

# NAVARRO COUNTY

## PERSONNEL POLICY MANUAL



*Navarro County Courthouse*

**NAVARRO COUNTY COURTHOUSE  
CORSICANA, TEXAS 75110**

**ADOPTED AUGUST 27, 2018  
REVISED NOVEMBER 2021**





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**PERSONNEL POLICY MANUAL ACKNOWLEDGEMENT**

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

I further understand that the Navarro County Personnel Policy Manual is not a contract of employment. I understand that I am an at-will employee and that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice.

I understand that this employee handbook is intended to provide guidance in understanding Navarro County’s policies, practices and benefits. I understand that Navarro County retains the right to change this handbook at any time, and to modify or cancel any of its employee benefits when the need for change is recognized. I understand that each elected or appointed official may have detailed policy and procedures manuals for their office which may supersede statements in this manual.

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

I understand that I will be granted compensatory time off in lieu of payment of overtime to the extent provided by law, and I may be required to take earned compensatory time off at the County’s discretion. (With the exception of law enforcement – refer to policy on “Law Enforcement Pay and Overtime” page 47).

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

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

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Date Signed

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**COUNTY OF NAVARRO  
COMMISSIONERS COURT ORDER**

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

WHEREAS the Navarro County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Navarro County Commissioners Court and hereby approve, and adopt, the NAVARRO COUNTY PERSONNEL POLICY MANUAL.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_  
H.M. Davenport  
County Judge

\_\_\_\_\_  
Jason Grant  
Commissioner, Pct. 1

\_\_\_\_\_  
Eddie Perry  
Commissioner, Pct. 2

\_\_\_\_\_  
Eddie Moore  
Commissioner, Pct. 3

\_\_\_\_\_  
James Olsen  
Commissioner, Pct. 4

Witnessed and Attested By:

\_\_\_\_\_  
Sherry Dowd  
County Clerk

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Welcome to Navarro County!

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

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

This employee handbook contains some key policies, benefits, and expectations of Navarro County, and other information you will need. Each elected or appointed official may have detailed policy and procedures manuals for their office.

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

Welcome aboard!

Sincerely,

---

H.M. Davenport  
County Judge

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# **SECTION 1: GENERAL POLICIES**

## **A. COUNTY EMPLOYMENT**

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

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

The County shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time either with or without notice. Employees of the County shall have the right to leave their employment with the County at any time, with or without notice.

The County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. No written or verbal agreements or commitments shall be binding on the County without the approval of the Navarro County Commissioners Court (Commissioners Court).

### **1A-2 EMPLOYEE STATUS**

Each County position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. This policy defines both health insurance and retirement benefits. The status of an employee cannot be changed without the approval of the Commissioners Court. Full time employees will be eligible for coverage under the County’s health insurance plan. All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

**Regular Full Time:** A full time employee shall be an employee who is employed on average at least 30 hours of service per week. Full time employees are eligible for county health insurance and retirement benefits through Texas County and District Retirement System (TCDRS). Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees, or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. The County makes exempt status determinations based the regulations promulgated by the U.S. Department of Labor under the Fair Labor Standards Act.

**Regular Part Time:** A part time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week on average. All regular

part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

**Temporary Seasonal:** A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, summer mowers, and election workers. The county must define and document the season that the employee is being hired for. Seasonal employees can be either part time or full time, and they do not qualify for health insurance through the county under the Affordable Care Act. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**Regular Variable Hour:** A variable hour employee shall be any employee for whom the County cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee’s start date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the County under the Affordable Care Act. If an employee’s schedule becomes regular, then the employee shall be reclassified as full or part time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**Temporary Part Time:** A temporary short-term part time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time status. Temporary short-term part time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

### **1A-3 EQUAL EMPLOYMENT OPPORTUNITY** (rev 11/2020)

The County is an equal opportunity employer. The county does not discriminate on the basis of race, color, religion, national origin, sex, sexual orientation, gender identity or expression, age, genetic information, pregnancy, marital status, veteran status, and disability (physical or mental), medical condition, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official, department head or Human Resources.

#### **1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

It is the policy of the County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official, department head or Human Resources. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

It is the County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the county. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your elected official, appointed official, department head or Human Resources. Reasonable accommodation shall be determined through an interactive process of dialog between the employee and the County.

#### **1A-5 PERSONNEL FILES**

The Navarro County Human Resources department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, job description, benefit enrollment, medical and workers compensation, as well as, records concerning performance and discipline. The Navarro County Treasurer's office will retain/maintain documents of employee compensation.

It is important that the personnel records of the County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, the County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

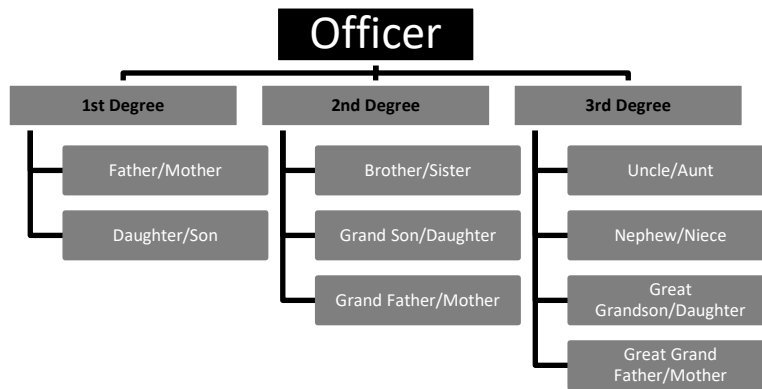
The Public Information Act allows the County's employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether you have family members confidential. You may keep this information from public disclosure by electing in writing on the form provided by the County, not to allow this information to be released to the public no later than 14 days after your first day of employment.

## 1A-6 NEPOTISM

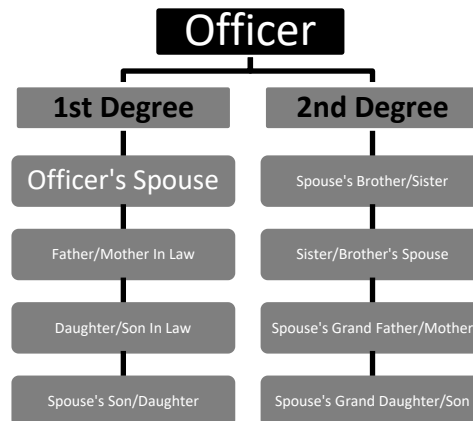
A Public Official of the County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over. TEXAS GOVERNMENT CODE, § 573.041.

A degree of relationship is determined under TEXAS GOVERNMENT CODE, § 573.002. (See the charts that follow.)

### CONSANGUINITY KINSHIP CHART (Relationship by Blood)



### AFFINITY KINSHIP CHART (Relationship by Marriage)



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

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

As a County employee, you are expected to be punctual and demonstrate consistent attendance. Being at your work station to perform your job duties is an essential job function and will be required of all employees, unless a reasonable accommodation is provided by the County.

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

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least one (1) hour prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.

Each supervisor is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness.

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

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

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

The County expects all employees to be well groomed, clean, and neat at all times. Each department head will determine the type of attire that is acceptable.

You are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service. Unprofessional or discourteous conduct will not be tolerated and may result in disciplinary action up to and including termination of employment.

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

The County endeavors to provide a healthy work environment. Therefore, the use of any form of tobacco, including but not limited to e-cigarettes and vapor delivery devices, is strictly prohibited in county buildings. Additionally, no smoking is allowed within twenty-five (25) feet of the exterior entranceways.

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

Employees of the 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 a County employee.

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

Activities which constitute a conflict of interest shall include but not be limited to: (1) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance; (2) 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; (3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County; (4) 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 the County; or (5) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

### **1B-5 HARASSMENT** (rev 11/2020)

The County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, sexual orientation, gender identity or expression, race, color, religion, national origin, age, genetic information, pregnancy, marital status, disability (physical or mental), family or military leave status or veteran status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance; or (4) it modifies the term, conditions or privileges of employment.



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

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

Every reported complaint will be investigated promptly and thoroughly. Human Resources shall be responsible for seeing that prompt action is taken to investigate the claim.

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

**Retaliation** against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the elected or appointed official may not be the best course of action, the report should be made to the County Judge or Human Resources.

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

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

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

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons that are offensive to the victim and where: (1) the submission to such conduct is either an expressed or implied condition

of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment; or (4) it modifies the term, conditions or privileges of employment.

All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. Employees who feel they have been sexually harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the elected or appointed official may not be the best course of action, the report should be made to the County Judge or Human Resources.

Every reported complaint will be investigated promptly and thoroughly. Human Resources shall be responsible for seeing that prompt action is taken to investigate the claim.

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

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

- a. When practical, the employee offended by the conduct should confront the harasser and ask them to stop the unwanted and or offensive behavior.
- b. Record the time, place and specifics of each incident, including the identity of any witnesses.
- c. Report continuing sexual harassment to the elected official or appointed official who is responsible for your department, or to the County Judge or Human Resources.
- d. If a thorough investigation reveals that unlawful sexual harassment has occurred, the County will take effective remedial action in accordance with the circumstances, up to and including termination of the employment of the offending employee.

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

Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the elected or appointed official may not be the best course of action, the report should be made to the County Judge or Human Resources. Reporting or failing to report claims in accordance with the procedure given in this policy shall not

limit other legal recourse an employee may have in regard to sexual harassment charges.

### **1B-7 POLITICAL ACTIVITIES**

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

County employees shall not: (1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; (2) Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or (3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

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

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

### **1B-9 BREAKS**

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

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

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

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

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

### **1B-10 GRIEVANCES**

Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor.

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.

The decision of the elected or appointed official with final responsibility for the employee's department shall be final and not subject to further appeal in all grievances.

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

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

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

**All County employees are "at will" employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in his/her job.**

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

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

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

## **1B-13 INCLEMENT WEATHER CLOSINGS / EMERGENCY CLOSINGS / EVACUATIONS**

(rev 10/2020)

### **DECLARATION OF AN EMERGENCY.**

As a general practice, the County does not close its operations unless continuing operations has been determined to endanger the health, safety or security of the County employees. When this determination is made, the County Judge or in his absence, a designated Commissioner is responsible for initiating the closing. Emergencies which may result in a determination to close County operations include, but is 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 job 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. All “essential” employees must be designated and made aware of their assignment prior to an emergency. A list of “essential” employees shall be provided to the Emergency Management Coordinator and the Human Resources Coordinator and shall be updated annually. 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 “essential” employees who are required to work during the emergency closure may receive additional compensation as determined by the County Commissioners. The amount of such compensation and the duration of its applicability will be determined by the County Commissioners, in their sole discretion.

**RETURN-TO-DUTY PHASE:**

All “non-essential” employees will report to their usual work areas as soon as possible following the order for resumption of normal operations, after the termination or expiration of the emergency closure order and/or instructions from the applicable elected official/appointed Department head.

**CONSEQUENCES FOR VIOLATION OF THE POLICY.**

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.

**PUBLIC ANNOUNCEMENTS.** Local radio and news stations and local newspaper will be contacted by the County Judge concerning the closing and reopening of County offices. Information will also be posted on the County website.

When a countywide closing is not initiated, Elected and Appointed Officials retain the authority to make a determination for their own employees when weather conditions are so severe that it is unsafe for employees to travel from their residences to their assigned work stations. Elected and Appointed Officials are those Department Heads that have taken the oath and statement in accordance with Article XVI, §1 of the Texas Constitution.

**1B-14 CONFIDENTIALITY**

The County is a political subdivision of the State of Texas and is subject to the State’s open government laws, i.e. Texas Open Meetings Act (TOMA) and Texas Public Information Act (TPIA). However, some county employees acquire confidential (confidential, non-public) information as a result of their position with the county. This information must be protected. Employees who reveal confidential (confidential, non-public) information they have received as a result of their position may be subject to discipline up to and including termination and possible criminal prosecution.

Regarding the personnel information on employees of the County; much of the information in an employee's personnel file, including compensation, disciplinary actions and job performance evaluations, is subject to disclosure under the TPIA, however, highly personal matters are typically not subject to disclosure. The county adheres to and will strictly comply with the requirements of TPIA and TOMA .

### **1B-15 FRAUD**

The County has a commitment to protecting county revenue, property, reputation and other assets; to emphasize clearly the need for accurate financial reporting; and to define guidelines for the investigation and handling of fraud, should it occur.

The Navarro County Fraud Policy applies to all elected officials, appointed officials and employees of the County and includes all full-time, part-time, seasonal, volunteer and other temporary employees.

**Definition of fraud:** an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion, embezzlement or concealment of material facts. Fraud may be committed by an individual, a group of individuals, or by one or more organizations. Fraud is a violation of trust that, in general, refers to an intentional act committed to secure personal or business advantage.

It is the County's intent to investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation, as deemed necessary will be conducted regardless of the position, title, office and length of service or relationship with the County of any party who might be or become involved in or become/is the subject of such investigation.

Each Elected Official/Department Head/Supervisor is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

The County Auditor, with consultation and support from the appropriate supervisor, has the primary responsibility for overseeing the investigation of all activity as defined in this policy. The Auditor will immediately notify the Commissioners Court of any significant fraud investigation. Also, the Auditor will involve legal counsel and/or management, as deemed appropriate. Upon conclusion of the investigation, the results will be reported to the appropriate management representatives.

Where there are reasonable grounds to indicate that a fraud may have occurred, the County may report the incident to the appropriate authorities in order to pursue all

legal remedies. Also, the County will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the losses from the offender.

### **REPORTING PROCEDURE**

**All Employees** - Any employee who has knowledge of an occurrence of fraudulent conduct or has reason to suspect that a fraud has occurred, shall immediately notify their supervisor. If the employee has reason to believe the employee's supervisor may be involved, the employee shall immediately notify the County Auditor or an appropriate Elected Official.

**Elected or Appointed Officials & Department Heads** - Upon notification from an employee of suspected fraud, or if the Department Head has reason to suspect that a fraud has occurred, the Department Head shall immediately notify the County Auditor or an appropriate Elected Official.

**Investigation** – Upon notification or discovery of a suspected fraud, the Auditor will promptly investigate the fraud. The Auditor will make every effort to keep the investigation confidential; however, from time to time other members of the management team will need to be consulted in conjunction with the investigation. After initial review and a determination that the suspected fraud warrants additional investigation, the Auditor will notify the Commissioners Court and the appropriate Elected Official, Department Head or management as required to deal with the findings. When deemed necessary, the Auditor shall coordinate the investigation with the appropriate law enforcement officials. Internal or external counsel will be involved in the process, as deemed appropriate.

It should be noted that there may be certain instances of fraud that will be handled in the normal course of business that will not result in a separate "investigation" by the Auditor's Office. An example of this would be an employee taking home office supplies or other minor items purchased with county funds. The County Auditor's Office already has clear procedures for how this would be handled and these procedures would be followed, as appropriate.

**Security of Evidence** – Once a suspected fraud is reported, immediate action to prevent the theft, alteration or destruction of relevant records needs to occur. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the Auditor obtains the records to begin the audit investigation.

**Confidentiality** – All participants in a fraud investigation shall keep the details and results of the investigation confidential. However, as noted above, from time to time other members of the department will need to be consulted in conjunction with the investigation.

**Personnel Actions** – If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal, shall be taken by the appropriate level of management, in consultation with the Commissioners' Court and legal counsel.



## **1B-16 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of any County policy or federal or state law to his or her supervisor, department head, or Human Resources, unless any or all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the Navarro County District Attorney. The County will investigate the reported activity.

An official, supervisor, department director, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.

An employee who does not make such a report in good faith may be subject to disciplinary action up to and including termination of employment.

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

The County will comply with the law known as the Whistleblower Act which prohibits retaliation against public employees who report official wrongdoing. The act states that "a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to an appropriate law enforcement authority." (V.T.C.A., Government Code § 554.002(a)).

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

## **1B-17 CODE OF CONDUCT** (10/2019)

**Code of Conduct** - County employees must abide by the laws of the United States, the State of Texas, and the ordinances or resolutions of Navarro County while on duty. They shall conduct themselves in a professional and ethical manner at all times. In performing their day to day duties involving contacts with the public, County employees should be aware impressions of County government are formed, in part, upon their speech, conduct and general demeanor. Employees should strive to be well-groomed, helpful and patient.

It has been determined that the following types of conduct are unacceptable and may lead to discipline up to and including termination.

- a. Intentional fraud in securing employment;
- b. Intentionally or knowingly filing a false, incomplete or misleading report or record;
- c. Conviction of any felony or of a misdemeanor involving moral turpitude, or the entry of a plea of no lo contendere to either during employment;
- d. Intentional misuse of government funds or property;
- e. Intentional falsification or misuse of government records, including: application forms, time and financial records, reports, files or personnel documents;
- f. Reporting to work or working under the influence of alcohol or substances that impair job performance, or the use of such substances during working hours; except prescribed medication that does not adversely affect the ability to perform assigned work tasks;
- g. Fighting that is intentionally, knowingly or recklessly done.

**Supervisory Conduct** - Supervisors shall conduct themselves with professionalism, integrity, and exercise appropriate authority for their position. Behaviors or actions that diminish the perception of these qualities will be admonished. During normal working hours, County employees will strive to maintain a work environment that is free from inappropriate (intimate, romantic or dating) relationships between supervisors and their subordinates or between employees involved in any other power-differentiated relationship. Power-differentiated relationships can lead to sexual harassment or the perception of harassment, and adversely affect employee morale, workplace operations, and productivity because of favoritism, bias, or unfair treatment or the perception of such treatment.

A “power-differentiated relationship” is any supervisor-subordinate work relationship or other work relationship in which one employee supervises or manages (directly or indirectly) another employee or makes decisions concerning another employee’s work activities, conditions or privileges of employment. The County does not otherwise discourage friendship or social activities among its employees.

In order to effectuate the purposes expressed above, if an intimate, romantic, or dating relationship develops between a supervisor and a subordinate, the supervisor involved in the relationship must promptly report it to their Department Head who shall investigate and submit a recommendation to resolve the workplace relationship to the Human Resources Department.

Once a power-differentiated relationship is reported, Navarro County will work with the parties involved to consider options for resolving the problem. The initial solution may be to transfer one or both employee within the County. If one or both employees

refuse to accept a reasonable solution, such refusal will be deemed a voluntary resignation. Failure to cooperate with Navarro County to resolve a conflict or problem caused by a romantic or sexual relationship between co-workers or among managers, supervisors or others in positions of authority in a mutually agreeable fashion may be deemed insubordination and result in disciplinary action up to and including termination.

**Insubordination** - Employees shall obey all lawful orders and directions given by their supervisor. Failure or deliberate refusal of an employee to obey such orders is insubordination. Flouting the authority of a supervisor by displaying obvious disrespect or by disputing orders is likewise insubordination.

**Truthfulness** - Employees shall not knowingly give any false or misleading information concerning the duties, responsibilities or actions of the agency or any member thereof, nor withhold any information that is their duty to report, nor falsify any official documents.

**Responsibility to Serve the Public** - Employees shall consider it their duty to be of service to the general public and to render that service in impartial, considerate, professional and patient manner.

**Respecting the Rights of Others** - Employees shall respect the rights of others and shall not engage in discrimination, oppression or favoritism. The use of profane, demeaning or insulting language will not be tolerated.

**Sleeping on Duty** - Employees should be alert while at work. Sleeping or napping while on duty is strictly forbidden.

Failure to comply with this Code of Conduct policy may result in discipline up to and including termination.

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

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

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

### **1C-2 COUNTY VEHICLE USAGE** (rev 10/2019)

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

operate the vehicles they have been assigned. No unauthorized passengers are allowed in county vehicles.

If personal use of a county vehicle is permitted the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations.

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If they have any change in status of their license they must immediately notify their supervisor. An employee whose job involves operation of a vehicle requiring a license for its legal operation shall be subject to possible job change, demotion or termination of employment if his or her required license is suspended or revoked.

Employees who drive county owned vehicles or who routinely drive their own vehicle on county business are expected to maintain their personal driving record free from moving violations and DWI's. Any violations should be reported to employee's supervisor or department head. Payment of any traffic citations is the responsibility of the employee. Any driving record that establishes a pattern of unsafe driving practices that may endanger you or others, or impact your ability to perform your job duties, could subject you to disciplinary action and/or termination.

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

The primary responsibility of a driver is to operate a motor vehicle safely. The task of driving requires the driver's full attention and focus. Employees who are driving on county business are expected to follow all traffic regulations (including posted speed limits) and refrain from engaging in any activity that takes their eyes and attention off the road.

Seat belts must be worn and secured at all times when vehicle is moving. The driver must be responsible for assuring that all passengers are seated and properly secured before moving the vehicle.

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement or other authority immediately. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor, County Auditor and the County Judge.

### **1C-3 CELL PHONE USAGE**

The County determines on a case by case basis the need for County provided cell phones. County cell phones are to be used for County business purposes only.

The County strongly discourages the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

The County bans all employees from texting while operating any county owned vehicle. County employees who are driving their own personal vehicle are also banned by State Law from texting or reading a text while driving on County business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of CDL. Employees who violate applicable state or federal law may be subjected to criminal prosecution.

Employees in possession of a County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

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

### **1C-4 CELL PHONE ALLOWANCE**

Authorized County officials and employees are granted a monthly cell phone allowance, when having a cell phone is a requirement of the job. It is the responsibility of the Department Head to determine if a cell phone is required and authorize the allowance. Allowances will be paid in one of two amounts, \$50.00 or \$85.00 per month. No payment will be made by the County to add, replace or maintain any cell phone, software and/or peripheral equipment, nor to pay any monthly cell phone plan fees.

The cell phone allowance is processed through the Navarro County Treasurer's Office (payroll) and is subject to standard payroll withholdings in accordance with IRS Publication 15-B. Cell phone allowances do not constitute an increase in base pay and will not be included in any percentage calculations for increase base. Payments will be equally divided among the County's designated 24 pay periods. No retroactive payments will be made.

An allowance is only applicable when the employee has a regular monthly-billed cellular account established in their name. Pre-paid accounts and accounts in any other person's name will not qualify for an allowance.

## Procedure

### **County Department Head or Elected Official:**

1. Determines the potential need for an employee to utilize a cell phone for County business purposes.
2. Reviews the employee's job function to verify justification of a request for a cell phone allowance.
3. If it is determined that the employee should receive a cell phone allowance:
  - Determines the appropriate monthly allowance amount based upon job responsibilities, not to exceed the Commissioners Court approved maximum of \$85.
  - Reviews the department's budget to ensure funds are available for the allowance and performs budgetary transfers, if necessary.
  - Completes the Cellular Phone Allowance Authorization form. Forms must be signed by both employee and the department head.
  - Sends the form to the County Commissioners office, and a copy to the Treasurer's office, for placement on the Commissioners Court Agenda.
  - Upon approval by Commissioners Court, a copy of the Court approval is sent to the Treasurer's office for payroll.
4. Maintains a listing of valid cellphone numbers and ensures that the numbers and names of department employees receiving an allowance agrees with those approved by the Commissioners Court.
5. Immediately notifies the Treasurer's office (payroll) in writing upon determination that an employee should no longer receive a cell phone allowance. The Treasurer's office (payroll) shall promptly perform necessary input to remove the employee's cell phone allowance. Cancellation of an employee's allowance due to an extended absence is at the discretion of the Department Head.

**Note:** Department Heads must inform employees receiving an allowance that it is necessary to retain copies of cell phone bills for periodic Auditor/Treasurer Department verification. The billing must be in the name of the person receiving the allowance.

### **Commissioners Court:**

1. Receives department requests for additions or deletions of cell phone allowances.
2. Approves or rejects each department request.

### **County Auditor and County Treasure's Offices:**

1. Receives properly approved Cellular Phone Allowance Authorization forms and performs the necessary input to establish the employee's approved cell phone allowance.

2. Verifies periodically that the number and amounts of cell phone allowances paid to employees agrees with those on departmental records.
3. Contacts the department as necessary to resolve any discrepancies.
4. Retains the approved forms in the Treasurer's department files (payroll files).

### **1C-5 COMPUTER AND INTERNET USAGE**

The use of the County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for County business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in any expense to the County.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Use of County computers, networks, and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in disciplinary action up to an including termination of employment.

Users should recognize that computing resources are limited and user activities may have an impact on the entire network.

Users **MUST**:

- Use Google Apps for Government (Google Mail/Gmail) for any and all email that pertains to official business of the County;
- Follow established procedures for protecting files, including managing passwords, using encryption systems and storing back-up copies of files;
- Take all precautions to not introduce worms, viruses or other malicious code into the system, nor disable protective measures such as antivirus and spyware firewalls;
- Visit only business-related websites. Social networking sites are business related only if you maintain a page for your department;

Users must **NOT**:

- Misuse email;
- Spread email widely (chain letter) and without good purpose ("spamming") or flood an individual, group or system with numerous large email messages ("bombing");

- Install software and/or hardware. This includes but is not limited to screen savers and screen backgrounds. Only the Information Systems Department is authorized to install software and/or hardware.
- Use streaming audio, video or real time applications such as weather monitoring or internet radio.
- Divulge any password(s) to other users. Any user that is caught sharing his/her password with another user shall be subject to departmental disciplinary action.
- Install games on any County owned system.
- Use County software for personal non-County purposes, profit, entertainment or violation of local, state and/or federal laws.

The County owns the rights to all data and files in any computer, network, or other information system used in the County. The County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. The County has the right to inspect any and all files stored in private areas of the network or on individual computers, cellphones or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate County official. No employee shall break any copy right laws, download any illegal or unauthorized downloads. The County monitors its entire informational systems and employees may be subject to disciplinary action up to and including termination of employment for any misuse or abuse of County informational systems.

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

### **1C-6 COMPUTER EQUIPMENT PURCHASES**

**The County Information and Technology Department (“IT Department”) is responsible for establishing standards for all County technology purchases. For the purpose of this policy, technology includes computer hardware, software, peripherals, and any other networked devices. It is imperative that the IT Department is actively engaged in all technology purchases to address the following:**

- Adherence to the County overall technology plan.
- Compatibility with the County network environment.
- Suitability based on needs assessment.



- Availability of sufficient resources, to include initial and recurring cost.
- Compliance with Security policies.
- Manufacturer’s warranties.

### 1.0 Definitions

- Peripherals – Monitors, Keyboards, USB drives, scanners, projectors, speakers, etc.
- Other networked devices – printers, access points, routers, etc.

### 2.0 Purpose

The purpose of this policy is to establish standards, guidelines, and procedures for the approval and purchase of technology equipment at the County.

### 3.0 Policy

IT Department must review and approve all technology purchases prior to the County committing to such purchase to ensure the compatibility and suitability of all technology equipment and software. This includes software upgrades.

### 4.0 Procedures and Responsibilities

- **Department Supervisors** must submit a request via *email* to receive a price quote for hardware or software purchases. It is important that the user supply all of the required information in order to avoid delays.
- **IT Department** will provide a “standard” specification (quote) for desktop and laptop PCs, printers, peripherals and software.
- **IT Department** completes quotes and sends them to the requester via e-mail
- Department supervisor then approves the quote for order, by sending a General Ledger account number to IT Department via email.
- **IT Department** will then complete a purchase order and send to County Auditor for approval of funds.
- When the County Auditor approves funding the IT Department will order equipment or software.
- All equipment and software will be delivered to and receipted by the **IT Department**. Once equipment or software is delivered, **IT Department** will then inventory the item and then schedule for installation.

**The County IT Department is solely responsible for purchasing and/or approving purchasing of equipment for each department. Purchases made outside these policy procedures will not be maintained by the IT Department, nor will the costs associated with this equipment be paid by the County.**

### 1C-7 SOCIAL MEDIA

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

The County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the

employee's work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of the County among the community at large. The County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

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

- If your posts on social media mention the County make clear that you are an employee of the County and that the views posted are yours alone and do not represent the views of Navarro County.
- Do not mention the County's supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about the County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination of employment for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
- Employees may not use County computer equipment for non-work-related activities without written permission. Social media activities should not interfere with your duties at work. The County monitors its computers and their use to ensure compliance with this restriction.
- You must comply with copyright laws and cite or reference sources accurately.
- Do not link to the County's website or post County material on a social media site without written permission from your supervisor.
- All County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at the County must be kept confidential and should not be discussed through a social media forum.
- Violation of this policy may lead to disciplinary action up to and including the immediate termination of employment.

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

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

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

All County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work-related injuries or illnesses.

Employees may use paid leave for all workers' compensation time off less than 8 days.

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

Any employee who suffers a job-related illness or injury is required to notify his/her supervisor within 24 hours of the injury or awareness of the illness. The supervisor is required to notify HR within 48 hours for compliance of reporting guidelines. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

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

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

### **1D-2 EMPLOYEE SAFETY**

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

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

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

Employees seeing unsafe working conditions shall immediately either take steps to correct those conditions or report the unsafe conditions to their supervisor.

### **1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES**

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

This policy applies to all employees of the County regardless of rank or position and shall include full time, part time and temporary employees.

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

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

An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.

An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County in a manner other than that intended by the manufacturer or prescribed by a physician.

An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do his or her job safely and effectively. An employee must keep prescription medications used at work in their original container. An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of his or her job duties.

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

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

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

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

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination of employment. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive or refuses the volunteer drug test during this post rehabilitative program, the employee's employment will be terminated.

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

### **Suspicion-Based Testing**

**Under the Influence** - having a blood alcohol concentration of .04 or more.

### **Reasonable Suspicion –**

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

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- Constant sniffing
- Increased absences

- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

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

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

### **Post-Accident Testing -**

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment may be required to be tested. This will be at the discretion of their elected official or supervisor.

### **Testing Procedures -**

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

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

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

### **1D-4 DRUG AND ALCOHOL- CDL EMPLOYEES** (rev 10/2020)

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

The Federal Motor Carrier Safety Administration (FMCSA) has issued regulations, which require the County to implement a controlled substance testing program. It is also the policy of Navarro County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County. Specifically, it is the policy of the County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver

while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited.

Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. The County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

A detailed CDL drug and alcohol policy and procedure is available at the Human Resources office.

### **1D-5 WORKPLACE VIOLENCE**

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

### **1D-6 INFECTIOUS DISEASE CONTROL** (10/2020)

Navarro County will take proactive steps to protect the workplace in the event of an infectious disease outbreak. It is the goal of Navarro County during any such time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

Navarro County is committed to providing authoritative information about the nature and spread of infectious diseases, including symptoms and signs to watch for, as well as required steps to be taken in the event of an illness or outbreak.

#### **Preventing the Spread of Infection in the Workplace**

Navarro County will ensure a clean workplace, including the regular cleaning of objects and areas that are frequently used, such as bathrooms, breakrooms, conference rooms, door handles and railings. A committee will be designated to monitor and coordinate



events around an infectious disease outbreak, as well as to create work rules that could be implemented to promote safety through infection control.

We ask all employees to cooperate in taking steps to reduce the transmission of infectious disease in the workplace. The best strategy remains the most obvious—frequent hand washing with warm, soapy water; covering your mouth whenever you sneeze or cough; and discarding used tissues in wastebaskets. We will also install alcohol-based hand sanitizers throughout the workplace and in common areas. Unless otherwise notified, our normal attendance and leave policies will remain in place. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of child care should schools close and/or speak with supervisors about the potential to work from home temporarily or on an alternative work schedule.

### **Limiting Travel**

All nonessential travel should be avoided. Employees who travel as an essential part of their job should consult with management on appropriate actions. Business-related travel outside the United States will not be authorized.

Employees should avoid crowded public transportation when possible. Alternative scheduling options, ride-share resources and/or parking assistance will be provided on a case-by-case basis. Contact human resources for more information.

### **Telecommuting**

Telework requests will be handled on a case-by-case basis. While not all positions will be eligible, all requests for temporary telecommuting should be submitted to your manager for consideration.

### **Staying Home When Ill**

Many times, with the best of intentions, employees report to work even though they feel ill. We provide paid sick time and other benefits to compensate employees who are unable to work due to illness. Please see Navarro County Personnel Policy Manual, SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS. During an infectious disease outbreak, it is critical that employees do not report to work while they are ill and/or experiencing any (or any combination) of the following symptoms: fever in excess of 100 degrees, cough, sore throat, runny or stuffy nose, body aches, headache, chills and fatigue. Currently, the Centers for Disease Control and Prevention recommends that people with an infectious illness such as the flu remain at home until at least 24 hours after they are free of fever (100 degrees F or 37.8 degrees C) or signs of a fever without the use of fever-reducing medications. Employees who report to work ill will be sent home in accordance with these health guidelines.

### **Requests for Medical Information and/or Documentation**

If you are out sick or show symptoms of being ill, it may become necessary to request information from you and/or your health care provider. In general, we would request

medical information to confirm your need to be absent, to show whether and how an absence relates to the infection, and to know that it is appropriate for you to return to work. As always, we expect and appreciate your cooperation if and when medical information is sought.

**Confidentiality of Medical Information**

Our policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials as required by law.

**Social Distancing Guidelines for Workplace Infectious Disease Outbreaks**

In the event of an infectious disease outbreak, Navarro County may implement these social distancing guidelines to minimize the spread of the disease among the staff.

*During the workday*, employees are requested to:

1. Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, e-mail or instant messaging to conduct business as much as possible, even when participants are in the same building.
2. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room and sit at least one yard from each other if possible; avoid person-to-person contact such as shaking hands.
3. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops and training sessions.
4. Do not congregate in work rooms, pantries, copier rooms or other areas where people socialize.
5. Bring lunch and eat at your desk or away from others (avoid lunchrooms and crowded restaurants).
6. Encourage members and others to request information and orders via phone and e-mail in order to minimize person-to-person contact. Have the orders, materials and information ready for fast pick-up or delivery.

*Outside activities*, employees might be encouraged to the extent possible to:

1. Avoid public transportation or carpooling (walk, cycle, drive a car) or go early or late to avoid rush-hour crowding on public transportation.
2. Avoid recreational or other leisure classes, meetings, activities, etc., where employees might come into contact with contagious people.

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

### **A. EMPLOYEE PAYROLL**

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

The County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to attention, the County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If the error results in you being overpaid, the County will make the necessary corrections in the next payroll.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time sheet must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures. Do not sign your time sheet if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination of employment. If anyone directs you to work without documenting your time worked, you must report it to the Chief Deputy Treasurer and/or Human Resources.

It is a violation of County policy for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time sheet 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 Department, 903-654-3039.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of benefit premiums; state, federal or local taxes, social security, retirement; or, voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons: (1) absence from work for one or more full days for personal reasons, other than sickness or disability; or (2) full day disciplinary suspensions for infractions of our written policies and procedures; or (3) full day for violating safety rules of a major significance; or (4) Family and Medical Leave or Military Leave absences; or (5) to offset amounts received as payment for jury and witness fees or military pay; or (6) the first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any work week in which you performed any work, your salary will not be reduced for any of the following reasons: (1) partial day absences for personal reasons, sickness or disability; or (2) your absence because the facility is closed on a scheduled work day; or (3) your absence because of the County's operating requirements; or (4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or (5) any other deductions prohibited by state or federal law.

Please note: it is not an improper deduction to reduce an employee's accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.

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 Chief Deputy Treasurer, 300 W 3<sup>rd</sup> Ave, Corsicana, Texas, 903-654-3090. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including termination of employment for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination of employment.

## **2A-2 Internal Revenue Service (IRS) FRINGE BENEFITS**

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

## **2A-3 COMPENSATION**

The County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law.

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

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

All non-exempt County employees shall be paid an hourly wage.

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

## **2A-4 ADMINISTRATIVE TIME** (rev 4/2020)

Elected Officials may put their employees on Administrative time at their discretion. Administrative time with pay may not exceed 80 hours without prior approval of Commissioners Court. In the event of a health care emergency or other disaster declaration in Navarro County, prior approval to exceed 80 hours is not required.

## **2A-5 QUARANTINE LEAVE FOR SHERIFF'S OFFICE EMPLOYEES (Re: HB2073)** (06/2021)

Navarro County shall provide paid quarantine leave for Navarro County Sheriff's Office employees, when ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty.

Under this policy an eligible employee is defined as:

“Detention officer” means an individual appointed or employed by the county as a county jailer or other individual responsible for the care and custody of individuals incarcerated in the county jail.

“Peace officer” means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the county.

“Sheriff’s Office employee” means an individual appointed or employed by the county’s Sheriff’s Office in any capacity other than a detention officer or a peace officer.

Eligible employees who are on paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, shall be reimbursed for reasonable costs related to the quarantine, including lodging, medical and transportation. The amount reimbursed shall not exceed the current Texas per diem rates for lodging, meals and transportation for the year in which the costs are incurred.

Quarantine leave may be ordered by the employee’s supervisor or the county’s health authority.

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

Deductions shall be made from each employee’s paycheck for federal withholding, social security, Medicare, and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the 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 County Treasurer’s Office.

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

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the work week for the County shall begin at 12:01 a.m. on each Monday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 14 days and 80 hours as established by the County Commissioners Court.

## **2A-8 TIMESHEETS**

Each employee must fill out a time sheet to be turned in to their supervisor/department head on the last day of each pay period. The supervisor/department head shall be responsible for turning in all timesheets for their department to the County Treasurer’s Office at the end of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Time sheets are governmental documents and as such require accurate and

truthful information. Inaccurately reporting time worked and leave taken may result in disciplinary action including termination of employment. Falsifying a governmental record, is a criminal offense and may subject the offending employee to criminal prosecution.

## **2A-9 PAYPERIODS**

The pay period for the County shall be a bi-monthly pay period, with the pay period dates established by the Commissioners' Court. Those dates are the 15<sup>th</sup> day and the last day of the month. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

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

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Each department head shall determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

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

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

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

The County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 80 hours actually worked. Law enforcement employees' salary covers all hours up to 2080 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

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

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

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

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid 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 an employee shall be allowed to have at any one time is 160 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 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 approval. The 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, they shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

#### **2A-14 DEMOTIONS**

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

#### **2A-15 TRANSFERS**

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



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

## **2A-16 PROMOTIONS**

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary.

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

## **2A-17 SEPARATIONS**

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

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

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with the 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 supervisor.

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

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. The 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 the County. If an employee dies while still employed by the County, their designated beneficiary or estate shall receive all earned pay and payable benefits.

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

Retired employees shall be eligible to apply for open positions with the County as long as the following provisions are met: (1) The retiree has been retired for at least one (1) calendar month, (2) No prior arrangement or agreement was made between the County and the retiree for re-employment, and (3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of one (1) calendar month. A bona fide separation means there is no prior agreement or understanding between the County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

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

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

## **B. EMPLOYEE BENEFITS**

### **2B-1 HEALTH/DENTAL PLAN** (rev 10/2020)

All regular full-time employees of the County shall be eligible for the group medical and dental plan. Regular variable hour employees who work an average of thirty (30) or more hours a week in the measurement period will be eligible for health and dental insurance after the measurement period. Regular part time, temporary seasonal, temporary short-term part time, and regular variable hour employees who work an

average of less than thirty (30) hours a week in the measurement period will not be eligible for health or dental insurance.

Premiums for the coverage for eligible employees shall be paid entirely by the County, on the condition that the employee meets the requirement for the annual Wellness Incentive.

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

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

Employees who leave the employment of the County or who lose their coverage eligibility, may be eligible for an extension of the plans for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Human Resources Office and may be obtained during the normal working hours for that office. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination

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

The County provides a limited amount of life insurance on eligible employees as part of the group medical plan coverage. The County provides voluntary dependent life insurance, voluntary vision coverage and supplemental insurance coverage under approved providers. All voluntary and supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these voluntary and supplemental insurances may be obtained from the County Human Resources Office.

## **2B-3 CAFETERIA PLAN BENEFITS (SECTION 125)** (11/2021)

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (ie., accidental death and dismemberment, cancer and dread disease, medical, dental, and vision). A third-party administrator handles employee claims made on these accounts. New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

**2B-4 VACATION**

All regular full-time employees of the County shall be eligible for the vacation benefit. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of twelve (12) consecutive months in such a position before being eligible to take any vacation. Upon completion of twelve (12) consecutive months of employment in a position eligible to receive vacation, an employee will be entitled to vacation during the remainder of the calendar year, based on the following schedule:

<u>Month of Employment</u>	<u>Vacation Hours</u>
January	80
February	80
March	72
April	64
May	56
June	48
July	40
August	40
September	32
October	24
November	16
December	8

In subsequent years, for the purpose of computing vacation leave, “commencement of employment” shall be January 1<sup>st</sup> of the calendar year in which the employee was first employed in a position eligible to receive vacation. In the event that an employee has resigned and is rehired by the County, the year of the most recent date of employment in a position eligible to receive vacation shall be used to calculate the number of vacation hours available.

An employee shall be entitled to vacation consistent with the years of service shown on the schedule below as measured from the “commencement of employment” as defined above.

Schedule of Vacation Allowances

<u>Employment of At Least</u>	<u>But Less Than</u>	<u>Vacation Allowance</u>
0 months	1 year	None
1 year	5 years	80 hours
5 years	10 years	120 hours
10 years	-	160 hours

Employees who have worked for at least one year, but less than five (5) years in a position eligible to receive vacation shall earn vacation at the rate of eighty (80) hours

per year. Employees who have worked for at least five (5) years, but less than ten (10) years in a position eligible to receive vacation shall accrue vacation at the rate of 120 hours per year. Employees who have worked for at least ten (10) years or longer in a position eligible to receive vacation shall accrue vacation at the rate of 160 hours per year.

January 1<sup>st</sup> will be used as the beginning of the vacation year for all employees. For instance, a new employee beginning July 1<sup>st</sup> will be eligible for 40 hours of vacation during the next calendar year after July 1<sup>st</sup>. Annually thereafter, the employee will be eligible for vacation on January 1<sup>st</sup> based on the Schedule of Vacation Allowances above.

An employee, in the fifth or tenth year of employment shall receive vacation on January 1<sup>st</sup> of the year in which the employee’s fifth or tenth employment anniversary occurs based on the following schedule according to the employee’s month of employment:

Number of Vacation Hours (Pro-rated based on month of employment)		
<u>Month of Employment</u>	<u>5 Year Anniversary</u>	<u>10 Year Anniversary</u>
January	120	160
February	120	160
March	112	152
April	112	152
May	112	152
June	104	144
July	104	144
August	96	136
September	96	136
October	96	136
November	88	128
December	88	128

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

The maximum amount of unused vacation an employee shall be allowed to have at one time is the amount the employee would earn in one (1) year based on the employee’s date of employment.

Vacation may not be carried forward in whole or in part from year to year. Exceptions to this policy will require approval in advance by the Commissioners Court.

Scheduling of vacations shall be at the discretion of the individual department heads. The minimum amount of vacation that may be taken at any time shall be one hour.

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.

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

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

An employee who resigns, is discharged or is terminated for any reason, in their fifth or tenth year prior to their anniversary date shall not be entitled to receive pay for the unused pro-rated portion of their vacation time.

An employee who has not worked for a minimum of twelve (12) consecutive months that accrues vacation shall not be eligible for any vacation pay upon termination of employment.

Each employee shall be responsible for accurately recording all vacation time used on their time sheet. No vacation hours may be used that will result in more than 40 hours paid per week.

**2B-5 PERSONAL TIME** (rev 10/2019)

All regular full-time employees shall earn paid personal time at a rate of eight (8) hours for every three (3) months of service (based on calendar year quarters).

Only personal time that has been earned may be used.

During the initial year of employment, an employee will be entitled to hours of personal leave based on the following schedule:

<b>Date of Hire</b>	<b>8 Hours Available on the 1<sup>st</sup> of Each Month</b>	<b>Personal Time Hours</b>
January 1	April, July, October	24
January 16/February 1	May, August, November	24
February 16/March 1	June, September, December	24
March 16/April 1	July, October	16
April 16/May 1	August, November	16
May 16/June 1	September, December	16
June 16/July 1	October	8
July 16/August 1	November	8

August 16/September 1	December	8
September 16/October 1	January	8
After October 1	N/A	0

In subsequent years, accruals will be on a quarterly basis (based on the following schedule):

Quarters	8 Hours Available to Use As of
January 1 – March 31	April 1
April 1 – June 30	July 1
July 1 – September 30	October 1
October 1 – December 31	January 1

Only the eight (8) hours accrued in the last quarter (Oct 1 – Dec 31) of each year is allowed for carry-over to use the following January.

## **2B-6 SICK**

All regular full-time employees of the County shall be eligible for the sick leave benefit. Eligible employees shall accrue sick leave at a rate of eight (8) hours per month. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is 480 hours.

Sick leave may be used for the following purposes: (1) illness or injury of the employee; (2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or (3) to attend to the illness or injury of a member of the employee’s immediate family. For purposes of this policy, “immediate family” shall be defined as spouse, child, parent, foster child, parents, grandparents or other relative living in the employee’s home who is dependent on the employee for care.

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her 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, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee’s normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor 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 supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses at least 3 consecutive days (24 hours) of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

Employees shall not be allowed to borrow sick leave against future accruals. Employees shall not be paid for unused sick leave at the termination of employment.

Sick leave may not be used as vacation or any other reason not addressed in this policy. Each employee shall be responsible for accurately recording all sick time used on their time sheet. No sick hours may be used that will result in more than 40 hours paid per week.

## **2B-7 EMPLOYEE SICK LEAVE POOL**

It shall be the policy of the County to provide for a Sick Leave Pool, as prescribed by Chapter 157 of *The Texas Local Government Code*, which will enable County employees to contribute accrued sick leave to the Pool, and to use time from the Pool for incidents of catastrophic injury or illness.

**Definition of catastrophic illness or injury:** A severe condition or combination affecting the mental or physical health of the employee or the employee's immediate family that requires the service of a licensed practitioner for a prolonged period of time. The illness must be of a severity to cause the employee to exhaust all leave and compensatory time earned or accrued by that employee and to lose compensation from the County.

The Navarro County Auditor shall be the administrator for the Sick Leave Pool. The Plan Administrator shall provide the County Commissioners Court with a quarterly report of any donations, withdrawals and ending balance.

Any employee of the County who is entitled to accrue sick leave and has completed twelve (12) months of continuous service with the County and is eligible to use and to be compensated for personal accrued leave may apply to use leave from the sick leave pool. If an employee is separated from employment with the County and then returns to the County employment, the employee must complete another 12 months of continuous service to be eligible to use the sick leave pool. Employees may use pool leave for their own catastrophic illnesses or injuries as defined by the Commissioners Court or those of a member of their immediate family as defined above in Section 2B-5.

Employees seeking to utilize time from the sick leave pool must:

1. Be meeting job performance requirements and observing work rules;



2. Have exhausted all accrued sick leave, vacation leave and compensatory leave;
3. Have been absent from work for at least one month (20 continuous work days);
4. Have appropriately used sick leave.

Employees will continue to accrue vacation and sick leave while on leave under the Sick Leave Pool (unless the employee does not return to work). However, annual vacation leave and sick leave which accrue for any month in which the employee is not physically at work cannot be used until after the employee returns to work. Accrued personal leave balances must be exhausted prior to withdrawal of hours from the sick leave pool.

**Employees are required to contribute a minimum of eight (8) sick leave hours into the pool before they are eligible to apply for pool leave.**

Employees who use pool leave are not required to pay back such pool leave.

Employees may contribute not less than eight (8) hours or more than forty (40) hours of sick leave to the pool each fiscal year. Leave must be earned and recorded on the books at the time of contribution. All donations to the pool must be in whole hours only.

Contributions shall be made by submitting the Sick Leave Pool Contribution form to the Sick Leave Pool Administrator, the Navarro County Auditor, ("Pool Administrator"). Contributions will be accepted to the pool one (1) time each fiscal year. However, should the pool balance fall below a level that would only allow for eighty (80) hours or less be available to be granted, the administrator may declare an "Open Season" to accept additional donations of hours to the pool. Employees leaving the employ of the County, who have not donated the forty (40) hour maximum in the current fiscal year, may donate any portion of their sick leave balance not to exceed the allowable fiscal year maximum, prior to their departure from County service.

Employees who make contributions to the pool may not restrict their contributions for use by a specific person; nor may they restrict their contributions from being used by any specific person.

Employees who contribute to the pool cannot recover that leave unless they are eligible to use the pool due to catastrophic illnesses or injuries.

Employees must apply for pool leave with the Pool Administrator, the Navarro County Auditor. All requests will be considered by the Pool Administrator on an individual first-come, first serve basis. Request for pool leave should be on the Request for Pool Leave form and must be accompanied by the appropriate medical documentation from a licensed practitioner. The documentation must include a physician's statement

outlining the injury or illness, treatment required and expected duration of the injury or illness.

The Pool Administrator will have five (5) business days from the date he/she receives a request in which to approve all or part of the request or deny the request.

Leave from the pool may not be applied to any date that is more than one pay period prior to the application date.

The Pool Administrator will determine the amount of pool leave granted for each catastrophic illness or injury. The amount of the pool leave granted may not exceed one-third (1/3) of the balance of available in the pool or ninety (90) days (720 hours), whichever is less. The maximum leave granted in any fiscal year is ninety (90) days.

Any unused balance of pool leave granted to an employee returns to the pool. The estate of a deceased employee is not entitled to payment for unused pool leave.

If an employee requesting pool leave feels that the final determination of the Pool Administrator is unfair, or that the time allowed is insufficient, the employee may, within ten (10) working days after receiving notification from the Pool Administrator, request in writing to the Human Resources Department that the Request for Pool Leave be reviewed by the Sick Leave Pool Appeals Committee, consisting of Human Resources Coordinator, County Judge and District Attorney.

1. Within ten (10) working days of receiving a written request for review, the Appeals Committee will schedule a meeting to consider the employee's application for pool leave.
2. The employee requesting pool leave will be notified in writing of the date and time of the meeting at which the application will be reviewed.
3. The employee should be present at the meeting to present information about the request for pool leave being considered. If the employee is unable to attend the meeting, information may be presented in writing.
4. The decision of the Appeals Committee will be final.
5. The employee will receive written notification of the Committee's decision within ten (10) working days from the date of the final decision.

**All regular full-time employees of the County shall be eligible to apply for sick leave from the Sick Leave Pool given they have contributed at least eight (8) hours prior to application.**

**2B-8 HOLIDAY**

The County holidays shall be determined by the Navarro County Commissioners Court.

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

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

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

**2B-9 LONGEVITY PAY**

All full-time regular employees of The County shall be eligible for the longevity pay benefit. An employee shall be required to work a minimum of one year in an eligible position before receiving longevity pay. Length of service for the purpose of calculating longevity pay is terminated at any time when the employee separates from the service of the County. Credit for prior years’ service will not be given to employees who are rehired by the County. Longevity pay shall equal \$100.00 - \$200.00 for each full year of employment (see scale on page 52) as of November 30<sup>th</sup>. Longevity will be paid for whole years only. No credit will be given for partial years’ service.

**Longevity Pay Scale**

<b>Years of Service</b>	<b>Amount Per Year</b>
1-5	\$100.00
6-10	\$125.00
11-15	\$150.00
16-20	\$175.00
21<	\$200.00

Longevity pay will be paid annually in the last pay period of November. Employees with at least one year of service as of November 30<sup>th</sup> will be eligible to receive longevity pay.

**2B-10 JURY DUTY**

All employees of the County who are called for jury duty shall receive their regular pay for the period they are called serve on jury duty, which includes both the jury selection process and, if selected, the time they actually serve on the jury.

Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require. If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

**2B-11 FUNERAL LEAVE** (rev 10/2019)

All employees shall be allowed up to three (3) regular work days leave with pay for a death in the immediate family. For purposes of this policy, "immediate family" shall include the employee's spouse; the child, foster child, parent of employee or employee's spouse; brother (in-law) or sister (in-law) of employee or employee's spouse; grandparents of employee or employee's spouse. Employees may be allowed time off (at the discretion of the department head) with or without pay, up to a maximum of eight (8) hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay.

**2B-12 MILITARY LEAVE** (rev 09/2021)

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

Any Navarro County employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to 7 days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these

provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

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

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

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

## **2B-13 MENTAL HEALTH LEAVE FOR PEACE OFFICERS (Re: SB1359)** (09/2021)

### **Purpose**

The purpose of this policy is to provide guidance in accordance with Chapter 614.015 of the Local Government Code regarding Mental Health Leave for Peace Officers. Mental health leave is provided to peace officers who experience a traumatic event within the scope of their employment. Personal trauma, such as family issues, shall not be considered a traumatic event for the purpose of this policy.

### **Definitions**

1. Traumatic event – an event which occurs in the peace officer(s) scope of employment when the officer is involved in the response to, or investigation of, an event that causes the officer to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident. Personal trauma, such as family issues, shall not be considered a traumatic event for the purpose of this policy. Traumatic events may include, but are not limited to, the following:

- a. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
- b. Incidents involving multiple casualties which may include shootings or traffic accidents;
- c. Line of duty death or suicide of a department member;
- d. Death of a child resulting from violence or neglect;
- e. Officer(s) involved shooting of a person.

2. Mental health leave – administrative leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's employment.

3. Mental Health Professional – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

### **Requesting Mental Health Leave**

An officer directly involved in a traumatic event may request the use of mental health leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that they seek mental health leave and the assistance of a mental health professional.

### **Confidentiality of Request**

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline. Confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to themselves or others, and department personnel must confer with mental health professionals.

### **Duration of Mental Health Leave**

An officer directly involved in a traumatic event may request up to three working shifts of mental health leave. Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three shifts. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Chief shall grant the extension(s) upon the receipt of sufficient documentation explain the need for the extension.

### **Continued Salary/Benefits**

Employees on mental health leave will continue to be eligible for all employment benefits and compensation, including continuing their leave accrual and eligibility for health plan benefits for the duration of the leave. While on mental health leave, the employee will not use any other paid leave type (vacation, sick, holiday, compensatory time). Employees shall not work outside employment while on mental health leave.

### **Mental Health Services Available to the Officer**

All Navarro County employees are encouraged to utilize the Alliance Works Partners Employee Assistance Program (EAP). Refer to the Navarro County Health and Employee Benefits Resource Guide or contact Human Resources for more information

### **2B-14 RETIREMENT**

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

### **2B-15 SOCIAL SECURITY/MEDICARE**

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

### **2B-16 LEAVE OF ABSENCE – OTHER**

Employees may request a personal leave of absence to a maximum of 90 days (720 hours). Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue coverage under the County health plan but they are responsible for the entire premium, which includes both their portion and the County portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan coverage termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

## **2B-17 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

### **ELIGIBILITY:**

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

- (1) have worked for the County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted toward the 12 months); and
- (2) have worked at least 1250 hours during the previous 12 months.

### **QUALIFYING EVENTS:**

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

- (1) the birth of a child and in order to care for that child;
- (2) the placement of a child in the employee's home for adoption or foster care;
- (3) to care for a spouse, child (under the age of 18, or if over 18, incapable of self-care due to a disability), or parent with a serious health condition;
- (4) the serious health condition of the employee that make the employee unable to perform the essential functions of their job;
- (5) a qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country;
- (6) to care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or
- (7) to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

### **SERIOUS HEALTH CONDITION:**

A Serious health condition of the employee is defined as a health condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility or continuing treatment by a health care provider.

A Serious health condition of a spouse, child, or parent is defined as a condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility, or a condition that requires continuing care by a licensed health care provider.



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

- (1) a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - (a) Treatment two or more times within 30 days of incapacity; or
  - (b) Treatment by a health care provider on at least one occasion within first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
- (2) Any period of incapacity due to pregnancy or pre-natal care.
- (3) Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
- (4) Any period of incapacity that is permanent or long term due to a condition for which treatment is not effective.
- (5) Any period of incapacity or absence to receive multiple treatments by a health care provider.

#### **QUALIFYING EXIGENCY LEAVE:**

Eligible employees may take FMLA/MFL exigency leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. Leave may be taken to:

- (1) Address any issue that arises because the covered military member was given seven or fewer days' notice for active duty deployment in support of a contingency operation. Eligible employee may take up to seven days beginning on the date the covered military member receives the call or order to active duty.
- (2) Attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member.
- (3) Attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member.
- (4) Arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member.
- (5) Make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active duty status in a foreign country.

- (6) Act as the covered military member's representative before a governmental agency to obtain, arrange or appeal military service benefits while the covered military member is on active duty or call to active duty status in a foreign country, for a period of 90 days following the termination of the covered member's active duty status.
- (7) Attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child if the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member.
- (8) For a maximum of 15 days each occurrence, to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment.
- (9) Attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status.
- (10) Address issues that arise from the death of a covered military member while on active duty status in a foreign country;
- (11) Conduct certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty.
- (12) Address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country if the County agrees the leave qualifies as an exigency and to both the timing and the duration of the leave.

#### **LENGTH OF LEAVE:**

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

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

An eligible employee is entitled up to 26 weeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period:

- (1) The single 12-month period begins on the first day the eligible employee takes FMLA to care for covered service member or covered veteran and ends 12 months after that date.

- (2) An employee forfeits unused leave under this section if the eligible employee does not take all of their 26 weeks during this 12-month period to care for the covered service member or covered veteran is forfeited;
- (3) Leave entitlement under this section is applied on a per-injury basis. An eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service member or veteran or to care for the same covered service member or veteran with a subsequent serious illness or injury. An employee may not take more than 26 weeks in any single 12-month period.

**WORK RELATED INJURY:**

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

**PAID AND UNPAID LEAVE:**

If an employee has accrued leave, the employee shall be required to use all earned compensatory time prior to using accrued vacation or sick leave, with the remainder of the 12 weeks as unpaid leave.

- (1) An employee taking leave because of his or her own serious health condition, or the serious health condition of an eligible family member is required to first use all earned compensatory time, paid vacation, sick leave, and any other paid leave with the remainder of the 12-week leave period being unpaid leave.
- (2) An employee taking leave for the birth of a child is required to use paid sick leave, and/or other leave for the recovery period after the birth of the child and before being placed on unpaid leave.
- (3) After the recovery period from the birth of a child, an employee is required to first use earned compensatory time, vacation, and other available paid leave, except for sick leave, prior to going on unpaid leave.
- (4) An employee taking leave for the placement of a child in the employee's home for adoption or foster care is required to use all paid leave due, except sick pay, with the remainder of the 12-week leave period being unpaid leave.
- (5) An employee taking leave for a qualifying exigency for a covered military member is required to use all paid leave due, except sick pay, with the remainder of the 12-week leave period being unpaid leave.
- (6) An employee taking leave for the care of a covered service member or veteran is required to first use earned compensatory time, vacation, sick leave and any other paid leave with the remainder of the 26-week leave period being unpaid leave.

The maximum amount of paid and unpaid leave that may be used under this policy in a 12-month period is 12 weeks, except for qualifying leave to care for a covered military

member with a serious injury or illness which is a maximum of 26-weeks in a 12-month period.

**CONTINUED EMPLOYEE BENEFITS:**

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee payment for premiums is due to the County by the 25<sup>th</sup> day of the preceding month the premium is due. All payments for premiums shall be paid at the Navarro County Treasurer's Office, 300 W 3<sup>rd</sup> Ave, Suite 3, Corsicana, Texas.

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

**INTERMITTENT LEAVE AND REDUCED SCHEDULE:**

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

An employee may only work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran. All work time missed as the result of intermittent leave or a reduced work schedule under this policy will be deducted from the employee's 12-week or 26-week leave eligibility in a single 12 month period.

**CERTIFICATION REQUIREMENTS:**

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

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have his or her physician complete and return the medical certification within 15 days of the employee's receipt of the form to be eligible for

FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

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

An employee is required to provide certification of his or her serious health condition of the employee by having the employee's treating health care provider complete and submit an FMLA form WH-380-E. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.

An employee is required to provide certification of the serious health condition of an eligible family member by having the family member's treating health care provider complete and submit an FMLA form WH-380-F. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.

An employee is required to provide certification for leave taken because of a qualifying exigency by having the employee complete and submit an FMLA form WH-384.

An employee is required to provide certification for leave taken for a serious injury or illness of a covered military member or veteran by having the member's or veteran's Department of Defense treating health care provider complete and submit an FMLA form WH-385. The employee may also be required to provide the county with confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or veteran.

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

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

If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require a third certification,

at the expense of the county, from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

#### **REQUESTING LEAVE:**

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

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

Whenever possible, requests for FMLA/MFL should be submitted to immediate supervisor and then to the Navarro County HR Coordinator to transmit FMLA/MLA paperwork to the employee. When submitting a request for leave, the employee must provide sufficient information for the county to determine if the leave qualifies as FMLA/MFL. Employee will also need to provide information on the anticipated date when the leave would start as well as the duration of the leave.

When an employee requests leave, the County will inform the employee whether they are eligible under FMLA or MFL. If the employee is eligible, the employee will receive written notice that includes details on any additional information required from the employee. If the employee is not eligible under FMLA/MFL, the employee will be given written notice indicating the reason of ineligibility.

If an employee takes leave due to the employee's own serious health condition, or to care for a covered relation, the employee must contact the Navarro County HR Coordinator each month regarding the status of the condition and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

#### **REINSTATEMENT:**

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

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

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

**REPAYMENT OF BENEFITS:**

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

**OTHER BENEFITS:**

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

If the county has a policy forbidding employees from working other jobs, an employee on approved FMLA leave may also be forbidden from working another job while on FMLA leave from the county.

**REGULATION:**

The County reserves the right to put an employee on FMLA when an employee is out three (3) days for a qualifying event which would include the employee going on Workman's Compensation.

Using benefit time first prior to going on FMLA is prohibited.

While on leave with or without pay under this policy, an employee shall NOT earn time off, or earn other benefits afforded to employees actively at work, except for those stated in this policy.

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

**RETURN-TO-WORK:**

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

**ENFORCEMENT:**

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