUNTY Safety Policy**
- 7. ECTOR COUNTY Sick Leave Pool Policy**
- 8. ECTOR COUNTY Social Media Use Policy**
- 9. ECTOR COUNTY Substance Abuse Policy**
- 10. ECTOR COUNTY Out-of-County Travel Policy & Forms**
- 11. ECTOR COUNTY Vehicle User's Maintenance Policy**
- 12. ECTOR COUNTY Procurement Policies – on Purchasing Webpage**