



PERSONNEL POLICIES

CHAMBERS COUNTY, TEXAS

**Adopted March 24, 1994
Amended and Approved May 22, 2018**

NOTICE TO EMPLOYEES

Chambers County operates under the legal doctrine of “**employment-at-will**” and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. These personnel policies do not constitute an employment agreement between the County and any of its employees and in no way limit or restrict the at-will nature of employment. The County has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the County means Chambers County, Texas.

Each reference in these policies to the Human Resources Director means the County Treasurer.

Your status of an at-will employee cannot be changed unless in writing, signed by the County Judge, and approved by Commissioners Court.



WELCOME

Welcome to employment with Chambers County. We are happy to have you as one of the team of employees that serves the people of our County. You will find public service a rewarding career.

As taxpayers ourselves, we expect nothing less than the highest quality of service from our government. As public servants, our objective is to provide the best possible service to the citizens of the County in a fair, efficient, and courteous manner. Your job is important to our overall success.

As a County employee, you have a responsibility to the citizens of Chambers County. How well you do your work and how you conduct yourself on the job are both subject to public approval. Oftentimes, your contacts with citizens will be the only basis on which the County government is judged; therefore, you owe it to both the County and yourself to serve the public as best you can. The County has proven to be a good place to work, but it is up to each individual employee to maintain his or her position as a result of good performance, proper attitude, and responsible action to the tax dollar.

This manual, and the personnel policies contained within it, are guidelines on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you facts about the County, how it works, and the policies which govern us as employees.

The personnel policies and procedures of the County are adopted by the Commissioners Court, are subject to regular review, and may be updated or changed from time to time without prior notice.

If you need more details on the personnel policies and procedures of the County, please consult the County Human Resources Director.

A blue ink signature of Jimmy Sylvia, consisting of several loops and a long horizontal stroke.

Jimmy Sylvia
County Judge

A blue ink signature of Jimmy E. Gore, written in a cursive style.

Jimmy E. Gore
County Commissioner, Pct. 1

A blue ink signature of Larry G. George, written in a cursive style.

Larry G. George
County Commissioner, Pct. 2

A blue ink signature of Gary R. Nelson, written in a cursive style.

Gary R. Nelson
County Commissioner, Pct. 3

A blue ink signature of Rusty Senac, written in a cursive style.

Rusty Senac
County Commissioner, Pct. 4

ABOUT CHAMBERS COUNTY GOVERNMENT

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

The Commissioners Court consists of four County commissioners, each elected by the voters of a Commissioner's precinct, and the County judge, elected by all of the voters of the County. This is the policy-making body of the County.

County operations are conducted through Departments, each administered by an elected public official or an appointed Department Head.

SERVICE TO THE PUBLIC

On a day-to-day basis, citizens base their opinion of Chambers County on the actions of County employees like you. Over the years we have developed a code of personal conduct we think will help maintain a reputation for good County government.

CODE OF PERSONAL CONDUCT:

1. Remember that we are here to serve the people of Chambers County.
2. Our responsibility is to provide fair, efficient service in a courteous manner.
3. Be a good and sincere listener; our visitors and callers want us to understand and care about their problems.
4. Learn all about the activities of the County and try to help others get their problems solved in the most efficient manner, even if the problem must be referred to another employee or Department.
5. Write down all of the information you will need to complete a task for a citizen, including the date and time of a call or request and the telephone number or address where the person can be contacted.
6. Fulfill all promises you make. If you cannot complete a promised task as anticipated, get back in touch and explain the circumstances.
7. Respect the dignity of every individual; try honestly and sincerely to see the other person's point of view; speak kindly to and of others; avoid arguments; and be friendly.
8. Be punctual in your work and for appointments.
9. Make suggestions about ways we can improve our services to the citizens of Chambers County or can get our work done in a more efficient manner.
10. Dress and appearance must be appropriate to our job. A neat, orderly appearance is important.
11. County employees are trustees of public funds - - conserve County money, time, and equipment as if it were your own.

Finally, public service requires that we not only obey the law, but it is also important that we avoid even the appearance of any improper action or of using our official position to gain any personal advantage.

CHAMBERS COUNTY PERSONNEL POLICIES

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PERSONNEL POLICIES

1.00 GENERAL POLICIES

1.01 AUTHORITY.

These policies are established by the Commissioners Court, and any deletions, amendments, revisions, or additions to the policies must be approved by the Commissioners Court in writing.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the Commissioners Court.

In addition to these personnel policies, elected officials and Department Heads may establish Departmental rules and regulations that relate specifically to their Departments. Except to the extent modified by a collective bargaining agreement negotiated and adopted pursuant to applicable law, Departmental rules and regulations cannot conflict with these policies and if there is a conflict between a Departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail.

1.02 SEVERABILITY.

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this will not affect the validity of the remaining provisions or parts of provisions, which will remain in force and effect.

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES.

Responsibility for personnel functions in the County is divided among County offices as follows:

- County Commissioners Court oversees general personnel policies;
- As the Human Resources Director, the County Treasurer, or his or her designee, is responsible for the distribution and maintenance of these policies;
- As the Human Resources Director, the County Treasurer maintains the official personnel records pertaining to time and attendance, payroll, resignations, and unemployment;
- Elected Officials and Department Heads maintain other records on Departmental employees and are responsible for administration of these personnel policies within their own Departments or units.

Funds approved in County budgets may not be expended in violation of these policies.

1.04 PURPOSE.

These policies set forth the primary rules governing employment with the County. The policies contained here inform employees of the benefits and obligations of employment with the County. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors which will result in high quality public service to the citizens of the County.

1.05 APPLICABILITY OF PERSONNEL POLICIES.

These personnel policies apply equally to all employees of the County, unless a class of employees is specifically exempted by law or the terms of these policies, and except to the extent modified by a collective bargaining agreement negotiated and adopted pursuant to applicable law.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

1.06 EMPLOYMENT-AT-WILL.

Chambers County operates under the legal doctrine of “employment-at-will” and, within requirements of state and federal law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. These personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or any continued employment. As noted above, your status as an at-will employee cannot be changed, unless in writing, signed by the County Judge and approved by Commissioners Court.

1.07 DISSEMINATION OF PERSONNEL POLICIES.

The Human Resources Director maintains the official set of the personnel policies with all future revisions for reference by employees. In addition, the Human Resources Director will provide a complete copy of this manual and copies of all subsequent revisions to each Department Head or elected official; will notify employees of policy changes; and will make the updated manual available to employees. If a question arises about a particular policy, the official set of policies should be consulted and will control.

The Human Resources Director will provide a copy of the personnel policies to new employees on their first day of employment. Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Within two weeks of employment, every employee is required to sign an acknowledgement of having read the Personnel_Policies Manual and understood the policies contained in it.

1.08 EQUAL EMPLOYMENT OPPORTUNITY.

It is the policy of the County to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or any other aspect of personnel administration based on race, age, gender, religion, color, disability, genetic information, protected veteran status, national origin, or any other class or activity protected by law. Personnel decisions will be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

1.09 HARASSMENT.

The County is committed to a workplace free of any form of discrimination, including unlawful harassment. Unlawful harassment includes (1) sexual harassment, which means unwelcome sexual advances or requests for sexual favors, or any other conduct of a verbal or physical conduct of a sexual nature, as well as (2) any other unlawful harassment consisting of unwelcome words, acts or displays based on race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or protected veteran status, or any other class or activity protected by law, when (3) the submission to the conduct is made a condition of employment; the submission to, or rejection of, the conduct is used as the basis for an employment decision; or the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

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

Any employee who believes he or she has been subjected to unlawful harassment should immediately bring the matter to the attention of his or her supervisor or Department Head. Alternatively, the employee may bring the matter to the attention of the Human Resources Director, or file a grievance under the special provision of the County's grievance procedure (see **Chapter 14.00 Grievances**) applicable to grievances based on alleged unlawful harassment. The grievance policy allows an employee who has a grievance based on sexual harassment to bring this grievance directly to the County Human Resources Director.

Every reported complaint of harassment or retaliation will be investigated promptly and thoroughly. The official or Department Head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim. Confidentiality shall be respected to the extent practical under the circumstances.

Retaliation or discrimination against an employee for asserting a complaint of harassment in good faith or for having participated in an investigation, is prohibited. 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 Department Head may not be the best course of action, the report should be made to the Human Resources Director, County Judge or to the County Attorney.

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.

1.10 WHISTLEBLOWER.

It is the policy of the County not to suspend or terminate the employment of, or take other adverse personnel action against an employee, who in good faith, reports a violation of the law by the County or another public employee to an appropriate law enforcement authority.

For the purpose of this policy, a report is made to an appropriate law enforcement authority if the authority is part of a state or local governmental entity or of the federal government that, the employee in good faith believes, is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

County employees are urged to report any violation of the law to the appropriate law enforcement agency.

The County will not tolerate retaliation of any kind or in any manner. This protection extends not only to individuals who complain about unlawful activities, but also to those who serve as witnesses in investigations.

Confidentiality will be maintained as much as possible regarding complaints of unlawful activities. However, absolute confidentiality cannot be promised as complaints may be disclosed during the course of the investigation, but only to those who need information to conduct an investigation, take corrective action, or both.

1.11 PERSONS WITH DISABILITIES.

The County is committed to complying with all aspects of the Americans with Disabilities Act, as amended. It is the policy of the County to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to disabled persons and to make reasonable accommodations to a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on County operations. It is the County's policy to engage in an interactive dialogue with any employee who believes he or she requires a reasonable accommodation to perform the essential functions of his or her job due to any impairment or disability. Employees should therefore immediately report the need for any accommodation to their immediate supervisor, Department Head, or the Human Resources Director.

1.12 SMOKING.

Smoking is prohibited within County facilities and in County vehicles.

1.13 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS.

These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the Commissioners Court. In addition, the Human Resources Director may conduct an annual review of the policies contained in this manual as part of the budget process and submit any necessary or recommended changes to the Commissioners Court for approval prior to the beginning of the new fiscal year.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) in writing to the appropriate Department Head or elected official who will forward the information to the Commissioners Court, where appropriate, along with the rationale for making the change. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL.

The County is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, good judgment, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their parts in maintaining good relationships with the public, their supervisors, County officials, and their fellow employees.

2.02 PROFESSIONAL APPEARANCE.

Employees of the County are hired to provide services to the County's citizens and to perform specific tasks in a professional manner. As representatives of the County, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the County does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner which is appropriate to the particular job being performed. A neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the County's work force.

2.03 TIMELINESS AND ATTENDANCE.

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor before the time the employee is scheduled to begin work, as a general rule, unless emergency conditions exist. A Department Head may require a different reporting schedule if it would work better for that particular Department.

See also **Chapter 8.00 Leave Time** for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid health leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor.

Tardiness and unscheduled absenteeism are disruptive of operations and detrimental to productivity and employee morale. Frequent tardiness and frequent unexcused, unscheduled, or unapproved absences (other than for legitimate and unforeseeable health reasons) are considered excessive and are not permissible. Absenteeism or tardiness that is unexcused or excessive in the judgment of the County is grounds for disciplinary action up to and including termination of employment. Excessive absenteeism is determined when an employee does not have available unused sick leave, vacation, or other paid leave and has not been approved for leave without pay or when an employee has available paid leave but does not comply with the requirements of scheduling the leave in advance.

2.04 OUTSIDE ACTIVITIES.

Employees may not engage in any outside employment, activity, or enterprise determined by the elected or appointed Department Head (1) to be inconsistent or incompatible with employment with the County; or (2) to affect the employee's job performance adversely.

Any Department Head or elected official, at his or her discretion, may require that employees in that Department notify the Department Head or elected official prior to the employee's acceptance of any outside employment, including self-employment.

The County accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a County employee.

2.05 GIFTS AND GRATUITIES.

A County officer or employee may not accept any gift or free service that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the County. See "Conflict of Interest" section below.

2.06 CONFLICT OF INTEREST.

1. County Elected Officials. A member of the Commissioners Court and certain other County officials will not participate in a vote or decision affecting a business or real estate in which the member or official has a substantial interest.
2. County Employees. An employee may not (1) solicit or accept or agree to accept a financial benefit, other than from the County, that might reasonably tend to influence his or her performance of duties for the County or that he or she knows or should know is offered with intent to influence the employee's performance; (2) accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties; (3) accept

outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the County; (4) make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County; or (5) solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

2.07 POLITICAL ACTIVITY.

Employees of the County are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. County employees are not required to contribute to any political fund or render any political service or support to any person or party, nor are they prohibited from doing so. No employee will be subjected to any adverse action based on any political activity conducted outside regularly scheduled work hours and that does not involve the inappropriate use of County resources.

An employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office;
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose; or
3. Engage in political activity during regular work hours or use County property or resources in connection with supporting or opposing a political cause or candidate.

County employees, except elected officials, may not participate in political activities while on County duty. Employees are expected to remove County uniforms before participating in a political activity. In addition, no County-owned property, vehicle, building, or office may be used for displaying campaign materials or for conducting any partisan political activity.

An employee shall not be subjected to discrimination, harassment, retaliation, or any adverse action because of political activity which is not in violation of this section.

2.08 CHAIN OF COMMAND.

Individual County employees are responsible to the appropriate elected or appointed Department Head or to a supervisor designated by the elected official or Department Head. Elected officials are responsible to County voters. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command. Employees may bypass the usual chain of command under limited circumstances when the subject of their good faith complaint is in their chain of command (see **Section 1.09 Harassment** and **Chapter 14.00 Grievances**).

2.09 COMMUNICATIONS.

From time to time, an employee may be given directions from persons other than his or her immediate supervisor or elected or appointed Department Head. In such cases, it is the employee's responsibility to notify his or her immediate supervisor about the direction, its purpose, and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action.

Communication with the public about County issues or problems is the responsibility of the appropriate Department Head or elected official or his or her designee. Employees are to refer the public to the appropriate elected or appointed Department Head if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

2.10 INFORMATION TECHNOLOGY POLICY.

The County has adopted a separate Information Technology Policy that is available in the IT Department and available to employees on the County's Intranet. County employees must adhere to the IT Department policies and procedures set forth in the Information Technology Policy adopted from time to time by the Commissioners Court.

2.11 PARKING PROCEDURES.

Parking lots are available at the courthouse and other County offices for use by employees. However, employees should not park in a parking place assigned to someone else. Vehicles parked in violation of this policy will be towed away at the owner's expense.

2.12 UNIFORMS.

Some County Departments require employees to wear uniforms. Each employee is expected to keep his or her uniform neat and clean.

2.13 PURCHASING.

Purchases by County employees will be made only as authorized by elected or appointed County Department Heads or the Commissioners Court and will be made only after obtaining a purchase order number. Additionally, all purchases must be made in accordance with all applicable local, state and federal purchasing laws. The County Treasurer's Office or Auditor's Office may have additional policies that apply to County purchases.

Chambers County appointed a purchasing agent in accordance with Chapter 262 of the Texas Local Government Code ("TLGC"). Accordingly, the following provisions apply with respect to purchases made for the County.

1. County appointed a purchasing agent in accordance with §262.001 and Subchapter B of the TLGC to make a contract on behalf of the County for:
 - a. Erecting or repairing a County building;
 - b. Supervising the erecting or repairing of a County building; or

- c. Any other purpose authorized by law.
2. A contract or other act of an agent appointed under the TLGC section that is properly executed on behalf of the County and is within the agent's authority binds the County to the contract for all purposes.
3. A board composed as provided herein, by majority vote, may appoint a suitable person to act as the County purchasing agent. In a County with a population of 150,000 or less, which presently includes County, the board is composed of the judges of the district courts in the County and the County judge.
4. The term of office of the County purchasing agent is two years.
5. The board may remove the County purchasing agent from office.
6. A person appointed under this section must execute a bond in the amount of \$5,000, payable to the County, conditioned that the individual will faithfully perform the duties of County purchasing agent.
7. The County purchasing agent shall purchase all supplies, materials, and equipment required or used, by County or a subdivision, officer, or employee of the County, except purchases and contracts required by law to be made on competitive bid. A person other than the County purchasing agent may not make the purchase of the supplies, materials, or equipment or make the contract for repairs.
8. The County purchasing agent shall supervise all purchases made on competitive bid and shall see that all purchased supplies, materials, and equipment are delivered to the proper County officer or department in accordance with the purchase contract.
9. A purchase made by the County purchasing agent shall be paid for by an electronic transfer, check, or warrant drawn by the County auditor on funds in the County treasury in the manner provided by law. The County auditor may not draw and the County treasurer may not honor an electronic transfer, check, or warrant for a purchase unless the purchase is made by the County purchasing agent or on competitive bid as provided by law.
10. The purchasing agent may cooperate with the purchasing agent of a municipality in the County to purchase any item in volume as may be necessary. The County treasurer shall honor an electronic transfer, check, or warrant drawn by the County auditor to reimburse the municipality's purchasing agent making the purchase for the County.
11. The County purchasing agent is not required to make purchases for a municipal County hospital or other joint undertaking of the municipality and County.
12. On July 1 of each year, the County purchasing agent shall file with the County auditor and each of the members of the board that appoints the County purchasing agent an inventory of all the property on hand and belonging to the County and each subdivision, officer, and employee of the County. The County auditor shall carefully examine the inventory and make an accounting for all the property purchased or previously inventoried and not appearing in the inventory.
13. To prevent unnecessary purchases, the County purchasing agent, with the approval of the Commissioners Court, shall transfer County supplies, materials, and equipment from a subdivision, department, officer, or employee of the County that are not needed or used to another

subdivision, department, officer, or employee requiring the supplies or materials or the use of the equipment. The County purchasing agent shall furnish to the County auditor a list of transferred supplies, materials, and equipment.

14. A person, including an officer, agent, or employee of a County or of a subdivision or department of a County, commits an offense if the person violates this section. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$10 or more than \$100. Each act in violation of this section is a separate offense.
15. This section applies to all purchases of supplies, materials, and equipment for the use of the County and its officers, including purchases made by officers paid out of fees of office or otherwise, regardless of whether the purchase contract is made by the Commissioners Court or any other officer authorized to bind the County by contract. An officer making a purchase out of fees of office in violation of this section may not deduct the amount of the purchase from the amount of any fees of office due the County.
16. The County purchasing agent shall adopt the rules and procedures necessary to implement the purchasing agent's duties under the TLGC subject to the approval by the Commissioners Court. Rules and procedures adopted under the TLGC may include rules and procedures for persons to use County purchasing cards to pay for County purchases under the direction and supervision of the County purchasing agent. Procedures for use of purchasing cards may not avoid the competitive requirements of the TLGC or other requirements of County financial law.
17. Employees should meet with and obtain all the rules and procedures adopted by the County purchasing agent to ensure compliance with this section.

2.14 SOCIAL MEDIA.

The County recognizes its employees' rights to voice their opinions regarding factual matters relating to working conditions and other matters protected by local, state or federal law. The County also recognizes that many of its employees actively participate in various social media internet sites and online discussion groups. However, employees should not post statements electronically (such as to online message boards or discussion groups or other social media sites) relating to County or its employees that are illegal, false, defamatory, or constitute harassment prohibited by these policies. Employees who violate this policy may be subject to discipline, up to and including termination of employment.

2.15 DISTRACTED DRIVING POLICY.

In order to limit distracted driving situations, and to increase employee safety and eliminate unnecessary risks behind the wheel, the County has enacted a Distracted Driving Policy.

1. Employees may not use a handheld cell phone or similar electronic device while operating a County vehicle or a personal vehicle on County business, except as follows:

- Employees may engage in voice communications, provided a hands-free device is used that allows a single button to initiate or terminate a voice communication.
 - Employees shall not engage in e-mailing or texting, whether the vehicle is in motion or stopped at a traffic light or sign. For the purpose of this policy, e-mailing or texting means entering alphanumeric text into, or reading text from, a cell phone or similar electronic device, whether the means used is a short message service, e-mail, instant messaging, or other access or use of the Internet or any Web page.
 - These restrictions do not apply to a voice communication to report an emergency or to law enforcement employees or first responders operating authorized emergency vehicles for work-related calls and communications. In all such cases, however, cautionary measures should be practiced.
2. If County employees must use their cell phones or similar electronic devices other than as provided above, they must first pull over safely to the side of the road or another safe location.
 3. The County recommends that employees:
 - Turn cell phones off or put them on silent or vibrate before starting the vehicle.
 - Consider modifying voice mail greetings to indicate that you are unavailable to return e-mails, instant messages, or text messages while driving.
 - Inform contacts of this policy as an explanation of why e-mails, instant messages, or text messages may not be returned immediately.
 4. Violation of this policy may result in disciplinary action up to and including termination.

2.16 PROHIBITION AGAINST FIREARMS IN COUNTY VEHICLES AND PREMISES.

Chambers County prohibits firearms in County vehicles and County premises as authorized by law.

2.17 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, even in jest. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate

supervisor or the Sheriff's Department. If employees believe that a person is violating this workplace violence policy, they should immediately report to their immediate supervisor or the Sheriff's Department. Employees found in violation of this workplace violence policy may be subject to discipline up to and including immediate termination.

2.18 CELL PHONE POLICY.

Departments may on occasion, and within their discretion, provide a cell phone allowance to certain employees. Where this is done:

1. All allowances will be taxed as ordinary income to the County employee and included in his/her regular payroll check.
2. All employees receiving an allowance by the County for a cell phone are subject to making all documents (contracts and receipts) available to the County Auditor upon request to verify the continuing existence of a cell phone contract.
3. All supplemental payments for a cell phone will cease immediately upon termination of the employee or termination of the cell phone contract.

3.00 HIRING PRACTICES

3.01 METHODS OF RECRUITMENT AND SELECTION.

The County has five methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) transfer from within; (3) public announcement and competitive consideration of applications for employment; (4) referral from a job training program; or (5) selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding 180 days.) The elected official(s) or appointed Department Head determines the method of selection to be used in filling each vacancy. However, the Commissioners Court must approve funding for a position before recruitment begins.

The County does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the County when a specific vacancy does not exist are informed as to how County job announcements are advertised and that they may file an application with the appropriate Department Head when an advertised vacancy exists for which they consider themselves to be qualified.

3.02 POSITION ANNOUNCEMENTS.

Elected officials and Department Heads may send a notice of any position openings for which there will be competitive consideration to the County Human Resources Director for posting. Posting of open positions is discretionary, and might or might not occur, depending on numerous factors. If an open position is posted, the Human Resources Director will post any notices received in a central place in the County courthouse, other County facilities, and County's website. County employees are permitted to apply for positions for which they are qualified.

The length of time during which applications will be accepted will be determined by the appropriate Department Head in accordance with the circumstances that exist at the time.

3.03 QUALIFICATIONS.

The county maintains a job (class) description which establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications required to fill the position. See **Chapter 15.00 Job (Class) Descriptions And Performance Evaluations** below.

3.04 SELECTION.

The Commissioners Court is responsible for the selection and employment of the County Engineer. All other Department Heads are subject to approval by the Commissioners Court. The County Judge will select the Emergency Management Coordinator. The Chambers County Juvenile Board will select the Chief Juvenile Probation Officer and staff of the Juvenile Department. The County Auditor will be appointed by the District Court Judges of Chambers County. A County Purchasing Agent will be appointed by the board in accordance with the TLGC. With the current County population, the board is composed of the Judges of the District Courts in the County and the County Judge. All employees funded by federal or state grants will be approved by the Commissioners Court.

Except for positions filled by a vote of the Commissioners Court or as set out above, each elected official or Department Head is responsible for selection of persons to fill each vacant position within the pay limits set by the Commissioners Court. Once a selection is made, the elected official or Department Head will submit to the Human Resources Director a personnel action form listing the name of the applicant, the requested classification, beginning salary, and the effective date of employment. A copy of the applicant's resume or application for employment and a copy of the results from the employee's physical examination will be attached to the personnel action form. The Human Resources Director will submit a personnel action form to the Commissioners Court for approval. When a personnel action is approved by the County, the minutes will contain the employee's name and rate of pay. The personnel action form will be placed in the employee's personnel file.

3.05 AGE REQUIREMENTS.

Persons under 16 years of age will not be employed in any **regular** full-time position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective County employee under 18 years of age must have written permission (a signed Minor's Release Form) from his or her lawful parent or guardian on file with the Human Resources Director prior to the first day of employment.

Other age limitations will be applied only as required by state or federal law applicable to the County.

3.06 APPLICATION FOR EMPLOYMENT.

When a specific vacancy exists, each person desiring employment with the County may obtain an application for employment from the Department in which the vacancy exists, and the completed application should be returned to that Department. To be valid, an application must be made on the County's official application form. When an application is received for a specific Departmental position vacancy, the Department must separate the EEO statistical data form from the application and file the EEO form by position applied for in a recruitment file. Each employment application must be retained by the County for two years after receipt of the application.

It is the responsibility of the employing Department to make appropriate checks to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. In the case of applicants for positions with the County which require driving a vehicle, the Department Head must check the prospective employee's driving record prior to offering the applicant employment with the County.

3.07 EMPLOYMENT OF RELATIVES (NEPOTISM).

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the County.

No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the Commissioners Court or to the elected official or Department Head for whom he or she works. (Prohibited degrees of relationship are defined in the charts below.) No person may continue in County employment who is related in one of the prohibited degrees unless the employee has been employed continuously by the County for a period of:

1. At least 30 days, if the officer or member is appointed;
2. At least six months, if the officer or member is elected at an election other than the general election for state and County officers; or
3. At least one year, if the officer or member is elected at the general election for state and County officers.

In addition, no personnel action will be taken that would result in any employee's supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee. Spouses of relatives within the first or second degree of consanguinity (i.e., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.

NEPOTISM CHARTS

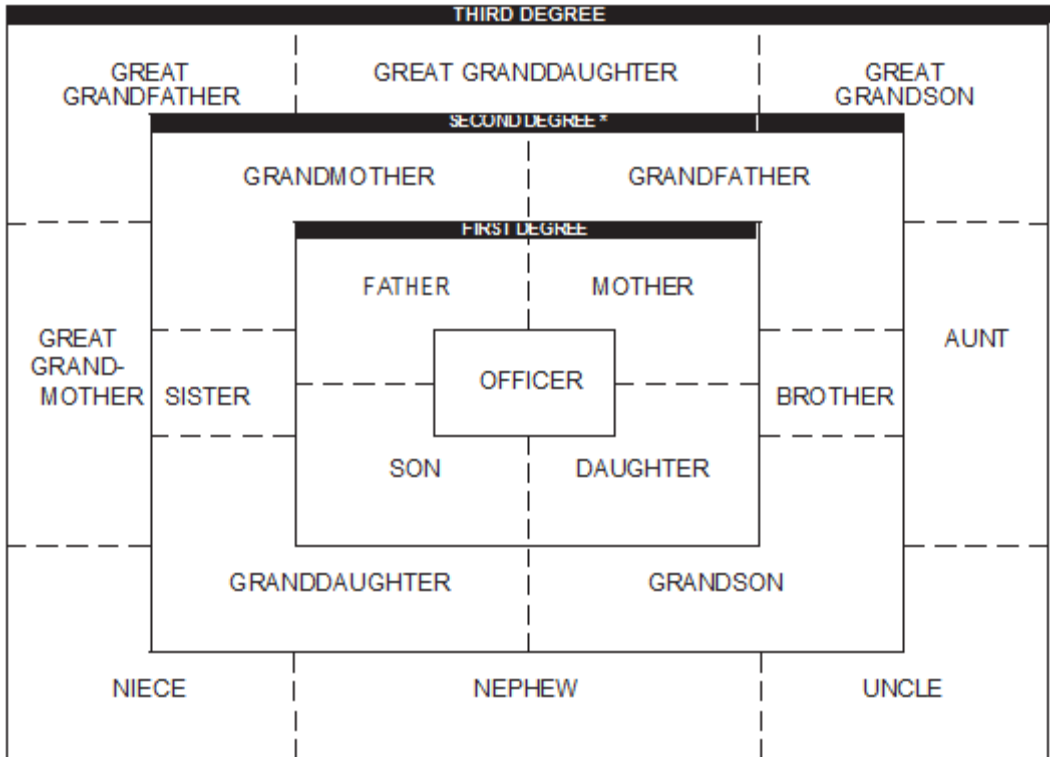


FIGURE 1 - CONSANGUINITY KINSHIP CHART

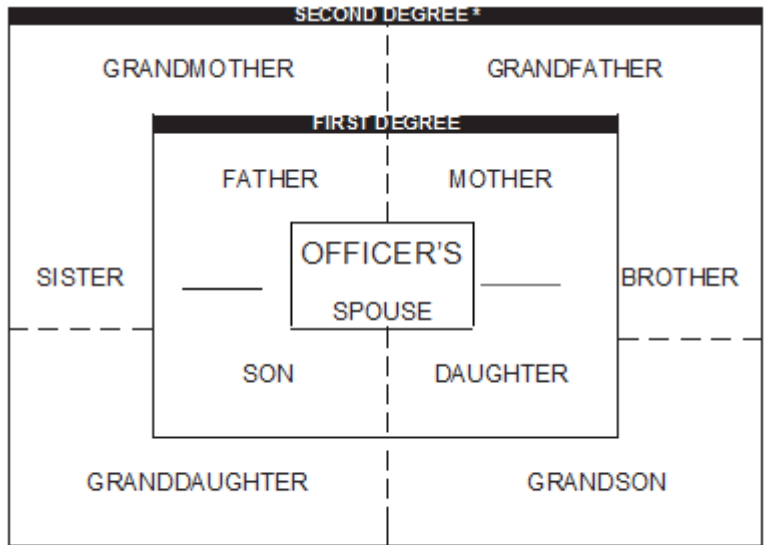


FIGURE 2 - AFFINITY KINSHIP CHART

3.08 EMPLOYEE FRATERNIZATION POLICY.

The County prohibits unlawful harassment and discrimination, and strives for a work environment where employees maintain clear boundaries between personal and work or business issues. Although this policy does not prohibit the development of romantic relationships under all circumstances between co-workers, it does establish boundaries as to when such relationships may be inappropriate, and when they must be reported to higher management.

Individuals in supervisory or managerial roles, and those with authority over others' terms and conditions of employment, are subject to more stringent requirements under this policy due to their position and authority. Supervisors, managers and Department Heads are prohibited from engaging in sexual or romantic relationships with employees in their chain of command.

Where fraternization is allowed the following requirements apply:

1. Employees must at all times comply with the County's policies regarding discrimination, harassment and retaliation.
2. Any supervisor, manager or Department Head must disclose the existence of a romantic or sexual relationship with any employee in his or her chain of command. Disclosure may be made to the immediate supervisor (or County Judge in the case of Department Heads) or the Human Resources Director. This disclosure will enable the County to address the inherent conflict of interest that arises from the relationship, and to consider appropriate action to address the matter and to implement appropriate remedial action.
3. After disclosure of the relationship, the County will work with the parties involved to determine the action warranted, and options for resolving the conflict.
4. Failure to disclose a romantic or sexual relationship within the chain of command, or failure to cooperate with the County to address the conflict of interest arising from a romantic or sexual relationship, will subject the party in the higher chain of command to disciplinary action, up to and including termination.
5. Any concerns about the administration of this policy should be addressed to the Human Resources Director.
6. There shall be no favoritism or selective enforcement of the County's policy.

3.09 TESTING.

Except for drug and psychological tests and physical fitness test for law enforcement officers and any other tests that may be required by local, state or federal law, the only performance tests administered for employment or promotion will be specifically job-related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers, writing samples).

3.10 PHYSICAL STANDARDS.

Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. A prospective employee (or parent of a prospective employee where the applicant is a minor) may be required to sign an appropriate authorization and complete a physical examination and a drug test after a conditional offer of employment has been made and prior to employment, and will not be placed on the County payroll until he or she has successfully completed the physical exam and drug test. In each instance, the examining doctor will be provided a copy of the appropriate job description and will be required to certify that the prospective employee is physically able to perform the essential duties of the job. Back x-rays are required for persons who will perform physical labor.

In addition, the County reserves its right to require a medical examination, at its expense, with a physician of its choosing, if there is any question regarding an employee's ability to perform the essential functions of his or her job, with or without reasonable accommodation.

In addition to the physical examination and drug test required by the County for all prospective employees, prospective employees for law enforcement officer positions must be examined by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health.

Required examinations will be made by a physician and psychologist or psychiatrist of the County's choice and will be paid for by the County. The County is entitled to deduct from an employee's last paycheck the cost of the employee's physical exam, drug test, psychological or psychiatrist exam, notary commission (if required for employee's position with Chambers County), uniforms and training, if the employee resigns from their position within six months, from their date of hire. Upon being given a conditional job offer, a job applicant is required to sign an authorization for the deduction from wages the cost of the employee's physical exam, drug test, psychological or psychiatrist exam, notary commission (if required for employee's position with Chambers County), uniforms and training, if the employee resigns from their position within six months, from their date of hire.

If any further medical evaluations or medical certifications are identified in connection with the pre-employment medical examination and evaluation, the prospective employee shall be required to pay for any such additional evaluations or certifications. Any further evaluations and certifications must also be completed within a reasonable period of time.

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established.

3.11 VERIFICATION OF ELIGIBILITY TO WORK.

All individuals selected for employment will be required to present documents establishing both employment authorization and identity, in compliance with all applicable state and federal laws. Failure by an employee to produce genuine and sufficient documents within the time period required by law will result in ineligibility for employment and/or continued employment.

The County may also engage in credit and background checks, in compliance with applicable law.

3.12 DRIVING RECORD AND DRIVING RULES.

Every County employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record and may be required to participate in defensive driving courses at the County's request. Except as restricted by local, state or federal law, the Department Head is responsible to check a prospective employee's driving record prior to offering the applicant County employment in a capacity which requires operating a vehicle or piece of equipment.

Employees who drive for the County are required to exercise reasonable care in the operation of their vehicles, which includes compliance with all laws and ordinances, and **Section 2.15 Distracted Driving Policy**, concerning the use of phones and e-mail devices while driving their vehicle in the course of the County's business.

3.13 DISQUALIFICATION.

An applicant is disqualified from employment by the County if he or she (1) does not meet the minimum qualifications for performance of the duties of the position involved; (2) knowingly has made a false statement or material omission on the application form; (3) has committed fraud during the selection process; (4) is not legally permitted to hold the position; (5) has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process; (6) does not meet physical requirements as a result of the required physical examination; (7) has not provided proof of citizenship or legal work status in the United States within the first three days of employment; (8) has previously failed an alcohol/drug test while employed by the County; or (9) has refused to consent to an alcohol/drug test while employed by the County.

3.14 PRIOR SERVICE WITH THE COUNTY.

Employees entering service with the County who have had prior service with the County may be considered for appointment above the customary entry salary level. Employees rehired to fill regular full-time positions with the County will not receive credit for their prior length of service as regular full-time employees for longevity pay purposes. A break in continuous service with the County also forfeits vacation and health leave benefits accrued prior to the break.

3.15 PLACEMENT ON COUNTY PAYROLL.

New employees must fill out employment forms before or during their first day of employment. The elected official(s) or appointed Department Head must provide the necessary paperwork to the Human Resources Director prior to the new employee being placed on the payroll.

3.16 TEMPORARY/EMERGENCY EMPLOYEES.

Before a Department Head or elected official may hire a temporary seasonal or temporary part-time employee, the Department's budget must contain a line item, authorized by the Commissioners Court, for payment of a temporary seasonal or temporary part-time employee's salary. There also must be sufficient funds available in that line item to cover the incoming employee's salary for the specified temporary period of employment.

If the Department's budget does not contain a line item for a temporary seasonal or temporary part-time employee salaries, the Department Head must first obtain authorization from the Commissioners Court each time prior to hiring any temporary seasonal or temporary part-time employee(s).

Under no circumstances will the County issue a paycheck to a temporary seasonal or temporary part-time employee if all of these conditions are not met.

3.17 ORIENTATION AND TRAINING.

The Human Resources Director provides a general orientation for new employees about employment with the County. It is the responsibility of the Human Resources Director to include in the orientation information about the structure, functions, and services of all offices of County government. The Human Resources Director will schedule an appropriate opportunity for each new employee to meet with the Commissioners Court.

During this orientation, employees are shown the Personnel Policies Manual, are required to read it within two weeks, are informed of its continued availability to them and the reference locations, and are given information about County benefits programs.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation conducted by the elected official or Department Head for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better and its relationship to the overall operation of County government.

Training an employee is the responsibility of the elected official or Department Head for whom he or she works. Whenever possible, employees receive on-the-job training under close supervision.

4.00 TYPES OF EMPLOYMENT

4.01 CATEGORIES OF EMPLOYMENT.

Each County position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. The status of an employee cannot be changed without the approval of the Commissioners Court.

Regular Full-Time: Regular full-time employees, as defined below, are eligible for all County benefits, subject to the terms, conditions and limitations of each benefit program. A regular full-time employee shall be any employee, exempt or non-exempt, assigned to a full-time budgeted position by Commissioners Court. For the purpose of these Personnel Policies a regular full-time employee is one who is regularly scheduled to work (a) a minimum of 40 hours per week, (b) a schedule authorized by Section 7(k) of the FLSA, or (c) in a position that has otherwise been specifically designated as “full-time” by Commissioners Court.

The Patient Protection and Affordable Care Act (PPACA), signed into law March 23, 2010, uses a different definition of “full-time employee” for health insurance purposes. Generally, PPACA defines a full-time employee as one who averages 30 or more hours of service per week. In accordance with this law, an employee who qualifies under PPACA is eligible to participate in the County’s health insurance, subject to the terms, conditions and limitations thereof. However, the PPACA definition of a full-time employee is limited to health insurance and does not apply to any other benefit described in these Personnel Policies as being available to “a regular full-time employee” or to “regular full-time employees”. Further, the County’s compliance with PPACA’s definition of a “full-time” employee for health insurance purposes does not, standing alone, create a “full-time budgeted position” or “a position that has otherwise been specifically designated as ‘full-time’ by Commissioners Court” within the meaning of these Personnel Policies.

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. All regular part time employees must be placed on the Texas County & District Retirement System (“TCDRS”) retirement program 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) months or less and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. The County must define and document the season that the employee is being hired for and the anticipated time frame of employment. Seasonal employees can be either part time or full time, and qualification for health insurance through the County under the PPACA depends on the average hours worked during the applicable measurement period. 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 PPACA. 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 PPACA and are also not eligible to participate in the TCDRS program. Other County policies will dictate eligibility for other benefits.

Nothing in the foregoing description of employment categories changes a County's employee's status as an at-will employee.

4.02 INTRODUCTORY PERIOD.

All new regular full-time employees serve a 90-calendar-day introductory period.

In the event that the employee is terminated or resigns during the introductory period, he or she will not be paid for any accumulated leave. Completion of a new employee's introductory period does not alter his or her status as an at-will employee.

4.03 ASSIGNED STAFF.

Staff who are assigned to the County but are paid directly by another government or private organization are not employees of the County. These employees' benefits are specified in the contract for services. As a condition of their assignment, such staff are governed by all terms of these policies not in conflict with their contract for services.

5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT

5.01 PAY.

Pay for County elected and appointed officials and employees who are paid from County funds is set each year by the Commissioners Court in the adopted County operating budget. Rules governing salary administration and pay increases are also established by the Commissioners Court.

5.02 SALARY GRIEVANCES.

Appointed employees of the County have access to the chapter of these policies entitled **Grievances** for matters related to compensation.

The remainder of this section **applies only to elected officials**. An elected County or precinct officer (except a judge of a court of record or other official exempted by law) who is

aggrieved by the setting of his or her salary, expenses, or other allowances by the Commissioners Court may request a hearing before the Salary Grievance Committee. The Salary Grievance Committee is composed of:

The County Judge, who will be chairman of the Committee but who will not be entitled to vote; AND

1. The Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, District Clerk, County Attorney or Criminal District Attorney, and the number of public members necessary to provide nine voting members as appointed by the County Judge; OR
2. Nine public members, if the Commissioners Court votes on the second Monday in January each year to have nine public members.

Any request for a hearing must be in writing, must be submitted within five days after the date the officer receives notice of salary or personal expenses and must state the manner in which he or she is aggrieved, including the desired change in salary or personal expenses. A formal request must be delivered to the Chairman, the County Judge, who will announce the time and place of the hearing, which will be within ten days after the date the request is received.

If, after a hearing, the Committee by a vote of six to eight of its voting members decides to recommend a change in the salary or personal expenses of the person requesting the hearing, it will prepare its recommendation in writing and deliver it to the Commissioners Court, which will consider the recommendation at its next meeting.

If all nine members vote to recommend the requested increase in salary or pay and sign the recommendation, the Committee will deliver its recommendation to the Commissioners Court, and the Commissioners Court will include the increase in the budget before the budget is filed, and the increase will take effect in the next budget year.

5.03 PAYDAYS.

The pay period for the County is biweekly. Checks are issued every two weeks on Friday for each 14-day period ending at 12:00 midnight on the Saturday preceding the payday. If the payday falls on a County holiday, checks will be issued on the last working day preceding the holiday.

5.04 CHECK DELIVERY.

Paychecks will not be issued other than on the days set out above.

The Human Resources Director is responsible for the proper distribution of paychecks. Checks may be released only to the individual responsible for their proper distribution within a Department.

No salary advances or loans against future salary will be made to any employee for any reason.

An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) immediately to the attention of the Human Resources Director.

5.05 PAYROLL DEDUCTIONS.

Any deductions must be approved and authorized by the Commissioners Court. Deductions **will** be made from each employee's pay for the following:

- Federal social security;
- Federal income taxes;
- Court-ordered child support;
- Texas County and District Retirement System contributions (for regular full-time, regular part-time, and regular variable hour employees and eligible elected and appointed Department Heads); and
- Any other deductions required by law.
- In accordance with policies and general procedures approved by the Commissioners Court, deductions from an employee's pay **may** be authorized by the employee for:
 - The portion not paid by the County of group health/medical, dental, or vision premiums for the employee or dependents;
 - Supplemental deferred compensation;
 - U.S. Savings Bonds; and
 - Such other deductions as may be authorized by the Commissioners Court.

If there is a change in the employee's family status, address, or other factors affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the Human Resources Director the appropriate forms for communicating these changes.

The County expressly prohibits improper deductions from employee paychecks. If an employee contends that an improper deduction has been made, or has any questions regarding deductions from a paycheck, the employee should immediately bring the matter to the attention of the supervisor, Department Head or the Human Resources Director. See **Section 6.10 Fair Labor Standards Act Safe Harbor.**

5.06 PERFORMANCE-BASED INCREASES.

In any year in which the Commissioners Court sets aside funds for performance-based increases, those increases, based on a percentage of the employee's current salary, may be granted for exceptionally good and consistent performance in the same position. Performance-based increases are not used to recognize increased duties and responsibilities (a promotion) and are granted without regard to cost-of-living factors or longevity.

Such increases recognize outstanding performance and thus are granted only in conjunction with the supervisor's recommendation and a performance evaluation of the employee.

A performance-based increase is an advancement in pay to a higher pay classification in the same pay group and normally should not exceed two steps in pay classifications. A performance based increase should not increase an employee's salary beyond the maximum of the pay group for the position.

5.07 ACROSS-THE-BOARD PAY INCREASES.

During budget deliberations for the forthcoming year, the Commissioners Court may, in its discretion, authorize an across-the-board pay increase. When this is done, each salary amount on the pay schedule and each individual employee's salary are adjusted by the authorized increase, unless a specific employee's salary has been frozen from increase as a result of a determination that the employee is being paid beyond the maximum salary established for the position.

5.08 CLASSIFICATION PLAN.

The County maintains a classification plan which assigns each class of positions to a pay group based on the principle of equity among positions requiring similar knowledge, skills, and abilities and having similar levels of responsibility.

5.09 PAY PLAN.

Pay ranges for each group are established by a pay plan which is approved by the Commissioners Court.

5.10 PAY GROUP AND STEPS.

Within the general guidelines of the Pay Schedule and the budget, and subject to certain exceptions where the Pay Schedule does not apply (such as law enforcement employees covered by a collective bargaining agreement and the Auditor and Assistant Auditor), the Commissioners Court determines the appropriate pay group on the Pay Schedule to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the Pay Schedule is paid within maximums set in a budget approved by the Commissioners Court, and the District Court Judges set the salary for the Auditor and Assistant Auditors.

5.11 CLASSIFICATION AND PAY ADMINISTRATION.

A new employee covered by the Pay Schedule normally is hired on step one of the pay group to which the position is assigned. A new employee covered by the Pay Schedule may not be hired above step one without specific approval by Commissioners Court. In determining an employee's starting salary, the following factors will be considered:

1. The applicant's knowledge, experience, and education as they compare to the minimum qualifications for the job;
2. The applicant's previous salary;
3. If the employee is a re-hired employee of the County, the previous salary he or she earned prior to leaving employment as well as additional experience and knowledge gained; and
4. Any unusual external market factors affecting the job.

5.12 PROMOTIONS.

A promotion is a change in the duty assignment of an employee which results in advancement to a higher position requiring higher qualifications and involving greater responsibility. A promoted employee will always receive a pay increase of at least the amount of difference from one pay group to the next (approximately 10 percent).

Promotions are approved by the elected or appointed Department Head within the staffing pattern and budget limits authorized and approved for that Department by the Commissioners Court.

Upon promotion, an employee serves an introductory period of 90 days in the new position and may be returned to a lower position at any time during the introductory period if performance is inadequate.

5.13 LATERAL TRANSFERS.

A lateral transfer is the movement of an employee between positions in the same pay group within the County. Lateral transfers may be made within the same Department or between Departments and are subject to a 90-day introductory period. Lateral transfers may be requested by the employee or the elected official or Department Head to whose Department the employee will be transferred, and must be approved by the Commissioners Court. An employee will not receive a pay reduction when making a lateral transfer provided that the employee's current salary is within the range approved by the Commissioners Court for the transfer position. An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation and health leave.

5.14 DEMOTIONS.

A demotion is a change in duty assignment of an employee to a lower paid position. Demotions may be made for the purpose of voluntary assumption of a less responsible position; as a result of a reclassification of the employee's position; or as a disciplinary measure, because of unsatisfactory performance in a higher position. Disciplinary demotions always involve a decrease in pay.

5.15 APPROVING AUTHORITY.

The Commissioners Court is the approving authority for all payrolls and payroll transfers granted under the terms of (1) these policies, (2) the classification and pay plans, and (3) the annual budget. The appropriate elected or appointed Department Head approves performance-based pay increases provided that funds have been specifically set aside for that purpose by the Commissioners Court. Any performance-based increases granted by Department Heads must be consistent with (1) these policies, (2) the classification and pay plans, and (3) the annual budget; and the Department Head must notify the Commissioners Court of the change(s).

6.00 WORK SCHEDULE AND TIME REPORTING

6.01 WORK HOURS.

Normal working hours for most County employees are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek. Morning and afternoon breaks of 15 minutes each may be authorized by the responsible elected official or Department Head, but if authorized, this time does not accumulate if not taken, and this time cannot be used to alter an employee's work hours.

Elected officials and Department Heads may, within the limits of state and federal law, make adjustments to these schedules. The Commissioners Court encourages that offices remain open during the noon hour to serve the public better. Some employees may have their lunch hours staggered so that the County can provide this service.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule established.

6.02 NUMBER OF HOURS WORKED.

The Commissioners Court determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the County's budget.

6.03 OFFICIAL WORK WEEK.

The official work week for County employees, other than law enforcement personnel covered by a collective bargaining agreement negotiated and adopted pursuant to applicable law, is a seven-day workweek beginning at 12:01 a.m. on Sunday and ending at 12:00 midnight on the following Saturday.

6.04 EXEMPT AND NON-EXEMPT EMPLOYEES.

Exempt employees include all employees who are defined as exempt within the meaning of the Fair Labor Standards Act (“FLSA”) and are exempt from the overtime provisions of the FLSA. Generally, exempt employees are salaried employees whose employment duties or positions include, but are not limited to executive, administrative, or professionals, or other categories of exempt employees, as defined under the FLSA.

Non-exempt employees include all employees who are covered by the overtime provisions of the FLSA and are entitled to overtime pay in accordance with the FLSA. Generally, non-exempt employees are entitled to overtime for time worked in excess of 40 hours in a work week. Special provisions apply to non-exempt law enforcement employees and these provisions are specified in the applicable collective bargaining agreement or covered specifically under the FLSA.

Department Heads and other executive, administrative, and professional employees are exempt from the overtime provisions of the FLSA and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this condition in mind. During an emergency, or upon written approval by the County Judge, salaried, exempt employees may be paid for additional hours worked in excess of their normal work schedule, at their straight time rate of pay (salary/2080 hrs.)

If you have any questions regarding your classification as an exempt or nonexempt employee, please immediately direct your inquiry to the Human Resources Director.

6.04 (A) EMERGENCY CONDITIONS PAY POLICY.

When a State of Disaster or State of Emergency is declared and in effect in Chambers County by the President of the United States, The Governor of the State of Texas, or the County Judge of Chambers County, Texas, the following personnel provisions for all full-time employees of Chambers County shall take effect until such time as the State of Disaster or State of Emergency is terminated or otherwise declared ended by the Chambers County Judge:

Work or Duty Assignments

- All Full-time County employees of Chambers County are subject to mandatory duty, as assigned by the Judge, in accordance with the provisions of Texas Government Code Ch. 418, or their Director. This includes assignment to tasks, duties, supervisors or work locations other than those for which they routinely work.
- Refusal or failure to report for duty as assigned and/or performance of the tasks assigned shall constitute insubordination and/or abandonment of position and shall be subject that employee to disciplinary action including immediate termination.

Pay Provisions – Shall apply during the period of time

- All FLSA Non-Exempt, Full-time employees shall be paid for their normal 40-hr work week as their normal pay, including those who are excused from working for a period of time by the County Judge.

- All FLSA Non-Exempt, Full-time employees who are actually working (sweat hours) during the declared disaster or emergency period shall receive an additional pay amount equal to their normal hourly pay rate (straight-time) for those hours actually worked up to 40-hours.
- All FLSA Non-Exempt, Full-time employees who are actually working (sweat hours) during the declared disaster or emergency period, who exceed 40 hours of actual work time (sweat hours) during their work week, shall receive overtime pay at the rate of 1.5 times their normal hourly rate, for all hours in excess of 40.
- All FLSA Exempt, Full-time employees shall be paid for their normal 40-hr work week as their normal pay, including those who are excused from working for a period of time by the County Judge.
- All FLSA Exempt, Full-time employees who are actually working (sweat hours) during the declared disaster or emergency period shall receive an additional pay amount equal to their normal hourly pay rate (straight-time at annual pay/2080hrs) for those hours actually worked up to 40-hours.
- All FLSA Exempt, Full-time employees who are actually working (sweat hours) during the declared disaster or emergency period, who exceed 40 hours of actual work time (sweat hours) during their work week, shall receive overtime pay at the rate of 1.5 times their normal hourly rate, for all hours in excess of 40.

When a disaster or emergency has been declared, and the Emergency Conditions Pay Policy has been implemented; all full time employees (non-exempt and exempt) will also be paid at their straight time rate of pay for the holiday hours worked.

6.05 OVERTIME WORKED.

Overtime provisions for non-exempt law enforcement personnel shall be as specified from time to time in the applicable collective bargaining agreement. As for all other non-exempt employees, the policy of the County is to allow overtime or additional work hours only when required by the County in cases of emergencies or when specifically authorized in writing by the County Judge or Commissioners Court.

Time off due to sickness, vacation, or death in the family, Family and Medical Leave of Absence, military leave, and jury duty is not considered hours worked for purposes of computing overtime.

6.06 OVERTIME COMPENSATION.

Non-exempt employees outside of law enforcement are compensated for overtime worked by being given (listed in order of the County's policy preference):

1. Equal time off within the same work week; or
2. Accrued as comp time (accrued at the rate of one and one-half times the employee's regular hourly rate), up to a maximum of 240 hours; or
3. Payment at the rate of one and one-half times the employee's regular hourly rate, after the employee has reached the maximum allowable comp time balance.

Overtime provisions for non-exempt law enforcement personnel shall be as specified from time to time in the applicable collective bargaining agreement.

6.07 HOLIDAYS WORKED.

The County's basic policy is that each regular full-time employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular full-time employee is required to work on a scheduled holiday, he or she will be given an alternate day off, preferably within the same workweek or work period. (See **Section 9.02 Work During Holidays** for a more detailed discussion of this policy.)

A paid holiday is not considered as time worked for the purpose of determining when a non-exempt employee is entitled to overtime pay.

6.08 LEAVE OR HOLIDAYS TAKEN AND OVERTIME.

If a regular full-time non-exempt employee is required to work extra hours during a workweek in which he or she has used sick leave, vacation leave, or any other type of released time (including holiday time off), and the total hours worked do not exceed forty (40), the employee will be given either hour-for-hour time off during the same work week or pay for the extra hours at the employee's regular straight-time rate of pay. However, if the total hours worked during the work week exceed forty (40), the employee will be compensated at one and one-half times the regular rate of pay for the number of overtime hours worked. (See **Chapter**

Holidays for benefits allowable in "around-the-clock" situations when a holiday falls on a non-workday.)

6.09 TIME REPORTING.

Employees will keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the Human Resources Director.

Time records must be signed by the employee and by the appropriate elected official or Department Head. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

Each elected official or Department Head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the Human Resources Director for payroll purposes as well as being recorded on the individual Department's records.

If an employee has any questions regarding the recording of his or her time, the employee should immediately direct an inquiry to the employee's immediate supervisor, Department Head, or the Human Resources Director.

6.10 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 the Human

Resources Director's attention, the County will promptly make any corrections necessary. The following notice is hereby provided to all County employees:

Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll.

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

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. Your time worked should 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. If anyone directs you to work without documenting your time worked, you must tell the Human Resources Director.

It is a violation of County policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Human Resources Director at:

Chambers County Treasurer's Office
404 Washington Avenue
Anahuac, Texas 77514
(409) 267-2455 – telephone
(409) 267-3790 – fax

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

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social

security, retirement; or, voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of the County's written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

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

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

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 Human Resources Director referenced above. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney at:

Chambers County Attorney's Office
404 Washington Avenue
Anahuac, Texas 77514
(409) 267-2411 – telephone
(409) 267-8296 – fax

Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

6.11 NURSING MOTHER BREAKS.

The County supports nursing mothers and their practice of expressing breast milk and will make reasonable accommodations for the needs of employees who express breast milk.

The County will provide two paid 30 minute breaks daily for nursing mothers.

The mother will be given a private location, other than a multiple user 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 suspension or termination of, or discrimination against, nursing mothers for asserting rights under this policy.

7.00 BENEFITS

7.01 MEDICAL, PRESCRIPTION, DENTAL, LIFE, VISION AND LONG TERM DISABILITY INSURANCE.

Regular full-time employees are provided general medical, hospitalization, prescription, dental, life, vision and long term disability insurance. Employees may obtain coverage under the group plan for family members at their own expense. Employees regularly scheduled to work less than 40 hours per week, but more than the minimum required under federal law for health coverage, are eligible for health coverage only.

Employees who add dependents after their hire date will be required to provide reasonable proof of marriage or paternity as necessary to establish coverage. Dependent coverage may be established at the time of hire, during open enrollment or due to a qualifying event. Any questions regarding dependent coverage should be directed to the Human Resources Director.

7.02 DEFERRED COMPENSATION PLAN.

Deferred compensation plans are available through and administered by third-party administrators. Additional information is available in the Human Resources Director.

7.03 RETIREMENT.

The County is a member of the Texas County & District Retirement System (TCDRS). Regular full-time, regular part-time, and regular variable hour employees must become members of TCDRS and are eligible to participate in this program immediately upon employment. The County matches a minimum of 7% (varies every year) of gross salary toward retirement. An employee is eligible to retire after 8 years of service and attainment of age 60, age plus years of service equal 75, or at least 30 years of service at any age, an employee may draw full benefit after such time.

POLICY FOR RETIREES' HEALTH INSURANCE. Retired Chambers County Employees are eligible to receive County Health Insurance Benefits until eligible for Medicare/Medicaid or other similar government benefits on the same terms as active employees following voluntary termination of employment if the retired employee accumulated at least 8 years of uninterrupted credited service and attained the age of 60 at the termination of employment. This Policy is effective December 13, 1999.

After 8 years of uninterrupted credited service, a County employee under 60 is eligible to retain health, prescription, dental, life and vision insurance at his or her own expense upon voluntary termination of employment; at age 60, County will provide health benefits upon

same terms as active employee until employee is eligible for Medicare/Medicaid or other similar government benefits. This policy is effective January 1, 2000.

After 30 years of uninterrupted service, prior to age 60, the County will provide health insurance benefits, for a retiree, upon the same terms as an active employee for five years. The maximum paid Health Insurance benefit for any Retiree is five years. This policy is effective November 25, 2002.

This is not a contractual or vested benefit and this benefit may be changed, reduced or terminated at any time by vote of the Chambers County Commissioners Court.

7.04 SOCIAL SECURITY.

The County contributes to the social security system on behalf of every employee of the County.

7.05 WORKERS' COMPENSATION.

All employees of the County are covered by the workers' compensation insurance program, and the County pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide, on-the-job, work-related injuries. Detailed information about workers' compensation benefits is found in **Chapter 10.00 Health and Safety**.

7.06 UNEMPLOYMENT INSURANCE.

All employees of the County are covered under the Texas Unemployment Compensation Insurance program, and the County pays for this benefit. This program provides payments for unemployed workers in certain circumstances.

7.07 LEAVE TIME.

Regular full-time County employees are eligible for holidays, vacation leave, health leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in **Chapter 8.00 Leave Time** and **Chapter**

Holidays.

7.08 LONGEVITY PAY.

Some County employees may be eligible for Longevity Pay. Employees are eligible for Longevity Pay according to the following parameters:

1. Regular Full-time employees who are employed by the County for at least 4 consecutive years;
2. Longevity pay is set and published periodically by Commissioners Court, and is a set amount for each year of eligible employees' service;

3. This is taxable income;
4. If an employee resigns or is terminated during the year, they will not be entitled to the longevity pay;
5. If an employee retires during the year, they will be paid their longevity pay; and
6. Longevity pay will be paid in November of each year.

8.00 LEAVE TIME

8.01 DEFINITIONS.

- **Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid and is calculated hour for hour on a full day.
- **Holidays.** Holidays are days designated by the Commissioners Court when County offices are closed on what otherwise would be regular business days.
- **Unauthorized Absence.** An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or appropriate elected official or Department Head. Employees are not paid for unauthorized absences.

8.02 APPROVAL OF LEAVE.

Except as otherwise provided by law, all leave taken by County employees must be approved by the employee's supervisor and the appropriate elected official or Department Head. Copies of signed leave forms are sent to the Human Resources Director for recording on the central leave records. County payroll records are verified against these leave records.

Elected officials and Department Heads are responsible for determining that leave has been accrued and available for use in the amounts requested by an employee. In addition, they are responsible for ensuring that all vacation and health leave usage is recorded on the time sheet sent to the Human Resources Director for payroll purposes.

8.03 VACATION LEAVE.

All regular full-time employees are eligible to accrue paid vacation leave. County employees are encouraged to take regular vacations at least annually.

Regular full-time employees earn vacation leave according to the following schedule:

Years of Service

Vacation Days

After 1 year but less than 5 years	80 hours per year (10 days) lump sum on anniversary date
After 5 years but less than 10 years	120 hours per year (15 days) lump sum on anniversary date
After 10 years but less than 20 years	160 hours per year (20 days) lump sum on anniversary date
20 years and over	200 hours per year (25 days) lump sum on anniversary date

(CC approved 9/27/2011 effective 01/01/2012)

New County employees are ineligible for vacation leave benefits during their first year of employment. After completion of the first year of employment, 80 hours of vacation leave are credited to the employee's account.

Regular full-time employees not scheduled to work 40 hours per week, and regular part-time, temporary seasonal, regular variable hour and temporary part-time employees do not earn vacation leave.

Accumulation and Carryover of Vacation Leave. Employees are encouraged to use their accrued vacation leave each year as it is earned. Pay in lieu of vacation is not permitted. Vacation leave cannot be carried over from year to year. In an emergency situation, a carryover of five days (40 hours) may be permitted if approved by Commissioners Court by submitting a written request. Annually, on each employee's anniversary date, any vacation leave balance is reduced to zero without compensation and the employee's vacation leave account balance is credited in a lump sum with the appropriate amount of vacation leave for the upcoming year.

Payment for Unused Vacation Leave Upon Termination. When an employee leaves the service of the County, he or she will be paid for his or her accrued but unused vacation leave balance up to a maximum of 200 hours (25 days). The rate of pay will be determined by the salary rate in effect at the time of termination. Any employee who leaves County employment for any reason during the first year of employment will not be paid for vacation leave.

Scheduling Vacation Leave. Elected officials and Department Heads should encourage their employees to schedule vacations and request leave well in advance, and vacation schedules must accommodate the County's work schedule. Provided Departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired leave schedules conflict with County requirements, the County's requirements are given first consideration.

Department Heads must maintain vacation leave records for their employees and must report such leave to the Human Resources Director.

Vacation leave will not be included in overtime pay calculations.

8.04 SICK LEAVE.

A regular full-time employee with accrued sick leave may use it if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child(ren), or any other relative of the employee who resides in the employee's household and is dependent on the employee for care.

Accrual of Sick Leave. An employee who is employed on a regular full-time basis and who has completed 91 days of full-time employment accrues sick leave at the rate of eight (8) hours per month. Regular full-time employees scheduled to work less than 40 hours per week, and regular part-time, temporary seasonal, regular variable hour and temporary part-time employees are not eligible for sick leave.

Where applicable, the appropriate number of hours of sick leave are credited to an employee's account during the month of which their 91st day of employment falls. Thereafter, an employee receives their sick leave hours on the first day of each month until the employee has reached the maximum.

Use of Sick Leave. If an employee is absent with permission because of illness during the first month of employment, the missed number of hours' pay will be subtracted from the employee's regular pay before a paycheck is issued. Sick leave may be taken in increments of one or more hours.

Notification Requirements. Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance. In all other instances of use of sick leave, the employee must notify his or her supervisor or the appropriate elected official or Department Head before the time the employee is scheduled to report to duty on the first day of absence, unless emergency conditions exist, and must request that approval of sick leave be granted. Some Departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as their reasons for leaving have been accomplished.

Medical Statement. When an employee is absent due to illness for three or more consecutive work days, an elected official or Department Head may request an employee to furnish, and the employee must provide upon request, written verification by a physician of

medical disability precluding availability for duty or written medical certification by a physician that the employee is released for work and is fit for duty. The medical certification form is available from the Human Resources Director.

Maximum Accumulation of Sick Leave. Sick leave not used by employees during the year in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 240 hours (6 weeks). Once an employee has reached the maximum of 240 hours, he or she does not accrue additional sick leave unless or until his or her sick leave account falls below the 240 hours maximum.

Exhaustion of Sick Leave. An employee who has exhausted earned sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.

Illness While on Vacation Leave. When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly. Application for such substitution must be supported by a medical certificate or other acceptable evidence.

Cancellation Upon Termination. Unused sick leave is canceled upon termination of employment, without compensation to the employee.

In the case of retirement or death of an employee who was hired prior to the effective date of these policies, the employee, or the employee's estate, whichever is appropriate, will receive a lump-sum payment for any unused "frozen" sick leave available to the employee, up to a maximum accrual of 480 hours. There will be no payment at retirement or death of unused sick leave that has not been designated as "frozen."

Sick leave will not be included in overtime pay calculations.

8.04 (A) SICK LEAVE DONATION POLICY.

Pursuant to Sections 157.071 - 157.075 of the Texas Local Government Code, the County has established a program to allow certain employees to transfer sick leave time to a sick leave pool, from which an enrolled employee member, facing catastrophic injury or illness, may draw when the employee has exhausted all the accrued paid leave and compensatory time to which the employee is entitled.

The County has adopted the following rules and prescribed the following procedures and forms relating to the sick leave pool program ("SLPP"):

Participation. Participation in the SLPP is voluntary. However, enrollment in the SLPP is a condition for benefit eligibility, and retrospective enrollment is not allowed. Therefore, interested employees are encouraged to enroll in the SLPP as soon as possible so that sick leave pool benefits may be available to them in the event of an unexpected catastrophic injury or illness.

Regular full-time employees (scheduled to work at least 40 hours per week) are eligible to participate in the SLPP if they have completed at least twelve (12) months of continuous employment with the County, and have become members by enrolling as provided below.

Enrollment. An eligible employee must donate at least eight (8) hours of accrued sick leave time to become an enrolled member of the SLPP. A donation of sick leave time can be made by an employee only in one of the following enrollment periods:

1. Within thirty (30) calendar days after attaining a balance of at least eighty-eight (88) hours of accrued sick leave;
2. During the calendar month of December each year; or
3. During the period of a donation drive as called for by the SLPP Administrator.

In a fiscal year an eligible employee may transfer to the SLPP not less than one day (8 hours) or more than five days (40 hours) of accrued sick leave time.

A donation of sick leave hours to the pool requires approval by the SLPP Administrator. Upon approval, the SLPP Administrator shall credit the pool with the amount of time contributed by the employee and shall deduct the same amount of time from the amount to which the employee is entitled, as if the employee had used the time for personal purposes.

Donations to the SLPP cannot cause an employee's personal accrued sick leave balance to fall below eighty (80) hours. Therefore, an employee must have a balance of at least eighty-eight (88) hours of accrued sick leave at the time of donation.

Pursuant to Section 157.074(c) of the Texas Local Government, an employee who is terminated or who resigns or retires may donate not more than ten (10) days (80 hours) of accrued sick leave time to the SLPP to take effect immediately before the effective date of termination, resignation, or retirement. However, in the absence of such donation, nothing herein changes the County policy cancelling unused sick leave (other than certain "frozen" sick leave) upon termination of employment without compensation to the employee.

Vacation hours may not be donated to the SLPP.

Donations. To contribute time to the SLPP, an employee must submit an application to the SLPP Administrator. Sick leave hours donated to the SLPP become the property of the SLPP, and a donating employee no longer has any further claim to hours donated.

Once an employee enrolls in the SLPP, the employee remains a member until the employee terminates his or her full-time employment in the County. Upon termination, an employee or employee's estate shall have no claim to any hours in the SLPP, including the hours donated by the employee and any unused sick leave from the SLPP approved for the use of the employee by the SLPP Administrator.

Employee Withdrawal of Sick Leave from the SLPP. An employee is eligible to use sick leave pool hours if:

- Because of a catastrophic injury or illness the employee has exhausted all the accrued paid leave and compensatory time to which the employee is otherwise entitled;
- The employee is enrolled in the SLPP; and
- The SLPP Administrator approves the use of sick leave pool hours.

An eligible employee must apply to the SLPP Administrator for permission to use time from the SLPP. If the SLPP Administrator determines that the employee is eligible, the SLPP Administrator shall approve the transfer of time from the pool to the employee. The SLPP Administrator shall credit the time to the employee, and the employee may use the time in the same manner as sick leave earned by the employee in the course of employment.

An eligible employee may not use time in the SLPP in an amount that exceeds the lesser of (1) the hours needed to cover the employee's absence due to the catastrophic injury or illness, (2) one-third of the total amount of time in the pool, or (3) 180 days. The SLPP Administrator shall determine the exact amount that an eligible employee may use.

Applications to use time from the SLPP are on a first come, first served basis.

An employee absent on paid sick leave assigned from the SLPP is treated for all purposes as if the employee were absent on earned sick leave.

SLPP hours may not be used for any period of workers' compensation leave, regardless whether the workers' compensation leave is paid or unpaid.

SLPP hours can only be used for covered catastrophic illnesses or injuries of eligible employees, and cannot be used to care for family members with catastrophic illnesses or injuries.

Catastrophic Injury or Illness. A catastrophic illness or injury is defined as a terminal, life-threatening, or other severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed healthcare practitioner for a prolonged period of time and that forces the employee to exhaust all accrued leave time (sick leave and other compensatory time) and to lose compensation from the County.

A licensed healthcare practitioner is a licensed healthcare practitioner, as defined by the Texas Insurance Code, who practices within the scope of his or her license.

All events that qualify for Family and Medical Leave Act/Military Family Leave (FMLA/MFL) may not qualify as a catastrophic illness or injury for the purpose of the SLPP; however, a catastrophic illness or injury for the purpose of SLPP may qualify as FMLA/MFL Leave. If an employee is eligible for FMLA/MFL in connection with the absence for which sick leave pool hours are used, all days away from work for which benefits from the sick leave pool are used must be counted against the employee's FMLA/MFL Leave entitlement.

SLPP Administrator. The County's Human Resources Director has been designated by the Commissioners Court to administer the SLPP.

In addition to the other duties described herein, the SLPP Administrator shall monitor the SLPP and its balance of sick leave and may seek additional voluntary donations or implement temporary withdrawal restrictions if deemed necessary to maintain a balance sufficient to serve the current and expected future needs of the member employees.

Procedure and Forms. An employee seeking to withdraw sick leave hours from the SLPP must submit a written request for withdrawal to the SLPP Administrator on a form approved by the County. The SLPP Administrator will review the request and accept or reject it within fourteen (14) days of receipt of the request.

The SLPP Administrator may require certification from a licensed healthcare practitioner to support the request. In addition, the SLPP Administrator may require a release to obtain medical information related to the employee's request. Failure to provide the requested certification or to cooperate fully in the process by providing a requested release may result in denial of SLPP benefits. All medical information received by the SLPP Administrator shall be treated as confidential.

If the employee is unable to submit the withdrawal form, certification or release due to illness, injury or disability, the employee's family or elected official or department head may submit the paperwork on the employee's behalf. Employees must fully exhaust all of their own accrued sick leave and compensatory time prior to withdrawing any sick leave hours from the SLPP.

If the SLPP Administrator determines that the employee is eligible and accepts the request for sick leave time from the SLPP, the SLPP Administrator shall approve the transfer of time from the pool to the employee. The SLPP Administrator shall credit the time to the employee, and the employee may use the time in the same manner as sick leave earned by the employee in the course of employment.

Discontinuation of the SLPP. The Commissioners Court reserves the right to amend, change or discontinue this policy at any time upon such terms it determines to be in the best interest of the County.

8.05 MILITARY LEAVE.

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

Fifteen days is measured by federal fiscal year (October 1 through September 30).

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

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

8.06 CITIZENSHIP LEAVE.

Regular full-time employees (scheduled to work at least 40 hours per week) are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. Citizenship leave will not be included in overtime pay calculations.

Regular full-time employees scheduled to work less than 40 hours per week, and regular part-time, temporary seasonal, regular variable hour and temporary part-time employees are not paid for citizenship leave.

Employees must notify the appropriate supervisor prior to taking civil leave. When an employee has completed civil leave, he or she must report to the County for duty for the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday.

8.07 FAMILY AND MEDICAL LEAVE/MILITARY FAMILY LEAVE.

An employee should provide the County at least 30-days' notice before the FMLA/MFL leave is to begin if the leave is foreseeable. If 30-days advance notice is not feasible or the leave is unforeseeable, the employee should give notice of the need for FMLA/MFL leave as soon as practical under the facts and circumstances of the situation. It is the employee's responsibility to request FMLA/MFL leave, but the County reserves the right to designate FMLA/MFL leave. Department Head and elected officials or their designees should advise the Human Resources Director of the potential need for FMLA/MFL leave by an employee. The Human Resources Director will notify a Department Head or elected official that an employee has been placed on or been approved for FMLA/MFL leave and of the duration of the FMLA/MFL leave.

Eligible Employees. Employees are eligible for FMLA leave if they: 1) Have worked for the County for at least 12 months in the last 7 years; 2) Have worked at least 1,250 hours for the County during the 12 calendar months immediately preceding the request for leave; and 3) Are employed at a work site that has 50 or more employees within a 75-mile radius.

Employees with any questions about their eligibility for FMLA leave should contact the Human Resources Director for more information.

Eligible Circumstances. For FMLA, employees who meet the eligibility requirements described above are eligible to take up to 12 weeks of unpaid leave during any 12-month period for one of the following reasons: 1) to care for the employee's son or daughter during the first 12 months following birth; 2) to care for a child during the first 12 months following placement with the employee 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 ("covered relation") with a serious health condition; or 4) because of the employee's own serious health condition that renders the employee unable to perform an essential function of his or her position.

A married couple both working for the County may take a combined total of 12 weeks leave during any 12-month period if taken for the birth or adoption of a healthy child. However, each spouse is entitled to 12 weeks individually if leave is taken for another qualifying reason or if the newborn or adopted child has a serious health condition.

Military Family Leave. Under the MFL, there are three types of leave available: 1) a qualifying exigency leave; 2) leave to care for a covered service member; or 3) 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).

Qualifying Exigency Leave. Employees may also be eligible for FMLA leave for "qualifying exigencies" relating to certain foreign military deployments involving an employee's spouse, child or parent. Any questions regarding a "qualifying exigency" should be directed to the Human Resources Director.

Military Caregiver Leave. Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is either a current member of the Armed Forces (Regular, Reserve or National Guard) or a veteran of the Armed Forces (Regular, Reserve, or National Guard). Any questions regarding a "military caregiver leave" should be directed to the Human Resources Director.

Calculation of 12-Month Period. The 12-month period for eligibility for leave is calculated on an individual employee basis in a uniform manner for all employees. The 12-month period is measured forward from the date any employee's first Family and Medical Leave Act (FMLA) leave begins.

Definition of Family Members. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in the place of a parent. The child must be under 18 years of age or an individual 18 years of age or older who is incapable of self-care because of a mental or physical disability. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

Limitations/Restrictions. Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the County. However, leave for serious health conditions — either of an eligible family member of the employee or the employee — may be taken intermittently or on a reduced schedule if medically

necessary, provided the other conditions of these policies are met.

Temporary Transfer. If the employee's request for intermittent leave is foreseeable based on planned medical treatment, the County may require the employee to transfer temporarily to an alternative position, with equivalent pay and benefits, that better accommodates recurring periods of leave.

Maximum Duration. The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave period is paid or unpaid. If an employee has accrued sick, vacation, or personal leave on the books at the time the FMLA leave commences, the employee must exhaust those balances, excluding frozen sick leave, before being eligible for unpaid FMLA leave. An employee who has frozen sick leave may elect to use such paid leave during FMLA leave. Once the employee's leave balances have been exhausted, the County will then provide enough unpaid family leave to total 12 weeks. During the unpaid portion of an employee's family leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.

Notice. In the case of leave for birth or placement of a child, an employee must provide at least 30 days' advance notice before the date on which the leave would begin. If the employee is unable to provide 30 days' notice, he or she must provide as much notice as is practicable, usually within one or two business days of the date the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the County's operations. The same advance notice requirements apply.

Certification of Condition. An employee requesting a paid or unpaid leave of absence for extended illness or temporary disability must submit to the Department Head (1) a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties or (2) a statement that the employee is needed to care for a spouse, parent, or child, with the expected length of the recuperation period or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition. In addition, the employee must also provide the Department Head with a written statement from the employee concerning his or her intentions about returning to work at the County. An employee on family leave must contact his or her supervisor at least once each workweek unless another schedule satisfactory to the County has been established in writing and signed by the Department Head and the employee. The County may also require subsequent recertifications as reasonably needed. Failure to provide required medical status reports or to contact the office on the schedule required by the Department Head is grounds for disciplinary action.

Second, Third Opinions. The County may require a second opinion, and, if conflicting, a third opinion from a health care provider as to the need for and scheduling of family leave. The second and third opinions, if sought and obtained by the County, will be paid for by the County and will be obtained from independent health care providers who are not employed by the County. If a third opinion is necessary, the third opinion obtained is final.

Return to Work/Assurances. After completion of an approved family leave period, an

employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. Regardless of whether the family leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period. However, should the employee decide, at any time after family leave begins, that he or she will not return to work at the County, the employee must reimburse the County for health coverage premiums paid by the County on behalf of the employee during the family leave period unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This is subject to certification.

Retention of Benefits. An employee on family leave does not lose any previously accrued seniority or employment benefits, but does not earn any leave credits or other benefits during the unpaid portion of the leave. After returning to work from a family leave that has been extended to six months or more, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time the employee was on unpaid family leave. The adjusted date will be used for the purpose of calculating leave accrual and any other benefits based on longevity.

Summary of Act. The County has posted a summary of the Family and Medical Leave Act on its central bulletin board for employees' information.

FMLA Leave to run concurrent with other paid leave. Employees utilizing FMLA leave must first exhaust any other available leave, which shall run concurrent with, and count against, the employee's leave under the Act.

Request for Extension of Family and Medical Leave. If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the family and medical leave provisions of these policies, any extension requested will be considered under the terms set out in the **Section 8.08 Other Leaves of Absence Without Pay**. Employees should read the referenced section carefully and understand the differences between these two types of leaves before requesting an extension.

Documentation. All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files and is accessible to a limited number of persons only on a "need-to-know" basis.

8.08 OTHER LEAVES OF ABSENCE WITHOUT PAY.

Leave of absence without pay is an approved absence from duty in a non-pay status for not more than six months unless an extension is approved by the Commissioners Court. Extensions of leave, including using this type of leave to extend family and medical leave beyond the 12-week limit, may be authorized by the Commissioners Court in no more than one-month intervals, and a careful review must be conducted prior to authorizing any extension. The reason(s) for granting the extension must be documented in writing in the employee's personnel or medical file, as appropriate.

Except as may otherwise be provided by law, granting a leave of absence without pay is at the discretion of the elected or appointed Department Head, and is not guaranteed. Requests are subject to many factors, including but not limited to Department staffing needs, availability of temporary support, and other factors. In addition, leave extensions may not be authorized unless there is a reasonable expectation that the employee will return to employment with the County at the end of the approved period; approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel or medical file, as appropriate. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs or by these policies. Medical, dental and life insurance can be continued if the employee pays the premiums (including the County's portion) in full in a timely manner. The County's insurance company may limit the length of time the medical benefits may be continued.

Revocation of Leave Without Pay. A leave of absence without pay may be revoked upon receipt of evidence submitted that the reason for granting the leave was misrepresented, or has ceased to exist.

Authorized Reasons for Leave Without Pay. A leave of absence without pay may be appropriate for the following reasons:

- Military service (see also the section on this type of leave);
- Recovery from extended illness or temporary disability, including using leave without pay in lieu of or to extend the allowable 12-week period of family leave; pregnancy is treated in the same manner as any other extended illness or temporary disability (see also **Section 8.07 Family and Medical Leave/Military Leave**);
- Educational purposes when successful completion will benefit the County;
- Public service assignments;
- Seeking public office;
- Personnel exchange programs which emphasize intergovernmental relations;
- Reasonable accommodations under the Americans with Disabilities Act, if applicable, and appropriate under the circumstances; or
- Any other reason approved by the Commissioners Court which, in the judgment of the Commissioners Court, merits a leave of absence without pay.

Conditions. An employee requesting an unpaid leave of absence must provide the elected or appointed Department Head and the Commissioners Court with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed. In addition, the employee must

furnish the County with a written statement from the employee concerning his or her intentions about returning to work at the County. In determining whether or not to approve the request for leave without pay, the Department Head or the Commissioners Court will consider the employee's length of service with the County and past performance, the Department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

Reporting Requirements. An employee on extended leave must contact the appropriate County supervisor at least once each week to report on his or her status unless another schedule is agreed to in writing. Failure to provide required medical status reports or to contact the office on the schedule required by the County may result in the County revoking the leave and taking disciplinary action up to and including dismissal.

Documentation. A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave will be prepared by the Department Head, the Commissioners Court, or designee and placed in the employee's personnel or medical file, as appropriate.

Return to Work After Leave Without Pay. Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity.

At the expiration of an authorized leave of absence without pay, a reasonable effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits. (See also **Section 8.07 Family and Medical Leave/Military Leave** for specific provisions relating to leave of absence for those purposes.)

8.09 EMERGENCY LEAVE.

Up to three days per year of paid emergency leave may be granted to a regular full-time employee by an elected official or Department Head in the event of (1) a death in the employee's family, or (2) life-threatening illness of a member of the employee's immediate family who requires the employee's personal care and attention. For purposes of emergency leave, family includes spouse, child, parent, brother, sister, grandparents, or grandchildren of an employee or an employee's spouse. It also includes any person living in the employee's household who is dependent on the employee for care. The length of time granted for a specific emergency leave must be approved by the appropriate elected official or Department Head in advance (where practical) and will depend on the circumstances. The terms of and reasons for the leave must be documented and filed in the employee's personnel file.

8.10 INJURY LEAVE.

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, please see **Chapter 10.00 Health and Safety**.

8.11 USING LEAVE IN COMBINATION.

An employee who is requesting extended leave to extend family and medical leave beyond the 12-week limit must exhaust all of his or her accrued sick and vacation leave in order to be considered for leave without pay. Use of appropriate leave balances may be required as a condition of other leaves of absence without pay. A request for this type of leave without pay must be approved in advance by the Commissioners Court.

If an employee is sick or temporarily disabled for non-work-related reasons, and he or she exhausts accrued sick leave, the County will automatically begin applying any accrued vacation leave credits unless notified differently by the employee.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the appropriate elected official or Department Head, other types of leave may be used in combination or coupled with holidays if it is determined to be in the best interests of the County and the employee.

8.12 DONATING VACATION LEAVE TO ANOTHER EMPLOYEE.

Any regular full time employee wishing to donate his or her vacation leave to another employee must meet the following criteria:

- He or she has vacation leave available. An employee may only donate the same number of days for which he or she has available.
- He or she is related by blood or adoption to the person receiving vacation as immediate family.
- For the purpose of donating vacation, immediate family is defined as an employee's parent, spouse, child or sibling also employed by the County.

An employee wishing to use another employee's vacation leave must meet the following criteria:

- He or she must be related to the person donating vacation leave as immediate family by blood or adoption.
- He or she has used their entire accrued vacation leave and experienced a catastrophic accident or illness. Catastrophic for the purpose of donating vacation leave is defined as a serious, unexpected illness or accident requiring long term rehabilitation.

8.13 ABANDONMENT OF POSITION AND NEUTRAL ABSENCE CONTROL POLICY.

Unauthorized absence from work for a period of three consecutive working days will be considered by the elected official or Department Head as a resignation. Unless the County official determines otherwise, the resignation is not in good standing and the employee is not eligible for reemployment.

8.14 EMERGENCY SERVICES LEAVE.

Upon the approval of the appropriate elected official or Department Head, a regular full-time employee may be granted temporary leave with pay to provide an emergency response as an emergency medical volunteer or volunteer firefighter, not to exceed 10 hours per month.

9.00 HOLIDAYS

9.01 GENERAL POLICY.

Paid holidays are established each year by the Commissioners Court. A regular full-time employee, including one who has not completed at least 90 days of employment, is entitled to one personal holiday during a 12-month period. A list of holidays approved by the Commissioners Court for the current year, specifying days of the week and dates, may be obtained from your Department Head or the County judge's office.

If an elected official chooses to close their office and send employees home on a non-recognized County holiday, the employee must take vacation or comp time.

Regular full-time employees scheduled to work less than 40 hours per week, and regular part-time, temporary seasonal, regular variable hour, and temporary part-time employees are not paid for holidays not worked.

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

Whenever an approved legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following, as determined by the Commissioners Court.

9.02 WORK DURING HOLIDAYS.

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts in an "around-the-clock" operation. Any elected official or Department Head who finds it necessary to do so may direct some or all employees of the Department to report for work on any holiday.

When a regular full-time nonexempt employee is required to work on a holiday, he or she will be compensated in one of the following ways:

1. Paid at the straight time rate of pay for the holiday hours worked and granted the same number of hours off on an alternate workday; or

2. Paid at the straight time rate of pay for the holiday hours worked and paid an additional day's pay at the regular, straight-time hourly rate.

This policy applies regardless of the number of hours the employee works during the holiday week.

For certified law enforcement officers and certified jailers, the handling of work during holidays shall be as provided from time to time in the applicable collective bargaining agreement.

9.03 HOLIDAYS FALLING ON NON-WORKDAYS.

Whenever a legal holiday on the current year's list of approved holidays falls on a regular full-time employee's regular day off and the employee does not work that day, he or she will be paid his or her regular salary amount for the pay period involved, and will receive either another day off in lieu of the holiday or an additional day's pay at the regular, straight-time hourly rate.

9.04 HOLIDAY DURING VACATION.

If an official holiday falls within a regular full-time employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

10.00 HEALTH AND SAFETY

10.01 SAFETY POLICY.

It is the policy of the County to make every effort to provide healthful and safe working conditions for all of its employees. Refer to the County's Accident Prevention Plan for additional information and requirements.

10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS.

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor immediately, but at least within 24 hours. The elected official or Department Head in charge is responsible for filing a written accident report immediately with the environmental health and safety director.

The following rules are designed to promote the safety and well-being of County employees and are to be observed by employees at all times:

- No employee may engage in horseplay, wrestling, or practical joking while on duty or operating County equipment;
- Employees should maintain awareness of potential dangerous situations that may cause injury to themselves, fellow employees, or the public;
- Employees must report immediately to their supervisors any conditions that in

- their judgment threaten the health or safety of employees or the public;
- An employee who is unable to perform his or her duties safely due to illness must promptly notify his or her supervisor; and
 - Employees must immediately seek proper first aid treatment for all on-the-job injuries, including minor injuries, and must immediately report all injuries to their supervisor unless emergency circumstances exist.

Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

10.03 EMPLOYEE SUGGESTIONS.

Employees are encouraged to make suggestions to their supervisors for improvements that would make the County workplace safer or more healthful.

10.04 ON-THE-JOB INJURIES.

ACKNOWLEDGMENT OF PARTICIPATION IN THE POLITICAL SUBDIVISION WORKERS COMPENSATION ALLIANCE (PSWCA) DIRECT CONTRACTING PROGRAM. County employees acknowledge they have received information that informs them of the County's election to utilize the Political Subdivision Workers Compensation Alliance (Alliance) and how to obtain health care if the employee sustains a work related injury/illness.

Each County employee is required to sign the following statement: "If I am injured on the job, I understand that:

1. I must choose a treating doctor from the list of contracted providers provided by my employer or obtain the list myself from www.pswca.org.
2. I must go to my treating doctor for all health care related to my injury. If I need a specialist, my treating doctor will refer me. If I require emergency care, I may go anywhere.
3. Making a false or fraudulent workers' compensation claim is a crime that may result in fines and/or imprisonment.
4. Additional information regarding the Alliance is available on TACRMP's website at www.County.org."

Medical Attention. An employee who sustains a bona fide, on-the-job, work-related injury may seek medical attention from a provider as described above. The County encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work. As determined by the Commissioners Court, at the County's expense, an employee may be required to submit to examination by an independent physician.

Insurance. The County provides workers' compensation benefits for all of its employees. This program provides medical expenses and a weekly payment if an employee is absent

from work because of a bona fide, on-the-job, work-related injury for more than one week. All workers' compensation claim forms must be submitted to the Human Resources Director's office immediately for appropriate action to be taken.

Statutory Benefits. Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include compensation payments; medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s); or death benefits. Please contact the Human Resources Director regarding the timing, amount and potential duration of benefits.

Exclusion. Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God in certain limited circumstances (i.e., assigned to official duty during a hurricane, lightning storm, etc.), or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

Initiation of Injury Leave. An employee who is put on leave for a bona fide, on-the-job, work-related injury will be provided with a copy of the County's policy on "On-the-Job Injuries" prior to or as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by the Commissioners Court.

Compensation. If a regular full-time employee sustains a bona fide, on-the-job, work-related injury which renders him or her unfit for performing the duties of the job, that employee may elect to supplement his or her workers' compensation payments with sick or vacation leave payments from the County, provided that the employee has adequate accrued sick or vacation leave. The supplemental sick or vacation leave check from the County will be in an amount that, when added to the workers' compensation payment, equals the employee's regular "take home" pay. The employee must sign a leave request form to exercise this option.

Commissioned Law Enforcement Officers will be placed on salary continuation, and their pay will be governed by the Collective Bargaining Labor Agreement.

An employee receiving workers' compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

Continuation of Group Medical Insurance for Employee or Dependent. To continue medical insurance for the employee or the employee's dependent(s) when the employee is on injury leave and no longer receiving a regular County paycheck, the County will continue to pay the County's portion of the employee's medical insurance for a period of time not to exceed the greater of the employee's remaining FMLA leave entitlement or 90 days following the employee's injury. Thereafter, the employee must pay both the employee's and the County's portions of these insurance premiums to the County on the schedule established by the Human Resources Director in order to maintain coverage.

Reporting Requirements. While on leave because of a bona fide, on-the-job, work-related injury, each time the employee sees the physician for consultation or treatment, he or she

must provide a progress report to the Human Resources Director's office, who in turn will submit the report to the Commissioners Court.

Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the Human Resources Director's office. A copy of any medical status report will be sent to the County's Risk Manager by the Human Resources Director. In addition, the injured employee must contact his or her supervisor periodically to report on his or her condition.

Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the elected official or Department Head is grounds for revoking the employee's leave and for taking disciplinary action.

Duration of Injury Leave. The maximum duration of occupational disability or injury leave is three months unless an extension is authorized by the Commissioners Court. Requests for extension must be initiated and submitted in writing by the employee. The employee must complete the request for extension form available from the Human Resources Director and must submit with the request for extension, a complete medical certification form, also available from the Human Resources Director. Requests for extension may be authorized after careful review by the Commissioners Court in no more than a one-month increment at a time and up to an additional three months, for a maximum of six months leave (except as otherwise provided by law). A new request for extension and medical certification must be completed for each extension.

Maximum duration of occupational disability or injury leave is governed by the County's FMLA and leave policies.

Termination of Injury Leave. Injury leave with pay may be terminated at any time without prior notice. Evidence that an employee is able to return to work and has not done so will be submitted to legal and medical advisors prior to terminating the leave.

Return to Service. A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing as well as any limitation(s) must be received by the County before an employee may return to work.

All employees on injury leave must report to work after approval of either the employee's attending physician or an independent physician paid by the County. Failure to return to work when directed will result in appropriate disciplinary action, up to and including discharge.

The employee's supervisor must notify the Human Resources Director upon the employee's return to duty so that the Human Resources Director may resume recordkeeping for purposes of payroll, benefits, and leave and length-of-service accruals.

Temporary Light Duty Status. During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the County can use the employee's limited services for a

temporary period of time. If no acceptable light duty assignment can be found, the employee will be placed on inactive status until released by the physician to return to his or her previous job.

An employee who is able to return to work in light duty status does so on a temporary basis and is a temporary employee and may be required to work in a different Department and perform duties not contained within his or her current job duties. A light duty assignment cannot exceed 90 days. In addition, the employee may receive workers' compensation payments in a reduced amount.

Inactive Status. At the end of the initial three-month period after the injury, an injured employee unable to return to regular duty will be placed on inactive status unless an extension of injury leave is expressly authorized by the Commissioners Court. At the time the employee is placed on inactive status, the Department Head is free to hire or promote a temporary replacement. This policy will not interfere with any FMLA or ADA rights that an employee may have.

Temporary replacements may be used for a period of three months. If at the end of that three-month period the injured employee remains unable to return to work, the temporary replacement may become a regular employee.

When the injured employee has reached maximum recovery, the County may consider the employee for employment in a capacity for which the employee is qualified, if a position is available.

Total Disability/Retirement. A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the Human Resources Director, in consultation with the Commissioners Court, will make the necessary arrangements for the employee's retirement under the "disability retirement" clause of the coverage provided by the County's retirement plan.

Reasons for Termination of Employment During Injury Leave. An employee may be terminated while on leave for an on-the-job injury for the following:

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician;
2. Failure to accept a "light duty" assignment;
3. Failing to follow prescribed treatment including medical appointments;
4. Participating in activities which, according to the County's medical and legal advisor, justify termination because they are injurious to recovery or they do not aid in healing; and
5. Other lawful reason.

Return to Work. The employee must furnish the County with a certificate from the employee's physician stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s). The County will then evaluate the employee's physical condition and determine whether he or she can perform the duties of the job previously held. If (a) the employee cannot perform his or her previous duties, or (b) no vacancy exists, or (c) no other suitable position is available, and (d) a reasonable effort has been made to place the

employee in a suitable position, then he or she will be separated and paid accrued benefits. If the employee is separated from County employment at this point, the Human Resources Director's office will:

1. Send him or her a certified, return receipt requested, letter;
2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from County employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.

10.05 DRUG-FREE WORKPLACE.

The following policy has been adopted to implement the County's desire to establish itself as a Drug-Free Workplace:

"It is the Policy of County that the manufacture, distribution, dispensation, possession, sale or use of illegal drugs or alcohol by employees while on duty or in behalf of the County is prohibited. The County's goal is to establish and maintain a work environment that is free from the effects of abuse or misuse of any type of drug or alcohol. Consequently, employees are prohibited from being at work or acting in the scope of their employment with the County while impaired by alcohol or with illegal or illicit substances present in their systems, or on their persons, in County vehicles or on County premises. This policy incorporates any off duty use or misuse of illegal or illicit substances that result in a positive drug test pursuant to these procedures. Chambers County maintains a ZERO tolerance policy and violators will be terminated."

The County has established a separate and more detailed Policy for Drug and Alcohol Detection and Deterrence, which is furnished to each employee of the County. As set forth in more detail in that document, the County conducts testing for the presence of illegal drugs or alcohol in the following circumstances:

- Pre-employment for all positions;
- Reasonable suspicion;
- Post-accident depending on the circumstances;
- Return to duty in identified safety impact positions;
- Transfer or promotion into identified safety impact positions; and
- Randomly in identified safety impact provisions.

An employee who tests positive for illegal drugs or alcohol above defined limits, or who fails or refuses to submit to and cooperate in required drug/alcohol testing, is subject to termination.

For additional information employees should consult the County's Policy for Drug and Alcohol Detection and Deterrence, that is distributed to all employees and is available on the County's Intranet, and which sets forth in detail the applicable provisions of the County's Drug-Free Workplace program.

11.00 USE OF COUNTY PROPERTY

11.01 GENERAL POLICY.

The County attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

11.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES.

Employees who are assigned tools, equipment, vehicles, or any other County property by their Departments are responsible for them and for their proper use and maintenance. Repairs to vehicles must be done under the direction of the elected official or Department Head to whose Department the vehicle has been assigned.

No personal or political use of any County property, materials, supplies, tools, equipment, or vehicles is permitted. If an employee is in doubt about a circumstance, he or she must check with the appropriate elected official or Department Head before proceeding. Violations of this policy may result in discharge and possible prosecution.

11.03 VALID DRIVER'S LICENSE.

All operators of County vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle and to keep the Department Head or elected official informed of any changes in status of their licenses. Elected officials or Department Heads will periodically check the driving records of all employees who operate County vehicles or are required to use their personal vehicle to conduct County business. Failure to maintain a safe driving record may result in disciplinary action. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation.

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or discharge.

11.04 VEHICLE INSURANCE.

The County maintains up-to-date insurance coverage on all vehicles owned by the County. Elected or appointed officials or employees who drive a personal vehicle on County

business are required to provide the Human Resources Director with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Failure to do so may be grounds for disciplinary action up to and including discharge.

11.05 ACCIDENT REPORTING.

Any employee operating County equipment or vehicles must report all vehicular accidents and property damage or liability claims to his or her supervising elected official or Department Head and to the appropriate law enforcement authorities immediately, or, in the case of injury to the employee, as soon as the employee is able.

Each vehicular accident, no matter how minor, must be reported to appropriate law enforcement authorities so that an official accident report can be filed. The Department Head or elected official in charge of the Department must notify the Human Resources Director's office of the accident on the day of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday.

A copy of any accident report involving County equipment or vehicles must be forwarded to the Commissioners Court as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

11.06 USE OF COUNTY CREDIT CARDS.

Credit cards are issued to authorized employees by their supervising elected official or Department Head, who will monitor use of the credit cards and will submit documentation of usage to the County Auditor's office at the end of each month.

12.00 DISCIPLINE

12.01 GENERAL.

Employees of the County serve "at will" and, within the provisions of state and federal law regarding public employment, can be dismissed at any time, with or without notice for any reason or no reason. Some of the actions that may result in discipline include, but are not limited to, the following:

- Insubordination;
- Absence Without Leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- Endangering the Safety of the Employee or Other Persons through negligent or willful acts;
- Use of Alcohol or Illegal Drugs while on duty or in a County vehicle;

- Alcohol or Drug Abuse while on duty which may affect the performance or safety of the employee or other persons;
- Involvement with Alcohol or Drugs in the workplace in violation of the County's Drug-Free Workplace Policy;
- Unauthorized Use or Theft of Public Funds or Property;
- Conviction of a felony;
- Conviction of Official Misconduct, oppression, or perjury;
- Falsification of Documents or Records;
- Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- Unauthorized or Abusive Use of Official Authority;
- Violation of the Harassment Policy;
- Incompetence or Neglect of Duty;
- Disruptive Behavior which impairs the performance of others; or
- Other Violation of any of the Requirements of these Personnel Policies or any Departmental policies not in conflict with these policies.

12.02 PROGRESSIVE DISCIPLINE.

An elected or appointed Department Head may take disciplinary action, including dismissal, against an employee at any time. The severity of the discipline depends upon the nature of the infraction. The County may use progressive discipline, although the County reserves its right to bypass any step of progressive discipline, depending upon the severity of the misconduct, and the applicable circumstances.

The progressive discipline system is as follows:

- Oral Warnings with records of each warning maintained by the appropriate elected official or Department Head;
- Conference with Elected Official or Appointed Department Head, employee, and supervisor, with a written summary of the conference to be prepared by the supervisor, with one copy to the employee and one copy to the employee's personnel file;
- Written Reprimands which the employee's supervisor must in all cases cause to be transmitted through the elected official or Department Head to the employee's personnel file;

- Reduction in Pay without demotion;
- Suspension from duty, with or without pay, for up to 30 days and renewable after informal review of the circumstances. After initial suspension from duty, each additional 30-days suspension from duty will require Commissioners Court approval.
- Demotion; or
- Separation by involuntary dismissal.

Actions other than oral or written warnings require the advance approval of the appropriate elected official or Department Head unless an emergency situation exists.

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal, see the following sections of this manual relating to **Separations**.

13.00 SEPARATIONS

13.01 TYPES OF SEPARATIONS.

All separations of employees are designated as one of the following types:

- Resignation;
- Retirement;
- Reduction in Force;
- Dismissal;
- Disability; or
- Death.

13.02 RESIGNATION.

An employee who intends to resign is requested to notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the appropriate elected official or Department Head immediately.

13.03 RETIREMENT.

The same notice requirements for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

See the Texas County and District Retirement System's brochure for additional information on retirement. For Chambers County's Policy for Retirees' Health Insurance (see **Section 7.03 Retirement**).

13.04 REDUCTION IN FORCE.

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance record of each employee, (3) qualifications of the employee for remaining positions with the County, and (4) the employee's length of service with the County.

13.05 DISMISSAL.

The County operates under the legal doctrine of "employment-at-will" and, within requirements of state and local law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. The County has the right to change these policies at any time, without prior notice to employees.

13.06 DISABILITY.

In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the County to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the County, the employee will be separated from employment with the County.

(See **Chapter 10.00 Health and Safety** for details on occupational disability resulting from bona fide, on-the-job, work-related injuries.)

13.07 DEATH.

If a County employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

13.08 EXIT INTERVIEWS AND RECORDS.

Reason(s) for a separation are stated in writing, signed by the appropriate elected official or Department Head, and except in unusual or emergency circumstances, initialed by the employee on the County's exit interview form. The elected official or Department Head of an employee who is separated will discuss with the employee the reason(s) for the separation in an exit interview whenever possible (see "Dismissal" section in this manual for additional requirements in the event of an involuntary dismissal). The elected official or Department Head also must sign the exit interview form. The exit interview record is important and may be instrumental in determining the County's liability, or lack of liability, for unemployment insurance costs.

13.09 CONTINUATION OF GROUP INSURANCE.

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA), as amended, allows certain individuals the option of continuing their group health and dental insurance, at the individuals' full expense, under specified conditions, beyond the date on which it would otherwise terminate. Insurance information from the County's group insurance carrier is given each employee at the time of employment and explains these options under the County's carrier at the time the employee is hired. Later revisions in group insurance coverage are explained in subsequent insurance information distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the Human Resources Director's office of any change in family status – separation, divorce, or a child becoming eligible or ineligible for dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for County-supplemented group insurance, the County will provide an "Insurance Coverage Continuation Form" to be completed by the appropriate person(s). In order to qualify for continued coverage, specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child.

If the affected person's payment for continuation of group health insurance is not received by the 10th of the month, the County will notify the insurance carrier that the payment was not received. If this occurs, the County will neither pay the person's premium nor enter into payment arrangements for this coverage.

14.00 GRIEVANCES

14.01 POLICY.

It is the policy of the County, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right.

A grievance may be filed by an employee on one or more of the following grounds: improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves); unfair treatment; unlawful harassment, retaliation, or discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin, good faith complaint under the County's Whistleblower policy, or any other protected class or activity; improper application of fringe benefits; or improper working conditions.

The County follows a progressive grievance procedure which ensures employees who have satisfied the introductory period due process in the County's consideration of their work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

14.02 FINAL AUTHORITY.

Grievances can be appealed through the employee's supervisor to the appropriate elected official when an elected official is the Department Head. If the Department Head is appointed by the Commissioners Court, the matter may be appealed to the Commissioners Court, whose decision is final.

If the grievance alleges either discrimination on one of the prohibited grounds or unlawful harassment, and the matter is not resolved to the employee's satisfaction at the Department Head level (whether the Department Head is elected or appointed), the employee is required to notify the Commissioners Court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or Department Head.

14.03 PROCEDURE.

The following procedures are applicable to employees. For procedures to be followed in the event of a grievance by an elected County official, see Chapter 149, Sec. 152.014, Local Government Code.

Informal Grievances. The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

Formal Grievances. Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another County employee of his or her choosing provided that the employee chosen has not been an employee representative in any other grievance proceeding within the previous 12-month period.

After being presented with a written and signed grievance, the supervisor will (1) meet with the employee and such other persons as may be necessary to gather the facts; (2) notify the elected official or Department Head; (3) attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and (4) communicate the decision to the employee in writing within 10 working days after receipt of the grievance, sending a copy of the proposed resolution to the elected official or Department Head.

If an employee whose supervisor is someone other than the elected official or Department Head either receives no written resolution from the supervisor within 10 working days from the date the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the elected official(s) or Department Head within 10 working days. The elected official(s) or Department Head will review the facts and the file, and will investigate the charges personally or through a committee or a

designated person; and the person(s) conducting the investigation will meet with the parties involved. The elected official(s) or Department Head will respond in writing to the employee within 10 working days of the date the appeal was received in the elected official's or Department Head's office.

If the Department Head is appointed by the Commissioners Court, and the employee either receives no written resolution from the Department Head within 10 working days from the date the grievance was appealed to the appointed Department Head, or if the employee is not satisfied with the appointed Department Head's proposed resolution of the matter, the employee must file a written appeal with the Commissioners Court within 10 working days. The Commissioners Court will then review the facts and the file and conduct an investigation if deemed appropriate before rendering a decision in the matter. The Commissioners Court's decision is final.

Documentation. Copies of all documentation relating to the grievance will be forwarded to the Human Resources Director's office immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

Grievances Relating to Unlawful Harassment or Discrimination. Any employee may file a grievance related to alleged unlawful harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability, whistleblower retaliation, or any other protected class or activity. The initial written grievance may, at the employee's option, be submitted directly to the elected official or Department Head, or to the County Human Resources Director, as appropriate. In such an instance, to allow adequate time for investigation by the appropriate authority, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.

If a grievance alleging either discrimination on one of the prohibited grounds or unlawful harassment is not resolved to the employee's satisfaction at the Department Head level (whether the Department Head is elected or appointed), the employee is required to notify the Commissioners Court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or Department Head.

Requirement for Appeal if Dissatisfied. If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal presumes that the employee is satisfied with the latest resolution.

15.00 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS

15.01 JOB DESCRIPTIONS.

The Commissioners Court establishes and periodically reviews an official job description for each position in the County.

15.02 DISTRIBUTION.

The job description for each employee's position will be (1) given to the employee, (2) reviewed by the employee, and (3) placed in the employee's personnel file along with a signed certification statement that the employee has reviewed it. In addition, each employee is given a copy of the job description to keep.

15.03 REQUESTS FOR CLARIFICATION.

In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position which he or she occupies.

15.04 EMPLOYEE PERFORMANCE EVALUATIONS.

Written performance evaluations of each County employee are to be conducted pursuant to the County's **Performance Evaluation Handbook**.

16.00 PERSONNEL FILES

16.01 GENERAL.

Personnel records, except medical records, are maintained in the Human Resources Director's office or his or her designee. Medical records are filed in a confidential file maintained by the Human Resources Director or his or her designee.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are excepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the Human Resources Director or an employee authorized to do so by the Human Resources Director.

Each employee may choose whether the County discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the Human Resources Director.

An employee or his or her representative designated in writing may examine the employee's personnel file upon request during normal working hours at the County offices.

Employees must inform the Human Resources Director of any changes in or corrections to information recorded in their individual personnel files such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

16.02 PERSONNEL ACTION FORM.

The Personnel Action Form is the official document for recording and transmitting to the personnel file each personnel action. This form is used to promote uniformity in matters affecting:

- Employment Category;
- Position Title and Classification;
- Pay Group and Rate; and
- Other Actions Affecting the Employee's Status.

The Personnel Action Form is completed on the employee's first day of work and is updated when there is any change in his or her status which relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file, and a copy is given to the employee each time an action occurs.

16.03 CONTENTS OF PERSONNEL FILES.

Elected officials and Department Heads must provide, in writing, appropriate payroll and employee information to the Human Resources Director's office as a condition of hiring or promoting a person into a budgeted position. An employee's official personnel file may contain at least the following:

- An employment record form summarizing the employee's history with the County;
- I-9 form;
- W-4 form;
- A copy of the employee's application for employment;
- A copy of the court order for appointees;
- A copy of the employment offer letter and acceptance; (if any)
- Signed copies of the employee's acknowledgments of having received a copy of the Personnel Policies Manual and any other policy-related materials;
- Employee's job description(s) (if any);

- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- Change in Status Forms;
- Retirement application, including supplemental death policy;
- Leave application forms;
- Records of any citations for excellence, awards for good performance, or job-related training/ education;
- Records of disciplinary action(s);
- Performance evaluations;
- Copies of any grievances and related materials;
- Any other pertinent information having a bearing on the employee's status; and
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing.

16.04 LEAVE RECORDS.

Official records of vacation leave and sick leave accrual and of leave usage are kept for each employee by the Human Resources Director or his or her designee. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled.

17.00 TRAVEL AND REIMBURSEMENT OF EXPENSES

17.01 GENERAL POLICY.

The policy of the County is that employees are to be fully reimbursed for necessary and reasonable job-related expenses incurred in the authorized conduct of County business, including business-related travel. Except in cases involving in-County use of a personal vehicle, employees must receive prior approval from the appropriate elected official or Department Head before travel which involves reimbursable expenses. The request should include an estimate of costs to be incurred. All travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the Department's budget. In some cases, the County may prepay such expenses as registration fees, hotel costs, or airline or other public transportation costs directly to the entity involved.

Employees should be conscientious in their use of County funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses.

Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.

All travel and expense reports must be submitted within forty-five (45) days of the incurred expense. Expenses not timely submitted may not be reimbursed.

17.02 OUT-OF-COUNTY TRAVEL.

Travel by County employees outside the County in which the employee is stationed is permissible provided that it is authorized in advance by the appropriate elected official or Department Head and does not exceed budgetary limitations. Advances or reimbursement for travel are based upon the most economical conveyance that is reasonably available. When private automobiles are used for travel, reimbursement is allowed on the basis of actual mileage traveled or tourist class air fare, whichever is less. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is unallowable except when less-than-first-class air accommodations are not available.

In cases where a rental car is used, employees must choose the optional insurance coverage; the County will pay for the insurance cost.

County officials and employees who receive automobile allowances are provided these allowances for travel within the County. In the event one of these officials or employees is required to travel outside the County, he or she is entitled to reimbursement for actual expenses for such trip(s) provided the travel was authorized.

All travel and expense reports must be submitted within forty-five (45) days of the incurred expense. Expenses not timely submitted may not be reimbursed.

17.03 SUBSISTENCE EXPENSES.

Employees engaged in necessary and authorized travel in the conduct of County business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct the business for the County. Reimbursable subsistence expenses will generally be for food, registration, lodging, telephone calls, parking, tolls, taxi, and reasonable gratuities. Receipts or other documentation acceptable to the County Auditor must accompany any request for reimbursement.

All daily food reimbursements require an itemized meal receipt. The daily maximum limit for meal expenses will be the per diem rate, which will be from time to time set by Commissioners Court in accordance with the applicable law. County will pay for a per diem for each day of the event, plus one (1) travel day.

Employees must submit proof of attendance for a qualifying event for all travel and reimbursement expenses. Acceptable documents include a copy of a certificate of attendance, copy of the printout of the employee's continuation education credits, copy of seminar materials received, copy of a sign in sheet, original name tag or attendance letter from the association or business sponsoring the event.

Employees must submit proof of mileage when submitting travel and reimbursement expenses. Acceptable documents include a copy of a MapQuest printout or similar document showing the mileage actually traveled.

All travel and expense reports must be submitted within forty-five (45) days of the incurred expense. Expenses not timely submitted may not be reimbursed.

17.04 PERSONAL VEHICLE.

Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official County business, reimbursement will be at the same rate as the IRS allowable rate. Employees are expected to report the shortest distance between points of departure and destinations for all travel. Travel between an employee's residence and the County offices are not eligible for reimbursement.

All travel and expense reports must be submitted within forty-five (45) days of the incurred expense. Expenses not timely submitted may not be reimbursed.

17.05 TRAVEL AND EXPENSE REPORTS.

The County will reimburse employees for reasonable travel expenses approved by the Department Head/Supervisor, in amounts authorized by Commissioners Court. Overnight travel expenses will be reimbursed on a per diem basis, in an amount approved by Commissioners Court. As soon as an employee returns from a trip, or at least within forty-five (45) days of the travel, he or she must complete an expense report form documenting any actual expenses incurred on the trip which were not prepaid directly by the County to the entity involved. The County will issue a reimbursement check to the employee for allowable out-of-pocket expenses. All reimbursements must be approved by the appropriate elected official or Department Head and must be within the Department's budget.

17.06 EXCEPTIONS.

Employees or officials who receive monthly automobile allowances are not eligible for per-mile reimbursement for travel within the County.

Employees who travel in a County-owned vehicle will be reimbursed for the documented actual cost of fuel, oil, or other expenses related to the safe operation of the vehicle. When two or more officials or employees travel in a single automobile, only one employee will receive per-mile or other automobile reimbursements.

Conference registration checks will be made out only to the organization sponsoring the conference.

Depending on unforeseen or special circumstances of attending a conference or seminar, additional travel expenses may be approved by Commissioners Court.

All travel and expense reports must be submitted within forty-five (45) days of the incurred expense. Expenses not timely submitted may not be reimbursed.

17.07 PROHIBITED EXPENDITURES.

Costs of personal entertainment, spouse's expenses, amusements, social activities, alcoholic beverages, traffic citations, or illegal activities are not allowable for reimbursement.