

**PERSONNEL POLICIES  
FOR  
COUNTY OF VICTORIA**

**ADOPTED BY  
COMMISSIONERS' COURT**

**BENJAMIN L. ZELLER, COUNTY JUDGE  
DANNY E. GARCIA, JR., COMMISSIONER  
KEVIN M. JANAK, COMMISSIONER  
GARY BURNS, COMMISSIONER  
CLINT C. IVES, COMMISSIONER**

**NOTICE TO EMPLOYEES  
OF  
VICTORIA COUNTY**

The policies set forth in this manual do not constitute a contract between the County of Victoria and any of its employees, but rather are intended as guidelines for personnel administration.

The County of Victoria is an "at will" employer and within provisions of state and federal law regarding public employment can dismiss employees at anytime, with or without notice, for any reason or no reason at all and employees are free to resign their position at any time for any reason or no reason at all.

The County of Victoria has the right to change these policies at any time, without prior notice to employees.

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

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COUNTY OF VICTORIA

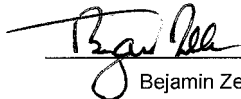
Dear County Employee:


On behalf of your department, the Commissioners' Court, and the citizens, welcome to the County of Victoria. The purpose of County government is to serve the public. As public servants, the objective of County employees is to provide the best possible service to the citizens of our county in a fair, efficient, and a courteous manner.

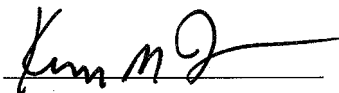
Conduct on the job and the manner in which duties are completed are subject to the public eye. Contacts made by employees with the public are sometimes the only basis on which they judge the County government. As an employee you are required to do your job to the best of your ability.


Again, welcome. We are pleased you have chosen to become an employee of the County.


Sincerely,

  
\_\_\_\_\_  
Bejamin Zeller  
County Judge

  
\_\_\_\_\_  
Danny E. Garcia, Jr.  
Commissioner Precinct 1

  
\_\_\_\_\_  
Kevin M. Janak  
Commissioner Precinct 2

  
\_\_\_\_\_  
Gary Burns  
Commissioner Precinct 3

  
\_\_\_\_\_  
Clint C. Ives  
Commissioner Precinct 4



## **1.00 GENERAL POLICIES**

### **1.01 AUTHORITY**

**1.01.01** These policies are established by the Commissioners' Court, the governing body of the County of Victoria (County), and any deletions, amendments, revisions, or additions to the policies must be approved by that body. Oral or written interpretations or clarifications of the policies will only be issued by the Commissioners' Court.

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

### **1.02 SEVERABILITY**

**1.02.01** The provisions of these policies are severable, and if any provision or part of the 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**

**1.03.01** The Commissioners' Court of the County, in coordination with Victoria County officials, is responsible for the formulation and administration of personnel policies and procedures.

### **1.04 PURPOSE**

**1.04.01** These policies set forth guidelines governing employment in the County and inform employees of the benefits and obligations of employment with the County. These policies have been prepared to provide general information only.

All employees are at will and, as such are free to resign at any time with or without reason. The County, likewise, retains the right to terminate employment at any time with or without reason or notice, regardless of the stated frequency for payment of wages or salary (per month, per year etc). No action to the contrary will be binding on the County unless placed in writing and formally approved by the Commissioners' Court. Nothing in these policies is intended to be nor should be construed as a guarantee that employment will be continued for any period of time.

### **1.05 APPLICABILITY OF PERSONNEL POLICIES**

**1.05.01** These personnel policies apply equally to all employees of the County unless a class of employees is specifically exempt by these policies or by written agreement with the County.

**1.05.02** 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 DISSEMINATION OF PERSONNEL POLICIES**

**1.06.01** The Commissioners' Court maintains the official set of personnel policies with all revisions for reference by employees. Each employee will be given a complete set or access to a complete set on the first day of employment. A copy of amendments, revisions or new policies will be provided to employees through the distribution of paychecks. In addition, each department head will maintain a complete set and copies of subsequent revisions. Notwithstanding anything to the contrary, if a question arises about a particular policy, the official set of policies maintained by the Commissioners' Court will control.

**1.06.02** Every employee is required to sign an acknowledgment of receipt of these policies. Employees are required to read, or have read to them, this manual carefully and to adhere to the rules and regulations stated.

**1.07 EQUAL EMPLOYMENT OPPORTUNITY**

**1.07.01** 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, religion, color, disability, national origin, or gender.

**1.07.02** The County will make reasonable accommodation for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

**1.07.03** The County prohibits retaliation or discrimination against any employee for reporting an unlawful or discriminatory employment practice, or for participating in an investigation of an allegation of discrimination. Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of their supervisor or Director of Administrative Services. Anyone found to be engaging in unlawful discrimination will be subject to disciplinary action, including termination of employment

**1.08 HARASSMENT**

**1.08.01** The County prohibits any form of harassment in the work place. It is the County's intent to comply with Title VII of the Civil Rights Act of 1964. The Civil Rights Act of 1991, as amended, and guidelines issued by the Equal Employment Opportunity Commission (EEOC) concerning discrimination based on sex or gender. Harassment includes many forms of offensive behavior. Harassment is conduct focused on a person or group of persons including, physical or verbal abuse, and unwelcome activity of a sexual nature, retaliation, as well as any behavior or action which interferes with an individual's ability to perform assignments or which creates a hostile or intimidating environment. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including immediate termination.

**1.08.02** The following, though not all-inclusive, is a list of various types of harassment:

1. Verbal Abuse - any language that degrades or berates others, including, but not limited to, racial, religious, or sexual comments, jokes, sexual innuendoes, or threats of any kind.
2. Physical Abuse - includes touching, hitting, slamming, throwing, kicking or threatening another person, including restraining by force or blocking the path of another.

3. Interference or Hostile Environment - any behavior or action which interferes with an employee's ability to perform work assignments or which results in or creates a hostile or intimidating work environment.
4. Sexual Harassment - Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature when:
  - (1) submission to or rejection of such conduct by an individual is made either explicitly or implicitly as a term or condition of an individual's employment.
  - (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
5. Retaliation - any adverse action or threat of adverse action taken or made because an individual has exercised or attempted to exercise any rights under state or federal employment laws or under the policies of the County.

**1.08.03** Any employee who feels they have been or are being harassed should immediately inform the harasser that the conduct is unwelcome, must stop immediately and must not be repeated. If the harassment continues the employee should immediately notify their supervisor or their department head.

All complaints of harassment shall be in writing. If, for any reason, the employee feels that reporting the harassment to the supervisor or department head may not be the best course of action, the report should be made to the County Judge or another member of the Commissioners' Court or the Director of Administrative Services. The failure to file a written report shall be strong evidence that no sexual harassment has occurred.

**1.08.04** All written reports of harassment will be treated seriously. As much as possible, confidentiality will be maintained with respect to the harassment complaint and only those who need to know about such complaint will be advised of its existence. No employee will be subject to any form of retaliation or discipline for reporting a valid harassment complaint.

**1.08.05** The department head or official to whom a claim has been reported will be responsible for seeing that prompt action is taken to investigate the claim. Once the investigation is complete, the employee making the claim will be notified of any actions which are to be taken.

**1.08.06** Conduct or actions which arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect will not be viewed as harassment.

**1.08.07** Reporting or failing to report claims in accordance with the procedures given in this policy will in no way limit other legal recourse an employee may have in regard to harassment charges.

## **1.09 PERSONS WITH DISABILITIES**

**1.09.01** 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 the County operations.

**1.10 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS**

**1.10.01** These personnel policies will be amended or revised, or new policies will be added, at any time, with or without notice, upon the approval of the Commissioners' Court. A copy of amendments, revisions or new policies will be provided to employees.

**1.10.02** Employees are encouraged to make constructive suggestions for improvement in these policies. Any employee who wishes to suggest a personnel policy change shall submit his or her suggestion(s) to the department head who may forward the information to the Commissioners' Court along with the reasons for requesting the change. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

**1.11 DEFINITIONS**

**1.11.01 Employee**

For the purposes of these policies, "employee" includes regular full time, regular part time, and temporary individuals who are listed on the County's payroll. Employee does not include persons hired under consulting contracts, persons paid by a temporary employment service, or participants in governmental programs unless those participants are also on the County's Payroll.

**1.11.02 County of Victoria**

For the purposes of these policies, "County of Victoria" or "County" means the County of Victoria as authorized by the Texas Constitution. Operations include the Courthouse complex: courthouse, tax office, county jail and other county buildings, as well as county service centers, county park, regional airport and city/county health department.

**1.11.03 Presiding Officer**

For the purposes of these policies, "presiding officer" means the county judge, the presiding officer of the Commissioners' Court.

**1.11.04 Official**

For the purposes of these policies, "official" means an elected or appointed official of the County.

**1.11.05 Chain of Command**

For the purposes of these policies, "chain of command" means the order in which individual employees are responsible to a supervisor designated by the appropriate elected or appointed official.

**1.11.06 Department Head**

For the purposes of these policies, "department head" means an elected or appointed official or person appointed by the Commissioners' Court to serve as the head of a department of the County.

**2.00 EMPLOYEE RESPONSIBILITIES**

**2.01 GENERAL**

**2.01.01** The County is a public, tax-supported governmental entity. Its employees must adhere to high standards of public service that emphasize professionalism, 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 efficiently perform the work items assigned as their responsibility, and to do their part in maintaining good relationships with the public, their supervisor, and other employees and officials.

**2.02 PROFESSIONAL APPEARANCE**

**2.02.01** Employees of the County are hired to provide services to its citizens and to perform specific tasks in a professional manner. As representatives of the County, employees are required to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. Employees will maintain standards of personal grooming as dictated by their position and/or department head.

**2.03 TIMELINESS AND ATTENDANCE**

**2.03.01** 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 department head.

**2.03.02** Failure to report within the required period set by the department head may be considered justification for disallowing paid leave for an absence. Unless otherwise approved by the department head, 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 will be approved by the department head. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination.

**2.04 OUTSIDE ACTIVITIES**

**2.04.01** Employees will not engage in any outside employment, business activity, or enterprise determined by the department head (1) to be inconsistent or incompatible with employment with the County; or (2) to affect the employee's job performance adversely.

**2.04.02** If a County employee is injured on the job while in the course of employment outside his or her employment with the County, the employee may not file a workers' compensation claim against the County for benefits related to the injury and is excluded from health benefits which arise out of or in the course of employment for wages or profit with any other employer.

**2.05 GIFTS AND GRATUITIES**

**2.05.01** A County employee will not solicit or accept any gift (including a 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. County employees may not engage in any activity, practice or conduct which conflicts with, or appears to conflict with the interest of the County.

**2.06 CHAIN OF COMMAND AND COMMUNICATIONS**

**2.06.01** Individual County employees are responsible to their department head or supervisor designated by the department head. Directions regarding work to be done, expected results, and the adequacy of work performance follow the chain of command.

**2.07 TELEPHONE USE**

**2.07.01** County employees may not place personal-long-distance telephone calls on county telephone equipment unless the charges will be billed directly by the telephone company to the individual's personal account.

**2.08 INDEBTEDNESS TO THE COUNTY**

**2.08.01** The County will not issue a paycheck to a county employee if the employee is indebted to the county.

**3.00 EMPLOYMENT PRACTICES**

**3.01 RESPONSIBLE AGENT FOR APPOINTMENT**

**3.01.01** The official or department head for each department is responsible for the selection and length of tenure of their employees within their overall comprehensive budget.

**3.02 METHODS OF RECRUITMENT AND SELECTION**

**3.02.01** The department head determines the method to be used in filling each vacancy which may include (1) promotion from within; (2) lateral transfer from within; or (3) public announcement or competitive consideration of external and internal applicants for employment.

**3.03 QUALIFICATIONS**

**3.03.01** It shall be the responsibility of each department head to establish the minimum required knowledge, skills, and abilities for each staff position, and the acceptable levels of experience and training for each.

**3.04 AGE REQUIREMENTS**

**3.04.01** Age limitations will be applied only as required by specific state or federal law applicable to the County.

**3.05 APPLICATION FOR EMPLOYMENT**

**3.05.01** When a specific vacancy exists, each person desiring employment or a transfer with the County shall follow the method determined by the department head. Methods may include but are not limited to, notification to the department head, a completed application or submission of a resume.

**3.05.02** In the case of applicants for positions which require driving a vehicle, once an offer of employment has been made, the department head or administrative services department must check the prospective employee's driving record prior to authorizing the employee to drive a county owned vehicle.

**3.06 CONSIDERATION OF CURRENT EMPLOYEES**

**3.06.01** As positions become available with the County, the department head may notify the Administrative Services Department if employees will be permitted to apply for any position for which they consider themselves qualified. Current employees will be given the same consideration as all other applicants during the interview and selection process.

**3.07 EMPLOYMENT OF RELATIVES (NEPOTISM)**

**3.07.01** Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel is prohibited by state law.

**3.07.02** No person shall be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to their official.

<b>CONSANGUINITY KINSHIP CHART</b>			
	<i>1st</i>	<i>2nd</i>	<i>3rd</i>
	Parent	Sister/Brother	Great Grandchild
<i>Official</i>	<b>Child</b>	<b>Grandchild</b>	<b>Niece/Nephew</b>
		<b>Grandparent</b>	<b>Aunt/Uncle</b>
			<b>Great Grandparent</b>

<b>AFFINITY KINSHIP CHART</b>		
	<i>1st</i>	<i>2nd</i>
	Parent	Sister/Brother
<i>Official's Spouse</i>	<b>Child</b>	<b>Grandchild</b>
		<b>Grandparent</b>

**3.08 TESTING**

**3.08.01** Department heads will determine tests administered for employment or promotion. Tests will be specifically job-related ("piece-of-the-job") tests (e.g., operating equipment, word processing, operating a computer, lifting something heavy required in the job, tabulating columns of numbers, or writing samples).

Reasonable accommodations will be made to applicants with a disability, if a request for such accommodation is made by the applicant in advance of a test.

**3.08.02** Please refer to the County's Drug and Alcohol Use and Testing Policies Program document for detailed information about required testing for pre-employment or if reasonable suspicion exists that an employee is using or abusing illegal drugs or alcohol.

**3.09 PHYSICAL STANDARDS**

**3.09.01** Medical records relating to the medical condition, medical testing, or drug testing of an employee or a prospective employee are maintained separately from employee personnel files. These medical files are kept in separate files in the Administrative Services Department or by the custodian of record designated by the department head, are confidential, and are not

released to anyone unless a "need to know" has been clearly established. Only the Director of Administrative Services or the custodian of record has access to employee medical records.

### **3.10 VERIFICATION OF ELIGIBILITY TO WORK**

**3.10.01** In order to comply with the Immigration Reform and Control Act of 1986, each new employee is required to complete and sign an INS Form I-9 on his or her first day of employment to provide proof of his or her identity and employment eligibility.

### **3.11 DRIVING RECORD**

**3.11.01** Every County employee who is required to drive a county vehicle on County business must maintain a safe driving record. For this reason, the County shall check a prospective employee's driving record in a capacity which requires operating a county vehicle, and may recheck an employee's driving record as needed after employment in such a capacity.

### **3.12 DISQUALIFICATION**

**3.12.01** An employee may be disqualified for 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 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. Is not able to perform the essential functions of the position, with or without reasonable accommodation; or
7. Has failed to produce, within three days of employment, original legal document(s) that establish identity and employment eligibility.

### **3.13 ORIENTATION AND TRAINING**

**3.13.01** Before an individual begins performing his or her actual duties, he or she will be given a brief orientation on County policies by the Director of Administrative Services or his or her designated representative. The purpose of the session is to enable a new employee to understand his or her job better and to understand the relationship of the job to the overall operation of the County of Victoria. During the orientation, employees are given a copy of or access to the County of Victoria Employee Handbook, and must sign a statement of acknowledgment of receipt and understanding of the County "at will" policy.

**3.13.02** Employees will receive on-the-job training as needed under the supervision and direction of their department head.



## **4.00 TYPES OF EMPLOYMENT**

### **4.01 CATEGORIES**

**4.01.01** There are three categories of employment with the County.

1. Regular Full Time. A regular full time employee is appointed to an authorized position that involves, on the average, 40 work hours per week. Regular full time employees may be either hourly or salaried.
2. Regular Part Time. A regular part time employee is appointed to an authorized position that involves, fewer than 40 work hours per week. Part time employees may be either hourly or salaried.
3. Temporary. A temporary employee is an employee hired to work in a position that is not expected to last for an extended period of time. Temporary employees may be either hourly or salaried, and may be required to work full time or part time.

**4.01.02** Employees who terminate employment with the County are not eligible for employment with the County for ninety (90) days of the separation of employment.

**4.01.03** All employees regardless of category are at will, and employees may be terminated without cause at any time.

**4.01.04** Regular part time employees may or may not accrue benefits. Detailed information is found in the sections of the manual under the main headings, Benefits, Leave Time and Holidays.

### **4.02 ESSENTIAL/NON ESSENTIAL PERSONNEL STATUS**

**4.02.01** Each position with the County has been determined essential or non-essential during emergency situations declared by the County Judge. Employees determined essential are notified of their status during orientation. These employees are required to report for duty or to be available for duty during an emergency situation. Failure to report for duty or to be available for duty during an emergency situation as determined by the County Judge or the department head may result in disciplinary action up to and including termination.

## **5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT**

### **5.01 PAY**

**5.01.01** Pay for County employees is set each year by the Commissioners' Court in the adopted operational budget. Rules governing pay increases also are established by the Commissioners' Court.

### **5.02 PAYDAYS**

**5.02.01** 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 Friday preceding the pay date. If the pay day falls on a holiday, checks will be issued on the last working day preceding the holiday.

**5.03 CHECK DELIVERY**

**5.03.01** Direct deposit is mandatory for all County employees and officials, forms for this purpose, are available in the Administrative Services Department. Due to processing requirements, the first and final pay check for all employees will be not be direct deposit. The first pay check will be delivered to the department; the final paycheck will be available to the employee in the Administrative Services Department.

**5.03.02** No salary advances or loans against future salary will be made to any employee for any reason. A paycheck will not be generated for any pay period in which an employee has not submitted a time record as required in Section 6.08.02 of this personnel manual.

**5.03.03** An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the department head.

**5.04 PAYROLL DEDUCTIONS**

**5.04.01** Deductions will be made from each employee's pay for the following:

1. Federal social security;
2. Federal income taxes;
3. Court ordered child support;
4. Retirement contributions; and
5. Any other deductions required and or allowed by law;

**5.04.02** In addition, in accordance with policies and general procedures approved by the Commissioners' Court, deductions from an employee's pay may be authorized in writing by the employee for:

1. Group health/medical, life, or dental premiums for the employee and dependents;
2. Credit union;
3. Deferred compensation, College Savings Plan;
4. Section 125/Cafeteria Plan; and
5. Such other deductions as may be allowed by and authorized by the Commissioners' Court.

**5.04.03** If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding, the employee is responsible for obtaining, completing, and returning to the Administrative Services Department the appropriate forms for communicating these changes.

## **5.05 PROMOTIONS**

**5.05.01** 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.

**5.05.02** Promotions are recommended by the department head within the staffing pattern and budget limits approved by the Commissioners' Court. Employees who are qualified and able to perform the essential functions of the position, with or without reasonable accommodation, may be eligible for consideration for a promotion, if and when a vacancy occurs.

## **5.06 LATERAL TRANSFERS**

**5.06.01** Lateral transfers may be made within the same department or among departments, if a vacant position is available and the employee is qualified and able to perform the essential functions of the position, with or without reasonable accommodation. Lateral transfers among departments are made through the coordinated efforts and approval of the department heads.

## **5.07 DEMOTIONS**

**5.07.01** A demotion is a change in duty assignment of an employee to a lower job title which may result in a pay reduction. Demotions may be made at the employee's request to occupy a less responsible position, as a reasonable accommodation for an employee with a disability, as a disciplinary measure because of unsatisfactory performance in a higher position, or as a result of a reduction in force, or for no reason at all.

## **5.08 APPROVING AUTHORITY**

**5.08.01** The Commissioners' Court is the approving authority for all payrolls and for any pay increases, decreases, or payroll transfers granted under the terms of these policies and the annual budget.

## **6.00 WORK SCHEDULE AND TIME REPORTING**

### **6.01 WORKWEEK AND WORK HOURS**

**6.01.01** The official work period for most County employees is a seven-day period beginning at 12:01 a.m. on Saturday and ending at 12:00 midnight on the following Friday. Normal working hours will be determined by the department head. However, normal working hours may be altered by special events such as noon and/or evening meetings, conferences, holidays, etc.

**6.01.02** Some County personnel work a 28-day work period. The work period begins on Saturday at 6:01 a.m. to Saturday at 6:00 a.m. for four weeks. Employees scheduled to a 28-day work period are notified by the department head. Earned leave and pay will be calculated on this cycle.

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

**6.01.04** 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 budget.

## **6.02 SCHEDULE ADJUSTMENTS**

**6.02.01** Adjustments to the normal hours of operation may be made by the department head in order to better serve the public.

**6.02.02** Offices may remain open during the noon hour, and lunch periods for some employees may be staggered according to specified requirements.

## **6.03 OVERTIME WORKED**

**6.03.01** The policy of the County is to keep overtime to a minimum. However, employees may be required to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA): (40 hours per seven-day workweek or 171 hours for employees on a 28-day work period schedule). Under the FLSA, overtime applies only to employees who are not exempt from the Act's overtime provisions.

**6.03.02** For employees with positions which are covered by the overtime provisions of the FLSA (non-exempt) overtime begins to accrue with the 41st hour worked during the seven-day workweek or 172nd worked hour during the 28-day work period. All overtime for services by employees covered under FLSA must be authorized in advance by the employee's department head.

## **6.04 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)**

**6.04.01** Elected officials, department heads (unless otherwise determined by the Commissioners' Court) and any positions determined by law and authorized by the department head, are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation.

**6.04.02** Exempt employees do not earn overtime leave or pay, except in cases of emergencies or disaster as declared and reimbursed by Federal, State or County government and/or if reimbursed by a grant. When a state of emergency or disaster is declared or overtime is authorized by grant funds, exempt employees may earn overtime for services rendered for Victoria County related to the declared emergency or grant or in other circumstances when authorized by Commissioners' Court. Overtime will be compensated in the same manner as non-exempt employees (6.05.01).

## **6.05 OVERTIME COMPENSATION**

**6.05.01** Non-exempt employees are compensated for overtime worked by being given (in order of use):

1. Flex time or equal time off within the same work period ( 40 hour or 28 day work periods as described in Section 6.01) See section 6.08.03 for proper reporting; or

2. Compensatory time off at one and one-half times the number of hours worked up to a maximum number of hours which may be accrued (240 compensatory hours for employees scheduled on a 40 hour work week or 480 compensatory hours for employees scheduled on a 28-day work period);
3. If specifically authorized by the department head and authorized by the Commissioners' Court, payment at the rate of one and one-half times the employee's regular hourly rate; or
4. Compensatory time in excess of these limits will be paid at the employee's regular, straight-time rate of pay during the next pay period as authorized by the Commissioners' Court.

**6.05.02** The County discourages time and one-half payment for overtime, which may be authorized only if adequate funds are available in the budget. In addition, the County discourages the accumulation of compensatory time off for non-exempt employees at one and one-half times the number of hours worked because of the contingent liability this creates for the County. The preferable method for overtime compensation is to schedule equal time off for the affected employee during the same work period in which the overtime was worked.

## **6.06 HOLIDAYS WORKED**

**6.06.01** The County's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular 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. Employees designated as public safety accrue holiday hours during the year. (See "Work During Holidays - Section 9.03 for a more detailed discussion of this policy.)

Unused holiday hours are canceled upon termination of employment, without compensation to the employee.

## **6.07 LEAVE OR HOLIDAYS TAKEN AND OVERTIME**

**6.07.01** If a full time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a workweek in which he or she has used leave or holiday, the release time will not be counted towards the calculation of hours worked for overtime purposes, the leave or holiday time should be flexed in accordance with Section 6.05.01. Leave time may be counted towards hours worked for overtime purposes in the event of an emergency (safety or security) as determined by the department head.

Compensatory time taken may not be counted towards the calculation of hours worked.

For hours worked, as defined in the previous paragraph, over 40 hours during the workweek or 171 for 28-day work periods, the employee will be compensated in the order stated in Section 6.05.01.

## **6.08 TIME REPORTING**

**6.08.01** Employees will keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. Forms and a system for this purpose are provided by the County.

**6.08.02** Time records are completed by the employee and authorized by the department head. Time worked should be recorded each day in order to maintain an accurate and comprehensive record of the actual time worked.

The paycheck for each pay period will not be generated if a time record completed by the employee and authorized by the official or department head is not submitted to the County Treasurer's office by 10:00 a.m. the first working day following the end of the pay period. A paycheck for this pay period will be generated during the next scheduled pay period after the time record is received.

**6.08.03** Flex time or equal time off in the same work period may result in changes to the time record.

## **7.00 BENEFITS**

### **7.01 MEDICAL, LIFE, AND DENTAL INSURANCE**

**7.01.01** In accordance with the general procedures approved by the Commissioners' Court regular employees who work a minimum of 30 hours per week are eligible for group medical, life, and dental insurance. Premiums for the employee will be partially paid by the County; if the employee elects group medical, life and dental insurance coverage, the balance of the premium due from the employee will be paid through payroll deduction. An eligible employee may add dependent coverage at his/her expense and such dependent coverage premium expense will be paid by the employee through payroll deduction.

**7.01.02** Upon employment, each employee who is eligible for insurance coverage is given detailed information about the County's insurance programs. See the section on Continuation of Insurance for information on continued coverage after certain status changes.

**7.01.03** Employees who retire in accordance with the provisions of the Texas County and District Retirement System, (including disability retirement), and were covered under group benefits plan(s) in effect at the time of retirement, are eligible to retain certain health and related benefits coverage(s). Benefits are provided to retirees subject to the policy (ices) and plan(s) in force. Retirees eligible for Medicare may be offered alternative coverage(s) at the discretion of the Commissioners' Court.

**7.01.04** Retirees who elect to continue coverage under group health benefit plan(s) are required to keep current their portion of the monthly premium. Premiums are due the first day of each month with a minimum 30-day grace period. If premiums are not paid on the first day of the month or before the 30-day grace period, the coverage will be canceled. The County is not obligated to send monthly premium notices.

### **7.02 RETIREMENT PLAN**

**7.02.01** In accordance with the general procedures approved by the Commissioners' Court of the County, all regular employees who work at least 900 hours per year must become members of the Texas County and District Retirement System (TCDRS).

Contributions are made through a payroll deduction of an amount of the employee's gross salary determined by the Commissioners Court. Contributions are deducted before income taxes are withheld, under Section 414 of the Internal Revenue Code.

The County makes a similar contribution on your behalf. All contributions earn interest each year.

All contributions made by the employee or the County to the TCERS are subject to the rules and regulations adopted by the TCERS. Additional and specific information is available in the TCERS Information Handbook. Copies are available in the Administrative Services Department.

**7.03 WORKERS' COMPENSATION**

**7.03.01** Employees of the County are covered by the workers' compensation insurance program and the County pays the premium. Detailed information about workers' compensation benefits is found in the section on Health and Safety.

**7.04 SOCIAL SECURITY**

**7.04.01** All employees of the County are covered by social security. The County contributes one-half of the social security system requirement on behalf of each employee.

**7.05 UNEMPLOYMENT INSURANCE**

**7.05.01** 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.

**7.06 LEAVE TIME**

**7.06.01** Regular County employees are eligible for holidays and/or paid time off and other types of release time under certain circumstances. Detailed information about leave and other types of release time is found in the sections of this manual under the main headings Leave Time and Holidays.

**7.07 LONGEVITY**

**7.07.01** Regular employees are eligible for longevity pay. Longevity is provided to regular full time employees at a rate determined by the Commissioners' Court for each full month of continuous service. Regular part time employees, who work a minimum of 20 hours but fewer than 40 hours per week, receive one-half of the rate of a regular full time employee for each full month of continuous service. Longevity is normally paid on the first Friday in December of each year or a date established by the Commissioners' Court.

- Employees on an approved leave of absence will not receive longevity benefits for the months on leave of absence. (Section 8.09)
- Employees who terminate employment with the County prior to the last pay period in November will not receive longevity.
- A temporary employee will not receive longevity. If a temporary employee becomes a regular employee, the longevity benefit will be calculated from the day the employment became regular.

**7.08 SECTION 125/CAFETERIA PLAN**

**7.08.01** The County provides employees a "cafeteria plan" at the employee's option. The employee can choose to direct a portion of their salary to purchase one or more of qualified benefits. Qualified benefits for the County include: unreimbursed medical, dependent care, medical/dental premiums, and orthodontics. Additional information is provided at initial employment and annually thereafter.

**7.09 CONTINUATION OF GROUP INSURANCE (COBRA)**

**7.09.01** The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) provides individuals with the option of continuing group health and dental insurance coverage for both the employee and covered dependents, under specified conditions and at the individual's full expense, at such times the insurance would otherwise terminate (termination, death, divorce, age, etc.). The Director of Administrative Services has information regarding the continuation of these benefits.

**8.00 LEAVE TIME**

**8.01 DEFINITIONS**

**8.01.01 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.

**8.01.02 Holidays** - Holidays are days designated by the Commissioners' Court during which County offices are closed on what would otherwise be regular business days. (See the Section Holidays for additional information).

**8.01.03 Unauthorized Absence** An unauthorized absence is one in which the employee is absent from regular duty without permission of the department head. Employees are not paid for unauthorized absences and such absences are cause for disciplinary action up to and including termination.

**8.02 APPROVAL OF LEAVE**

**8.02.01** All leave taken by County employees must be approved by the employee's department head. All leave taken will be documented on the employee's time record.

**8.02.02** The department head is responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. In addition, the department head is responsible for ensuring that all vacation, compensatory, and sick leave usage is recorded on the time record sent to the county treasurer's office, for payroll purposes.

**8.03 PAID TIME OFF**

**8.03.01** All regular employees are eligible to accrue paid time off. Employees are encouraged to take regular vacations utilizing a portion of their paid time off at least annually.

**8.03.02** Paid time off begins to accrue on the first day of employment, is accrued on a bi-weekly basis, and is credited to an employee's account after each 14 day period. Employees who work any part of a pay period will receive the full bi-weekly accrual.

**8.03.03** Employees are eligible for paid time off as designated below after the hours have been credited to the employees balance after each 14 day period.

40 Hour Work Week (available after 6 months of continuous service)

1-4 years	120 Hours	4.62
5-9 years	160 Hours	6.15
10-14 years	200 Hours	7.69



15-19 years	240 Hours	9.23
20 + years	280 Hours	10.77

Public Safety Designations (available after first bi-weekly accrual)

1-4 years	216 Hours	8.31
5-9 years	256 Hours	9.85
10-14 years	296 Hours	11.38
15-19 years	336 Hours	12.92
20 + years	376 Hours	14.46

**8.03.04** Temporary employees full time or part time do not earn paid time off. Regular part time employees who work a minimum of 20 hours but fewer than 40 hours per week earn one-half (½) of the accrued leave rate for regular full time employees.

**8.03.05** Unused paid time off can be carried over into the next calendar year up to one year's accrual. At the end of each calendar year December 31, any paid time off balance in excess of this maximum is reduced to the maximum without compensation. Pay in lieu of paid time off is not permitted other than upon separation or if authorized by the Commissioners' Court.

**8.03.06** When an employee leaves the service of the County, if the employee has completed one year of continued service, he or she will be paid for accrued but unused paid time off. The payment of unused paid time off may not exceed 80 hours. The rate of pay will be determined by the salary rate in effect at the time of separation.

**8.03.07** No advance of unearned paid time off will be made for any reason.

**8.04 SICK LEAVE RESERVE**

**8.04.01** An employee with accrued sick leave reserve may use it if the employee is absent from work due to a serious medical situation. Sick Leave Reserve is available after the employee has used 80 hours of paid time off toward a serious medical event. If determined to meet the definition of a serious medical situation, the 80 hours of paid time off will be reinstated to the paid time off balance and the 80 hours will be deducted from the sick leave reserve.

**8.04.02** Sick Leave Reserve may be used for the employees own serious medical situation or the serious medical situation of a family member. For purposes of these policies, "family" includes spouse or child or parent.

**8.04.03** A serious medical situation is defined as:

1. A health condition lasting more than five consecutive days and requiring continuing treatment.
2. Any period of incapacity due to pregnancy or prenatal care.
3. The adoption of a child.
4. Any period of incapacity due to a chronic, serious health condition that continues over an extended period of time and requires visiting to health care provider.
5. A permanent or long-term condition for which treatment may not be effective, requiring supervision by a health care professional (examples: terminal cancer, Alzheimer's disease, stroke).

**8.04.04** The department head will request an employee to furnish, and the employee must provide upon request, written verification by a physician of the illness (verification must be acceptable to the department head) supporting the request for sick leave reserve benefits.

**8.04.05** Unused sick leave reserve is canceled upon termination of employment, without compensation to the employee.

## **8.05 SICK LEAVE POOL**

**8.05.01** The County has established a policy to provide a sick leave pool, which will enable eligible county employees to voluntarily transfer paid time off earned by the employee to a county sick leave pool and to permit employees to draw time in the event of a catastrophic injury or illness.

Injuries suffered on-the-job in the course of employment are not eligible for consideration of benefits from the sick leave pool. Further information regarding these benefits can be found under Section 10.00 Health and Safety.

Examples of a catastrophic injury or illness include, but are not limited to:

1. Stroke with residual paralyzes or weakness
2. Incapacitating heart attack.
3. Major surgery (hysterectomy, mastectomy, heart bypass, prostate).
4. Cancer
5. Hepatitis, broken hip, car wreck requiring hospitalization.

**8.05.02** The Director of Administrative Services is the administrator of the County sick leave pool.

**8.05.03** To contribute time to the County sick leave pool, an employee must annually submit an application to the administrator in the form prescribed by the Commissioners' Court.

On approval by the administrator, in a calendar year employees may transfer to the pool not less than eight hours or more than forty hours accrued paid time off. The administrator will credit the pool with the amount of time contributed by the employee and will deduct the same amount of time from the amount to which the employee is entitled, as if the employee has used the time for personal purposes.

**8.05.04** Employees are eligible to use time contributed to the County sick leave pool for a catastrophic injury or illness, if they have completed one year of continuous service have used 80 hours of paid time off, compensatory time or leave without pay to which the employee is otherwise entitled, and have contributed to the sick leave pool in the year when their illness/injury is not catastrophic.

Eligible employees must apply to the administrator for authorization to use the time in the County sick leave pool. If the administrator determines that the employee is eligible, the administrator will approve the transfer of time from the pool to the employee. A medical certification from the medical provider verifying catastrophic injury or illness may be requested by the County. The time will be credited to the employee and used in the manner as sick leave earned during the course of employment. Sick leave pool requests may be made under the following circumstances:

The employees catastrophic injury or illness as defined in Section 8.05.01.

To care for a spouse or dependent child who is terminally ill. Every request must be approved by Commissioners' Court.

**8.05.05** Employees may not use time in the County sick leave pool in an amount that exceeds the lesser of one-third of the total amount of time in the pool or 90 days for their own catastrophic injury or illness or 45 days for the terminal illness of a spouse or dependent child.

**8.05.06** An employee absent on approved leave assigned from the County sick leave pool is treated for all purposes as if the employee were absent on approved leave.

**8.05.07** The estate of a deceased employee is not entitled to any payment for unused sick leave contributed to or acquired by that employee from the County sick leave pool.

## **8.06 FAMILY AND MEDICAL LEAVE**

### **8.06.01 General Provisions**

Under this policy, the County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

### **8.06.02 Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1) The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the County's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

3) The employee must work in a worksite where 50 or more employees are employed by the County within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

### **8.06.03 Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1) The birth of a child and in order to care for that child.

2) The placement of a child for adoption or foster care and to care for the newly placed child.

3) To care for a spouse, child or parent with a serious health condition (described below).

4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what this FMLA policy or under the County's sick leave policy should consult with the Director of Administrative Services.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5) Qualifying exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the County and employee agree, including agreement on timing and duration of the leave.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member.

This leave may extend to up to 26 weeks in a single 12-month period for an employee to care for a spouse, son, daughter, parent or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering service member.

#### **8.06.04 Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

#### **8.06.05 Employee Status and Benefits during Leave**

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

Under current County policy, the employee pays a portion of the health care premium. While on paid leave, the County will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received by Administrative Services by the 10th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The County will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance plan, the County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the County may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the County may discontinue coverage during the leave. If the County maintains coverage, the County may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **8.06.06 Employee Status after Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the County's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The

position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

#### **8.06.07 Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all accrued leave prior to being eligible for unpaid leave. Accrued leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established leave policy.

An employee who is using military FMLA leave for a qualifying exigency must use all accrued leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all accrued leave prior to being eligible for unpaid leave.

#### **8.06.08 Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

#### **8.06.09 Certification for the Employee's Serious Health Condition**

The County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an Administrative Services professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **8.06.10 Certification for the Family Member's Serious Health Condition**

The County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The County may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an Administrative Services professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's family member's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **8.06.11 Certification of Qualifying Exigency for Military Family Leave**

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

#### **8.06.12 Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

#### **8.06.13 Recertification**

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

#### **8.06.14 Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Director of Administrative Services. Within five business days after the employee has provided this notice, the Director of Administrative Services will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the County with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

#### **8.06.15 Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the Director of Administrative Services will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

#### **8.06.16 Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave; the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

### **8.07 MILITARY LEAVE**

**8.07.01** Employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time, seniority or benefits on all days during which they are engaged in authorized training or duty ordered by proper authority, not to exceed **thirty (30)** days in any one federal fiscal year (October 1, - September 30). Employees will continue to receive pay from the County. Military leave in excess of **thirty (30)** days will be charged to any available accrued leave or leave without pay.

**8.07.02** Employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their release from active duty.

**8.07.03** Requests for approval of military leave must have copies of the relevant military orders attached.

### **8.08 CIVIL LEAVE**

**8.08.01** Employees are entitled to civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. Employees may retain any fees received for performing jury duty.



**8.08.02** When an employee has fulfilled the reason for the civil leave, he or she must report to the County for duty for the remainder of the workday.

## **8.09 LEAVE OF ABSENCE WITHOUT PAY**

**8.09.01** Leave of absence without pay is an approved absence from duty in a non-pay status. A leave of absence lasting longer than 30 days must be approved in advance by the department head and the Commissioners' Court. Extensions of leave shall be authorized by the department head and the Commissioners' Court in no more than one month intervals.

**8.09.02** Granting a leave of absence without pay is at the discretion of the department head. Such leave is not authorized unless all applicable accrued paid leave has been exhausted and 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 placed in the employee's personnel file. 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. Medical insurance can be continued if the employee pays the premiums (including the County's portion) in full in a timely manner.

**8.09.03** A leave of absence without pay may be revoked upon receipt of evidence that the cause for granting the leave was misrepresented or has ceased to exist.

**8.09.04** A leave of absence without pay may be appropriate for the following reasons:

1. Military service (see also the section on this type of leave);
2. Educational purposes when successful completion will benefit the County;
3. Public service assignments;
4. Personal exchange programs which emphasize intergovernmental relations; or
5. Any other reason which, in the opinion of the department head, merits a leave of absence without pay.

**8.09.05** An employee on leave without pay must contact the appropriate County department head at least monthly to report on his or her status. Failure to provide required status reports or to contact the office on the schedule required by the department head is grounds for revoking the leave and for taking disciplinary action.

**8.09.06** A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave must be prepared by the department head, or his or her designee, and placed in the employee's personnel file.

**8.09.07** 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 the leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and other benefits that may be based on longevity.

**8.10 INJURY LEAVE**

**8.10.01** For information on occupational disability or injury leave for bona fide on-the-job, work-related injuries, see sections in this manual under the main heading Health and Safety.

**8.11 ADMINISTRATIVE LEAVE**

**8.11.01** In cases of bad weather (ice, hurricanes, flooding, etc.), the official or department head will determine the closure of County offices. The safety of employees and possible endangerment in attempting to report to work will be considered. Should a determination be made that reporting to work will endanger County employees; employees will be fully compensated for approved time away from work during normal working hours.

Employees are to contact their supervisors and obtain information concerning closures through local forums of the media (radio and television stations). Under this policy employees will not be compensated for time away from work that was not declared a bad weather day by the official or department head.

**8.12 BEARVEMENT LEAVE**

**8.12.01** When a death occurs in an employee's immediate family, all regular full-time employees may take up to 24 hours with pay to attend the funeral or make funeral arrangement. The pay for time off for a part-time employee should not total more than the employees regularly scheduled hours for scheduled work days. The County may require verification of the need for leave.

**8.12.02** Immediate family members are defined as an employee's spouse, parents, stepparents, siblings, children, stepchildren, grandparent, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law or grandchild.

**8.13 ABANDONMENT OF POSITION**

**8.13.01** Unauthorized absence from work may result in termination at the discretion of the official or department head.

**8.14 MOTHER FRIENDLY WORKPLACE**

**Purpose**

This policy establishes a "Mother-Friendly" employee worksite lactation support program for Victoria County in accordance with Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207), Texas Health and Safety Code Title 2, Chapter 165- Breast-Feeding, and House Bill 786.

**Time and Leave**

- 1) Work schedule flexibility will be provided to accommodate reasonable break time for an employee to express breast milk for her nursing child, each time such employee has a need to express the milk. Employees who wish to express milk during the workday must coordinate break times with their supervisor.
- 2) Breastfeeding employees are allowed to express milk during work hours using their break times and meal times. Lactation time beyond regular break/meal times will be negotiated between the employee and their supervisor. Flexed time, accrued paid leave, or unpaid leave may be used if approved by the employee's supervisor.

## **Space and Storage**

- 3) Victoria County will provide a private area, other than a bathroom, for lactating mothers to express breast milk.
- 4) The space provided will have a safe water source and a sink within reasonable distance from the lactation space.
- 5) Employees may store their expressed milk in their own personal coolers with ice packs, or in a shared break room refrigerator space.

## **9.00 HOLIDAYS**

### **9.01 GENERAL POLICY**

**9.01.01** Each year, the Commissioners' Court designates the paid holidays for County employees. A memo will be distributed early each year to let employees know which holidays have been designated as paid time away from work. Typically, these holidays include:

New Year's Day  
Martin Luther King Jr. Day  
President's Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day  
Veteran's Day  
Thanksgiving Day and the following Friday  
Christmas Eve and Christmas Day

**9.01.02** Temporary employees are not paid for holidays not worked.

Regular part-time employees who work a minimum of 20 hours but fewer than 40 hours will receive four hours of leave per holiday. In all cases the combination of worked hours and holiday leave will not result in the accrual of overtime.

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

### **9.02 HOLIDAY DURING APPROVED LEAVE**

**9.02.01** If an official holiday falls within a regular employee's approved paid time off the employee will be granted the holiday and not charged paid time off.

### **9.03 WORK DURING HOLIDAYS**

**9.03.01** If the department head finds it necessary to do so, he or she may direct some or all employees of a department to report for work on any holiday. Regular employees will be either given an alternate day off or for public safety employees paid time off accruals include holiday leave.

**9.03.02** Unused holiday leave is canceled upon termination of employment, without compensation to the employee.

**10.00 HEALTH AND SAFETY**

**10.01 SAFETY POLICY**

**10.01.01** It is the policy of the County to make a concentrated effort to provide healthful and safe working conditions for all of its employees.

**10.02 EMPLOYEE RESPONSIBILITIES AND REPORTS**

**10.02.01** 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.

**10.02.02** An employee must report every on-the-job accident, no matter how minor, to his or her supervisor immediately, if able. The supervisor is responsible for filing a written accident report immediately with the department head or his designated representative.

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

**10.03 EMPLOYEE SAFETY SUGGESTIONS**

**10.03.01** An employee will report immediately to his or her immediate supervisor any conditions that, in the employee's judgment, threaten the health and safety of employees or visitors.

**10.03.02**

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

**10.04 ON-THE-JOB INJURIES**

**10.04.01** The County provides workers' compensation insurance for all of its employees. This insurance 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 seven days. Employees who are absent from work because of a bona fide, on-the-job work-related injury for more than seven days are considered on injury leave.

All workers' compensation insurance claim forms must be submitted to the designated responsible staff member immediately for appropriate action to be taken. The responsible staff member must notify the department head immediately upon receipt of a claim.

**10.04.02** An employee who sustains a bona fide, on-the-job work-related injury may seek medical attention from a TWCC approved medical facility or physician. After a medical professional has been selected, an employee may not change medical providers without the permission of the Texas Workers Compensation Commission. Additional information regarding this requirement is available in the Administrative Services Department.

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 department head, at the County's expense, an employee may be required to submit to examination by an independent physician.

**10.04.03** Injury leave begins on the first scheduled workday of absence due to an 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 County.

**10.04.04** When an employee sustains a bona fide on-the-job work-related injury which renders him or her unfit for performing the duties of the job, and if accrued sick leave is available, the employee is placed on sick leave status and receives full pay less legal deductions from the County for seven days.

Employees engaged in law enforcement duties who sustain a bona fide on-the-job work-related injury in the course of their official law enforcement duties are not required to use accrued sick leave for the first seven days and will receive full pay less legal deductions from the County.

**10.04.05** Injury leave may be terminated at any time without prior notice. The department head will terminate the injury leave upon receipt of evidence that the employee, while able to return to work, has not done so.

**10.04.06** To continue medical or dental insurance when the employee is on injury leave and no longer receiving a regular paycheck, the employee must pay the employee's portion of these insurance premiums to the County on the schedule established by the County's Administrative Services Department.

**10.04.07** Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay.

If a County employee is injured on the job while in the course of employment outside his or her employment with the County, the employee may not file a workers' compensation claim against the County for benefits related to the injury and is excluded from health benefits which arise out of or in the course of employment for wages or profit with any other employer.

**10.04.08** While on leave because of a bona fide, on-the-job work-related injury, each time the employee sees the doctor for consultation or treatment, he or she must provide a progress report to the department head, or his or her designee who will forward the report to the Director of Administrative Services. Any change in the employee's condition which might affect his or her entitlement to workers' compensation payments must also be reported to the department head, or his or her designee. In addition, the injured employee must contact his or her supervisor periodically, on a specific schedule, 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 department head, or his or her designee, is grounds for revoking the employee's leave and for taking disciplinary action.

**10.04.09** A written statement from the attending physician certifying 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 return 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. Upon receipt of a release to return to work, the County may require the employee to submit to a medical examination to determine whether the employee can perform the essential functions of his or her position, with or without reasonable accommodation. The County's efforts to reasonably accommodate the employee will be conducted in accordance with applicable law.

**10.04.10** 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 an interim 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 and workers' compensation to return to his or her previous job.

An employee who is able to return to work on light duty status may be required to work in a different department and perform duties not contained within his or her current job duties. When an employee is assigned to light duty status and performing different duties, he or she will be paid according to the level of pay that is appropriate for the light duty job assignment. A light duty assignment cannot exceed 90 days. In addition, the employee will receive workers' compensation payments in a reduced amount.

**10.04.11** At the time of final release or settlement of a workers' compensation claim, the employee must furnish the County with a certificate from the employee's physician stating the status of the employee's physical condition and an anticipated return to work date.

**10.05**                    **DRUG AND ALCOHOL POLICY**  
**(Additional CDL Policies Adopted October 16, 2000)**

**10.05.01** The objective of this policy is to provide a drug and alcohol-free workplace which will help ensure a safe and productive workplace. This policy shall apply uniformly to all employees of Victoria County regardless of title or position.

**10.05.02 DEFINITIONS**

**Victoria County Premises-** Any buildings, land, other property, or vehicles owned, leased, rented, or otherwise used by Victoria County.

**Illegal Drugs-** Any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal or regulated under any federal, state, or local law or regulation. This definition shall also include any other drug which was obtained illegally or which is used in a quantity greater than or in a manner other than is intended by the prescribing physician or manufacturer.

**Legal Drugs-** Means prescribed medications and over the counter medications.

**Under the Influence-** A state of having a blood alcohol concentration of 0.08 or more, where "alcohol concentration" has the meaning assigned to it in Article 67011-1, Revised Statutes; or the state of not having the normal use of mental or physical facilities resulting from the voluntary introduction into the body of an alcoholic beverage, or a controlled substance.

**10.05.03** Victoria County employees are required to refrain from the use, manufacture, distribution, sale, dispensing, or possession of illegal drugs.

The use, manufacture, distribution, sale, dispensing, or possession of illegal drugs by Victoria County employees, whether on or off duty is contrary to the efficiency of their service.

Persons who use, manufacture, distribute, sell, dispense or possess illegal drugs are not suitable for Victoria County employment.

Employees are required to refrain from the misuse of legal drugs while on duty and for a sufficient time prior to the performance of duty so that none of the effects of the misuse of legal drugs remain during job performance.

Employees are required to refrain from the misuse of substances and materials available in the work place that may result in physical or mental impairment.

**10.05.04** Victoria County employees are required to refrain from the use of alcohol while on duty and for a sufficient time prior to the performance of duty so that none of the effects of the use of alcohol remain during job performance.

It shall not be considered a violation of this policy if an employee consumes alcoholic beverage at a banquet, reception or other social function at which alcoholic beverages are served, even though the employee is representing Victoria County, where:

1. Attendance is considered to be within the scope of the employee's job;
2. Such consumption does not impair the employee's ability to effectively serve as a representative of Victoria County, and does not render the employee "under the influence" as defined; and
3. The employee is operating their personal vehicle and not a County owned and assigned vehicle.

**10.05.05** Refusal to give written consent for a drug screening test will disqualify the candidate from consideration for employment.

**10.05.06** A department head who has probable cause to believe that an employee has violated a provision of this policy regarding the prohibited use of a drug or alcohol may require as a condition of continued employment that the employee submit to a professionally administered blood, breath or urine test to determine the presence of drugs or alcohol.

**10.05.07** In furtherance of the objectives of this policy department heads may search all County owned, leased, or operated premises, vehicles, work areas, desks, lockers, etc. to detect violation of this policy. Employees shall have no expectation of privacy regarding the above described County property and premises.

**10.05.08** A violation of this policy may subject the employee to termination or suspension, at the discretion of the individual department head.

In lieu of termination or suspension the department head may require that an employee complete a treatment or counseling program as condition of continued employment.

## **11.00 USE OF COUNTY OF VICTORIA'S PROPERTY**

### **11.01 GENERAL POLICY**

**11.01.01** The County attempts to provide each employee with equipment and vehicles adequate to perform the job assigned, 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**

**11.02.01** 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.

**11.02.02** No personal or political use of any County property, materials, supplies, tools, or equipment is permitted. Vehicles owned or leased by the County are for County use only, unless a specific agreement exists regarding use of a vehicle as part of an employee's compensation package. Violations of this policy may result in dismissal and possible prosecution.

**11.02.03** A department head may impose additional requirements for the use of County property, materials, supplies, tools or equipment. If an employee is in doubt about a circumstance, he or she must check with his or her department head before proceeding.

### **11.03 VALID DRIVER'S LICENSE**

**11.03.01** All operators of County vehicles or their own personal vehicle on County business are required to have a valid driver's license necessary for legal operation of that vehicle in the State of Texas and to keep their supervisors informed of any change of status in their license. Supervisors periodically will check the driving records of all employees who operate County vehicles or are required to drive personal vehicles on County business. Failure to maintain a safe driving record may result in disciplinary action up to and including dismissal.

**11.03.02** Suspension or revocation of the driver's license of an employee who operates a County vehicle, or is required to drive a personal vehicle regularly on County business, may result in a demotion or dismissal.

### **11.04 VEHICLE INSURANCE**

**11.04.01** The County maintains insurance coverage on all vehicles owned or leased by the County. Employees who drive a personal vehicle on County business are required to have automobile liability insurance as required by the State of Texas and to maintain insurance coverage. Each employee to whom this provision applies will furnish the County proof of appropriate insurance coverage at least annually and at such time(s) as coverage changes occur. Failure to meet any of these requirements may result in disciplinary action up to and including dismissal.

### **11.05 ACCIDENT REPORTING**

**11.05.01** Any employee operating County vehicles must report all vehicular accidents and property damage or liability claims, no matter how minor, to his or her department head and to the appropriate law enforcement authorities immediately, so that an official accident report can be filed. The employee's department head must notify the County Auditor 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.

**11.05.02** A copy of any accident report involving County equipment or vehicles must be forwarded to the department head 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 BUILDINGS AND PREMISES**



**11.06.01** Use of County buildings and premises by employees shall be in compliance with law and with County policies regarding authorized uses.

## **12.00                    PROGRESSIVE DISCIPLINE**

### **12.01                    CORRECTIVE ACTION**

**12.01.01** The County's objective is to establish and maintain standards of employee conduct and supervisory practices that will, in the interest of the County and its employees support and promote effective county operations. Such supervisory practices include administering corrective action when employee conduct or performance problems arise. Major elements of this policy include:

1.            Constructive effort by the supervisor to help employees achieve full satisfactory standards of conduct and job performance;
2.            Correcting employee shortcomings or negative behavior to the extent required;
3.            Notice to the employees through communicating this policy that discharge will result from continued or gross violation of employee standards of conduct or unsatisfactory job performance;
4.            Written documentation of disciplinary warnings given and corrective action taken; and
5.            Documentation of corrective action will become part of the employee's personnel record.

### **12.02                    OPTIONS FOR CORRECTIVE ACTION**

**12.02.01** Depending on the facts and circumstances involved in each situation, the official, department head or supervisors may choose to begin corrective action at any step up to and including a recommendation for immediate dismissal.

1.            **Oral Warning** - For infractions the County deems to be minor, the employee should at a minimum be issued an oral warning. If the situation does not improve within a reasonable time as determined by the official, department head or supervisor, the measure may be repeated or a more serious option implemented.
2.            **Written Warning** - For repeated minor infractions, or a more substantial infraction, the employee should at a minimum be issued a written warning notice. If the situation does not improve immediately and is not sustained, steps may be taken to terminate the employment.

The written warning should be prepared following a corrective action discussion with the employee. The written warning should include: (1) the policy or rule violated or a description of the unacceptable behavior; (2) date(s), time(s) and location(s) of the offense; (3) the facts surrounding the incident; (4) specific actions the employee must take to correct the matter; (5) the time frame (if applicable); and (6) the consequences if not corrected. The employee will be given an opportunity to comment in writing and should be asked to sign the notice, acknowledging the receipt. Failure by the employee to sign the written warning form does not remove the disciplinary action.

3. **Suspension** - In certain instances, it is appropriate for employees to be suspended. These instances could include but are not limited to: (1) prior to terminating an employee for performance related issues; and (2) events compel a supervisor to take immediate action when discharge appears possible, pending an investigation. During a suspension the employee will be required to leave County premises immediately. A suspension/investigation will last no longer than three days, except in highly unusual circumstances.
4. **Termination** - For infractions management deems to be sufficiently serious or continued failure to respond appropriately to prior corrective action, termination of employment is appropriate.

## **13.00 SEPARATIONS**

### **13.01 TYPES OF SEPARATIONS**

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

1. Resignation;
2. Retirement;
3. Reduction in Force;
4. Dismissal with or without cause;

**13.01.02** Employees who separate employment with the County, as described above, are not eligible for rehire for a period of ninety (90) days.

### **13.02 RESIGNATION**

**13.02.01** The County requests that an employee who intends to resign provide his or her department head with ten (10) day's advance notice of the resignation. Executive, professional or administrative employees are requested to provide thirty (30) days written notice.

### **13.03 RETIREMENT**

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

**13.03.02** See the sections of these policies under the main heading of Benefits for additional information on retirement.

### **13.04 REDUCTION IN FORCE**

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

**13.05 DISMISSAL**

**13.05.01** All employees are employed at will and may at any time during their employment be terminated with or without notice, for any reason or no reason.

**14.00 PERSONNEL FILE**

**14.01 GENERAL**

**14.01.01** Personnel records are maintained by the Director of Administrative Services or by a custodian of records designated by the official.

**14.01.02** Some information in an employee's personnel file is public information and must be disclosed upon request unless specific items are accepted 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 department head or an employee authorized to do so by the department head.

**14.01.03** Each employee will 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 Director of Administrative Services.

**14.01.04** 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. Examination of personnel files during normal working hours requires the approval of the department head.

**14.01.05** Employees are expected to inform the Director of Administrative Services 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.

**14.02 MEDICAL RECORDS**

**14.02.01** Employee personnel files do not contain information regarding an employee's medical record(s), nor does not contain any information relating to drug testing.

**15.00 USE OF COUNTY COMPUTERS**

**15.01 GENERAL**

**15.01.01** Victoria County provides computers and network connections ("facilities") to further its official County business, interests and purposes. Any information retained on the County's facilities may be disclosed to outside parties or to law enforcement authorities.

**15.01.02** All computer hardware purchased by the County is the property of Victoria County and must be administered by the Information Technology Department including connecting, disconnecting, moving, etc. Non-County computer hardware/software is not allowed on the County computers or network without approval of the Information Technology Department.

**15.01.03** The County has the right to monitor all communications and downloads that pass through its facilities at its sole discretions. County personnel may not install or download any unauthorized software or material that is in violation of software licenses, or copyright trademark or patent laws. County personnel may not add any unauthorized hardware on any County computer. Requests for any additional software and/or hardware should be made to the Information Technology Department in writing by the Official or Department Head.

## **15.02 INTERNET ACCESS**

**15.02.01** The purpose of internet access is to conduct County business. As determined by the Official or Department Head, personnel may be authorized to access the internet.

**15.02.02** At no time is any employee authorized to access the internet for personal financial gain, pornographic sites, or any other sites which could compromise the ethics of Victoria County. Streaming audio or video from the Internet for non-County related activities is prohibited. This activity includes, but is not limited to, listening to online radio station and watching movies or video clips. Internet usage can and will be monitored. If approved by the Official or Department Head, incidental and occasional use of internet access is permitted provided it does not interfere with County business.

**15.02.03** Violations will be reported to the appropriate Official or Department Head for disciplinary action up to and including termination.

## **15.03 USE OF COUNTY E-MAIL**

**15.03.01** The purpose of e-mail is to conduct County business. As determined by the Official or Department Head, personnel may be authorized the use of e-mail.

**15.03.02** All e-mail on County equipment is the property of Victoria County. E-mail messages are not a form of private communication despite any such designation either by the sender or the recipient. County e-mail is subject to the Texas Public Information Act.

**15.03.03** No copyrighted information is to be distributed by County e-mail. No commercial messages, employee solicitations, chain letters, advertisements, or political campaigning are to be distributed using County e-mail. E-mail may not be used for conducting personal, for-profit business. Employees may not create or distribute e-mail messages that contain content that may be considered offensive or disruptive, including but not limited to pornography or messages containing offensive comments about race, gender, sexual orientation, religious beliefs or disability. Employees may not retrieve or read other employees e-mail unless authorized by the Department Head or by the e-mail recipient. If approved by the Official or Department Head, incidental and occasional personal use of e-mail is permitted provided it does not interfere with County business. Such messages become the property of the County and are subject to the same conditions as County e-mail.

**15.03.04** Distribution lists have been created for ease of use when sending business related emails to whole departments. Distribution lists are to be used strictly for County business. Messages distributed to all e-mail users require approval by the Department Head.

**15.03.05** Violations will be reported to the appropriate Official or Department Head for disciplinary action up to and including termination.

## **16.00 TRAVEL AND SUBSISTENCE**

### **16.01 GENERAL POLICY**

**16.01.01** 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. At the discretion of the County Auditor, a cash advance may be made for a specific trip in an amount not to exceed the trip's estimated expenses. Regardless of whether a cash advance has been made or a request submitted for reimbursement of expenses, all travel expenses are subject to requirements of documentation and reasonableness, and will be honored in conformity with adopted policies and procedures, provided that the travel was properly authorized and funds are available in the County's budget. In some cases, the County may prepay such expenses as registration fees, hotel costs, and/or airline or other public transportation costs directly to the entity involved.

If a cash advance is made prior to a trip, the employee must file an expense report immediately upon his or her return to work after the trip and allowable expenses claimed will be used to offset the cash advance. If the employee's trip expenses exceed the cash advance amount, the employee will be reimbursed for the difference. If the employee's cash advance exceeds the allowable trip expenses, the employee must reimburse the difference to the County immediately when the trip expense report is filed.

**16.01.02** 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.

### **16.02 TRANSPORTATION AND SUBSISTENCE**

**16.02.01** Employees with full travel status will be entitled to transportation, accommodations, and other services which are reasonable and meet adequate quality standards for convenience, safety, and comfort. This policy means that travelers will, whenever possible, use the most economical accommodations which meet reasonable requirements. Employees engaged in necessary and authorized travel in conduct of County business will be reimbursed for actual cost and documented expenses necessary to conduct the business for the County. Reimbursable subsistence expenses will generally be for food, registration, lodging, business telephone calls, parking, tolls, taxi, and reasonable gratuities. Receipts, or a statement of expense explaining why a receipt was not available, must accompany any request for reimbursement.

**16.02.02** Standard policy for airline travel will be coach fare unless coach passage is unavailable.

### **16.03 PERSONAL VEHICLE**

**16.03.01 Out of County Travel** - 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 current rate prescribed by the Commissioners' Court. Employees are expected to report the shortest distance between points of departure and destinations for all travel. Mileage reimbursements will be made based on the appropriate report being completed and submitted by the employee and approved by the department head and the County Auditor.

**16.04 EXPENSE CLAIM**

**16.04.01**

As soon as an employee returns from a trip, or at least within five (5) working days of the travel, he or she must complete a travel and expense claim 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. The expense report must show the amount of any cash advance given the employee, and if the trip expenses did not exceed the advance, the report must be accompanied by a check from the employee for the balance of the cash advance amount. All reimbursements must be signed by the employee and the department head.

**16.05 EXCEPTIONS**

**16.05.01** 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.

**16.05.02** When two or more employees travel in a single automobile, only one employee will receive per mile or other automobile reimbursements.

**16.05.03** Conference registration checks normally will be paid directly to the organization sponsoring the conference.

**16.05.04** Travel expense involving applicants will be reimbursed by approval of the Commissioner's Court. The approval of these types of expenses will be determined on a case-by-case basis.

**16.06 PROHIBITED EXPENDITURES**

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

**16.07 RESTRICTIONS**

**16.07.01** Overnight lodging within the county is not authorized.

**16.07.02** The rental of vehicles must be approved in advance by the department head.

**16.07.03** Out of County meal reimbursement is only authorized for overnight County business related travel with the following exceptions:

Meal reimbursement for County business meetings may only be authorized by the County Judge.

In order to be considered for reimbursement such request shall include receipts, time, place, date, subject matter and a list of all attendees.

County provided meals are also authorized for employees directly supervising inmates.

**16.07.04** Travel out of the State of Texas must be authorized in advance by the County Judge or his designee. The approval of these types of expenses will be determined on a case-by-case basis.

Advance approval is not required for out of state travel for extradition activities deemed necessary by the Sheriff or the Criminal District Attorney.

## **16.08 ALLOWANCES**

**16.08.01** The established mileage rate when using a privately owned vehicle is a current approved rate by the Commissioners' Court.

**16.08.02** Lodging expenses will be reimbursed on an actual expense basis. A receipt must be attached to the travel and expense claim.

## **17.00 CELLULAR PHONE SERVICES**

### **17.01 PURPOSE**

**17.01.01** The purpose of the Cellular Telephone Policy is to establish the regulations and procedures under which employees of Victoria County will utilize these devices in the conduct of official business and other specifically approved purposes. Elected Officials/Department Heads and Managers are responsible for ensuring that their employees follow this policy.

This policy documents the appropriate use of cellular telephones and defines misuse. Users may be disciplined for non-compliance with this policy. In addition, users must recognize that the policy cannot govern every operating circumstance. As such, users must always employ good judgment relative to the use of cellular telephones, and report to the appropriate manager any special or unique circumstances not encompassed by this policy.

The use of cellular telephones is subject to the laws of the United States of America and the regulations established by the Federal Communications Commission under authority granted by Congress. This policy is subordinate to such federal law or regulation. Additionally, any personal use of cellular telephones, as permitted by this policy, is subject to the regulations of the Internal Revenue Service.

Victoria County may add to or change this policy at any time with or without notice to employees.

### **17.02 AUTHORIZATION OF A CELLULAR TELEPHONE**

**17.02.01** The Victoria County Commissioner's Court will authorize the staff use of cellular telephone service. Such authorization will be granted at the request of the County Official or Department Head. In every case, the official or department head shall carefully examine the need for a cellular telephone before requesting such use. No person shall be considered an authorized user if his or her department head has not requested such use and authorization by the Commissioners' Court is not issued.

### **17.03 CLASSIFICATION OF CELLULAR SERVICES**

**17.03.01 ALLOWANCE** -When having a cell phone is a requirement of an employee's job, Victoria County Commissioners' Court will authorize a cellular telephone or an allowance. It is the responsibility of the Official or Department Head to determine if a cell phone is required and request authorization of the allowance. Allowances will be paid in one of two levels Basic or Expanded as described below. In all cases, employees authorized a cell phone allowance will be solely responsible for selection, maintenance and payment of their individual plans and equipment. No payment will be made by the County to add, replace or maintain any cellular phone, software and/or peripheral equipment, nor to pay any monthly cell phone plan and/or associated data service fees.

The cellular telephone allowance is processed through the Victoria County Treasurer's Office (payroll) and is subject to standard payroll withholdings in accordance with IRS Publication 15-B. Cell phone allowances do not constitute an increase in base pay and will not be included in any percentage calculations for increase base. Payments will be equally divided among Victoria County's designated 26 pay periods. No retro payments will be made.

Victoria County is currently a member of Texas County and District Retirement System. Where applicable, Retirement will be withheld and matched as defined in Victoria County's Retirement Plan approved by the Commissioner's Court annually. Refer to IRS Publication 525: Taxable and Nontaxable Income.

Employees are responsible for reporting of their personal tax deductions. Refer to IRS Publication 15.

#### **BASIC ALLOWANCE**

Employees whose job requires them to be accessible during regular working hours will receive an allowance not to exceed \$40.00 per month, so that they can obtain their own cell phone plans. Employees typically in this category are Monday – Friday employees and not ordinarily on 24 hour call.

#### **EXPANDED ALLOWANCE**

Elected Officials or Appointed Official's who are required to be on call 24/7 for County emergency situations, as determined by the Commissioners' Court, will receive an allowance of \$90.00, so that they can obtain their own cell phone plans.

#### **DEPARTMENT ASSIGNMENT AND CARE OF COUNTY OWNED CELLULAR EQUIPMENT**

When cellular telephones are assigned to departments, not individual users, elected officials/department heads shall ensure that the departmental cellular telephones are not frequently or permanently assigned to an individual. It shall be the sole responsibility of the elected official/department head entrusted with departmental cellular telephones shall take appropriate steps to ensure that no such cellular telephone is permanently assigned to an individual, unless such assignment is approved by the Commissioners.

Any person assigned a County-owned cellular telephone shall take reasonable care of the device and ensure that the device remains in good working order. County-owned cellular telephones should not be taken into environments where the equipment is likely to be damaged or destroyed, unless the possession of the telephone within such an environment is necessary for the performance of an employee's official duties. Malfunctions or cellular telephone failures should be reported to the Administrative Services Office.

Persons assigned County-owned cellular telephones and accessories, including car kits, shall maintain possession or control of these devices at all times. Staff members may not permit others to use a County-owned cellular telephone except as permitted by this policy. If a County-owned telephone is stolen, the theft must be reported to the appropriate law enforcement agency and Administrative Services Office as soon as practical.

#### **AUTHORIZED USE**

The use of cellular telephones is permitted in the discharge of one's duties as an elected official or employee of Victoria County. The use of a County-owned cellular telephone, except as permitted by County policy, is limited to "official business" purposes. Official business is defined in the relevant section of this policy.



Additional permitted uses include:

1. Calls to 911 and any other emergency centers for the purpose of reporting an emergency or related matter requiring appropriate public safety service assistance.
2. Calls on behalf of citizens requiring assistance, e.g., disabled motorists, stranded children, etc.
3. It is the responsibility of the person who receives the benefit to identify all personal telephone calls made on a County cellular telephone. Reimbursement shall be made to the County at the per minute rate determined by the County Auditor.

### **ASSISTANCE TO THE GENERAL PUBLIC**

As noted within the section identified as “Authorized Use”, authorized users are permitted to use cellular telephones to assist members of the general public when appropriate. It is the expectation of the County government that authorized users will come to the aid of citizens, when appropriate, identify themselves as Victoria County employees, and provide reasonable assistance through use of the cellular telephone.

The Department Head must submit each new cellular telephone allowance or increase in allowance for review and approval by the Commissioner’s Court. Removal of allowances does not require Commissioner’s Court approval. Permanent deletions of allowances must be submitted in writing to the Treasurer’s Office for payroll corrections. Cellular contract termination fees (if assessed by service provider) will not be paid or reimbursed by the County. This includes employees who are terminated, quit, transfer to another office or department, or are moved into another position not requiring use of a cellular phone.

### **MANAGEMENT OF CELLULAR TELEPHONE USE**

The County Auditor’s Office shall distribute information relative to the use of cellular service, including cellular long distance service, to elected officials/department heads. Elected officials/department heads shall review these usage reports and investigate any potential misuse of long distance telephone service. Suspicious use shall be reported to the County Auditor’s Office who shall evaluate the information and if necessary, report the alleged violation to the appropriate law enforcement agency.

### **PROHIBITED USE**

Any use of a County-owned cellular telephone in an inappropriate manner beyond the permitted uses described within this policy subjects the staff member to disciplinary action in accordance with County policies. However, certain types of prohibited use are more serious and may warrant criminal prosecution and/or termination of employment. Such serious circumstances include, but are not necessarily limited to the following:

1. Use of the cellular telephone in the commission of a crime.
2. Calls to any telephone number generating extraordinary charges beyond the normal charges for cellular use, e.g., “900” or similar numbers, including any special “800” numbers, which charge a special toll fee, even though described as “toll-free.”
3. Calls placed to adult entertainment services.

4. Internet access to pornographic materials, gambling, or similar web sites providing content unrelated to the requirements of the County.
5. No personal use or permitting the use of a County-owned cellular telephone by another for personal remuneration of any kind.

#### **REPLACEMENT OF CELLULAR TELEPHONES**

The County purchases a very limited number of replacement cellular telephones each year. Any person who loses or causes a cellular telephone to be disabled or non-repairable may be required to provide the County with a replacement. The replacement cellular telephone will become the property of the County. In the event that a cellular telephone is lost, damaged, or disabled due to an extraordinary circumstance, the person to whom the cellular telephone was assigned may request an exception to the replacement requirement. All request for exceptional will be considered on a case-by-case basis.

#### **RESPONSIBILITY FOR CELLULAR TELEPHONES**

County-owned cellular telephones are assigned to specific authorized employees. Once authorized to use a County-owned cellular telephone and issued an instrument, the employee assumes complete and total responsibility. Relative to the use of the device and this responsibility may not be delegated to another person.

#### **SEPARATION FROM EMPLOYMENT – RETURN OF CELLULAR TELEPHONES AND ACCESSORIES**

If an authorized user separates from the employment of the County, any assigned cellular telephone, along with all accessories, shall be returned to the elected official/department head responsible for such employee. It shall be the responsibility of the elected official/department head to promptly advise the County Auditor's Office in writing or by email of such separation from employment as well as recovery of the cellular telephone and any applicable accessories. The elected official/department head must also notify in writing the County Treasurer's Office of any separation of employment of an individual receiving a payroll allowance for cell phone coverage. The decision to redeploy the cellular telephone remains with the elected official/department head, who shall immediately notify the County Auditor's Office and the County Treasurer's Office when the cellular telephone is reassigned to another employee.