

**LOCAL BORDER SECURITY PROGRAM FY 2014 (LBSP-14)
APPLICATION**

1. APPLICANT NAME (Jurisdiction):	Hidalgo County Sheriff's Office		
2. COUNTY:	Hidalgo		
3. TYPE:	<input type="checkbox"/> City Government		
	<input checked="" type="checkbox"/> County Government		
3. PAYMENT TYPE:	<input checked="" type="checkbox"/> Reimbursement		
	<input type="checkbox"/> One-Time Advance Payment		
4. REQUESTED PERIOD OF PERFORMANCE (NOT TO EXCEED AUGUST 31, 2014)			
6. CHECKLIST OF APPLICATION ATTACHMENTS:	(See the Local Border Security Program 2014 (LBSP- 14) Guide for information about these forms.)		
	<input checked="" type="checkbox"/> Designation of Grant Officials (Form A-2). <input checked="" type="checkbox"/> Application for State Assistance (Form A-3). The Authorized Official must sign this form. <input checked="" type="checkbox"/> Financial Cost Estimate (Form A-4). The Grant Financial Officer must sign this form. <input checked="" type="checkbox"/> Assurances and Certifications (Form A-5). The Authorized Official must sign this form. <input checked="" type="checkbox"/> Statement of Work (Form A-6) <input checked="" type="checkbox"/> Direct Deposit Authorization Form (Form 74-176). The Grant Financial Officer must sign this form. <input checked="" type="checkbox"/> Copy of local overtime policy. <input checked="" type="checkbox"/> Copy of pay schedule during the grant period.		
7.	CERTIFICATION		
	<p>I certify, by signing this document that the information provided within is accurate, and that I have the legal authority to apply for State assistance. I also understand that this serves as a request for consideration for grant funding and that applying does not guarantee an award will be received. This Application, together with the Local Border Security Program FY2014 (LBSP-14) Guide, constitutes the work plan for the Applicant listed above. If funded the undersigned will be required to agree to and comply with all terms, conditions, and statements of work for the Local Border Security Program FY 2014 (LBSP-14).</p>		
	Ramon Garcia County Judge	Guadalupe "Lupe" Treviño Sheriff	
	_____	_____	_____
	Authorized Official (Original Signature)	Date	Grant Performance Officer (Original Signature) Date

Form A-1
(10/13)

Page 1 of 1

Email* or Mail completed forms and application materials to:

Texas Homeland Security
State Administrative Agency
ATTN: LBSP
1033 La Posada, Ste. 160
Austin, TX 78752

SAA-LBSP@dps.texas.gov

*Note: Email submission is preferred. Applications must be received by the THSSAA by 5PM CDT on December 13, 2013

**LOCAL BORDER SECURITY PROGRAM FY2014 (LBSP-14)
DESIGNATION OF GRANT OFFICIALS**

GRANT:	LOCAL BORDER SECURITY PROGRAM FY2014 (LBSP-14)
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GRANT PERIOD:	January 17, 2014 – August 31, 2014
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AGENCY NAME:	Hidalgo County Sheriff's Office
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Grant Performance Officer (This is typically your Chief or Sheriff)	
Name	Guadalupe "Lupe" Trevino
Title	Sheriff
Official Mailing Address	711 El Cidolo Rd Edinburg, Texas 78542
Daytime Phone Number	956-393-6002
Fax Number	956-393-6179
E-mail Address	<u>sheriff.trevino@hidalgo.org</u>

Grant Financial Officer (This is typically your CFO or County Auditor)	
Name	Ray Eufracio
Title	County Auditor
Official Mailing Address	2808 South Business 281 Edinburg, Texas 78539
Daytime Phone Number	956-318-2511
Fax Number	956-318-2577
E-mail Address	<u>ray.eufracio@auditor.co.hidalgo.tx.us</u>

Authorized Official (This must be the County Judge, Mayor, or City Manager)	
<i>*Note: If someone else is authorized to apply for and accept grant funds for the Jurisdiction, a letter from the governing body indicating such Signature Delegation should be attached with the Application.</i>	
Name	Ramon Garcia
Title	County Judge
Official Mailing Address	302 West University Drive Edinburg, Texas 78539
Daytime Phone Number	956-318-2600
Fax Number	956-318-2699
E-mail Address	<u>ramon.garcia@co.hidalgo.tx.us</u>

If at any point during the grant period these POC's change, make necessary changes and resubmit this form immediately to SAA-LBSP@dps.texas.gov.

APPLICATION FOR STATE ASSISTANCE

1. NAME OF PROGRAM/ ASSISTANCE: LOCAL BORDER SECURITY PROGRAM FY2014 (LBSP- 14)	2. APPLICANT STATUS: <input type="checkbox"/> City <input checked="" type="checkbox"/> County <input checked="" type="checkbox"/> Reimbursement <input type="checkbox"/> One time Advance
3. START DATE: JANUARY 17, 2014	4. END DATE: AUGUST 31, 2014
5. APPLICANT INFORMATION	
a. Legal Name of Applicant Organization (as it appears on the LBSP- 14 Application/Form A-1): Hidalgo County Sheriff's Office	b. Name & Telephone Number of Grant Performance Officer: Guadalupe "Lupe" Terviño 956-393-6000 Ext. 6002
c. Mailing Address: P.O. Box 1228 Edinburg, Texas 78542	d. Physical Address (if different from Mailing Address): 711 El Cibolo Rd. Edinburg, Texas 78542
6. EMPLOYER IDENTIFICATION NUMBER / TAX ID # 74-6000717	
7. ESTIMATED EXPENSES:	
a. Salary & Benefits (from line ___ Form A-4)	\$ 220,928.80
b. Travel Expenses (from line ___ Form A-4)	0
c. Operating Expenses (from line ___ Form A-4)	\$ 48,816.00
d. Total Expenses (A + B + C)	\$ 269,744.80
8. CERTIFICATION: I certify that to the best of my knowledge and belief this application and its attachments are true and correct.	
a. Typed Name of Authorized Official:	Ramon Garcia
b. Title of Authorized Official:	Hidalgo County Judge
c. Original Signature of Authorized Official:	
d. Date Signed:	

INSTRUCTIONS FOR THIS FORM

Item 2: Indicate whether the applicant is a City or a County and whether the Jurisdiction will request a one-time advance if funded.

Item 5a: Enter the legal name of your jurisdiction. Your entry should match the Applicant Name used on the LBSP-14 Program Application (Form A-1).

Item 6: This 9-digit number should match the number on your Form 74-176. If you do not supply this number we CANNOT award you any grant funds.

Item 7: The data in this section should match the information included on the Financial Cost Estimate (Form A-4).

Item 8: This form must be signed by the Authorized Official who is a person authorized by the governing body of the jurisdiction to apply for and accept grants.

FINANCIAL COST ESTIMATE

1. NAME OF PROGRAM / ASSISTANCE: Local Border Security Program FY 2014

2. APPLICANT NAME: HIDALGO COUNTY SHERIFF'S OFFICE

3. ESTIMATED MONTHLY EXPENSES:

a. Personnel Estimate

Position	Number of Personnel	Hourly Rate	Overtime Rate (Time and 1/2)	Number of O/T Hours per Person per Day	Number of Days	Salary	FICA 7.65%	Total Salary & Fringe
Deputy	5	\$22.95	\$34.43	10	96	\$165,240.00	\$12,640.86	\$177,880.86
Supervisor	1	\$27.77	\$41.66	10	96	\$39,988.80	\$3,059.14	\$43,047.94
						\$205,228.80	15,700.00	\$220,928.80

b. Travel & Per Diem Estimate

Position	Number of Personnel	Commercial Travel Costs	Mileage from / to County	Estimated Ave. Daily Miles	Number of Days	Total Mileage Cost	Hotel Rate \$85 Maximum	Hotel Tax Rate	Meals \$36 Maximum	Travel Totals
						\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
						\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
						\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

c. Operational Cost Estimate

Number of Cars	Number of Miles per Car	Number of Days	Rate per Mile	Subtotal
6	150	96	\$0.565	\$48,816.00
Total Operational Cost Estimate				\$48,816.00

*NOTE: Estimate either for fuel or mileage, not both.

FILL IN SHADED FIELDS ONLY

4. NUMBER OF MONTHS IN THE GRANT PERIOD: 8

5. ARE YOU PAID MONTHLY OR BI-MONTHLY: BI-MONTHLY

6. INDICATE THE NUMBER OF HOURS IN YOUR PAY PERIOD: 80

7. TOTAL AMOUNT OF APPLICATION

a. Personnel Estimate	\$220,928.80
b. Travel & Per Diem Estimate	\$0.00
c. Operational Cost Estimate	\$48,816.00
Total Expenses	\$269,744.80

X

Signature of Grant Official

8. TYPE OF PAYMENT YOU PREFER: (check one)

Reimbursement

ONE TIME Advance Payment Request

**State of Texas Assurances and Certifications
State Uniform Administrative Requirement for Grants and Cooperative Agreements,
Subpart B, §.14**

Note: Certain of these assurances may not be applicable to your program. If you have any questions, please contact the awarding agency.

NAME OF APPLICANT	GRANT PROGRAM
Hidalgo County Sheriff's Office	Local Border Security Program FY 2014 (LBSP-14)

This form includes Assurances and Certifications that must be read, signed, and submitted as a part of the Application for State Assistance.

As the duly authorized representative of the applicant, I hereby certify that the applicant (subgrantee) will comply with the assurances and certifications below.

Ramon Garcia	County Judge
Typed Name of Authorized Official	Title
Signature of Authorized Official	Date Signed

ASSURANCES

(1) RELATIVES. A subgrantee must comply with Texas Government Code, Chapter 573, by ensuring that no officer, employee, or member of the applicant's governing body or of the applicant's contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person, who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.

(2) PUBLIC INFORMATION. A subgrantee must insure that all information collected, assembled, or maintained by the applicant relative to a project will be available to the public during normal business hours in compliance with Texas Government Code, Chapter 552, unless otherwise expressly prohibited by law.

(3) OPEN MEETINGS. A subgrantee must comply with Texas Government Code, Chapter 551, which requires all regular, special, or called meetings of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.

(4) CHILD SUPPORT PAYMENTS. A subgrantee must comply with Section 231.006, Texas Family Code, which prohibits payments to a person who is in arrears on child support payments.

(5) HEALTH, HUMAN SERVICES, PUBLIC SAFETY OR LAW ENFORCEMENT AGENCY. If the subgrantee is a health, human services, public safety, or law enforcement agency, it will not contract with or issue a license, certificate, or permit to the owner, operator, or administrator of a facility if the license, permit, or certificate has been revoked by another health and human services agency or public safety or law enforcement agency.

(6) LAW ENFORCEMENT AGENCY. If the subgrantee is a law enforcement agency regulated by Texas Occupations Code, Chapter 1701, it must be in compliance with all rules adopted by the Texas Commission on Law Enforcement Officer Standards and Education pursuant to Chapter 1701, Texas Occupations Code or must provide the grantor agency with a certification from the Texas Commission on Law Enforcement Officer Standards and Education that the agency is in the process of achieving compliance with such rules.

(7) ADMINISTRATION. When incorporated into a grant award or contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Administering state agencies and local subrecipients shall maintain an appropriate contract administration system to insure that all terms, conditions, and specifications are met.

(8) SUSPECTED CHILD ABUSE. A subgrantee must comply with the Texas Family Code, Section 261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Child Protective and Regulatory Services. Subgrantees shall also ensure that all program personnel are properly trained and aware of this requirement.

(9) TAXES. Subgrantees will comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.

(10) COMPLIANCE WITH REQUIREMENTS. Subgrantees will comply with all applicable requirements of all other federal and state laws, executive orders, regulations, and policies governing this program.

(11) INELIGIBLE APPLICANTS. The applicant certifies that it and its principals are eligible to participate and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state, or local governmental entity and it is not listed on a state or federal government's terrorism watch list as described in Executive Order 13224. Entities ineligible for federal procurement are listed at <http://www.epls.gov>.

(12) HIV/AIDS. Subgrantees must adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Texas Health and Safety Code, Ann., Sec. 85.001, *et seq.*

(13) LEGAL AUTHORITY. The applicant has the legal authority to apply for State assistance, and the institutional, managerial, and financial capability (including funds sufficient to pay the non-state share of project costs) to ensure proper planning, management and completion of the project described in this application.

(14) RECORDS. The applicant will give the awarding agency, the State Comptroller, and if applicable, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

(15) PERSONAL GAIN. The applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal gain.

(16) COMPLETION. The applicant will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

CERTIFICATIONS

1. **DRUG-FREE WORKPLACE** - The applicant certifies that it will provide a drug-free workplace by:
 - A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
 - B. Establish a drug-free awareness program to inform employees about:
 - i. the dangers of drug abuse in the workplace;
 - ii. the applicant's policy of maintaining a drug-free workplace;
 - iii. any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. the penalties that may be imposed upon employees for drug abuse violations.
 - C. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a).
 - D. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. abide by the terms of the statement, and
 - ii. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction.
 - E. Notifying the agency within ten days after receiving notice under subparagraph (d) (ii) from an employee or otherwise receiving actual notice of such conviction.
 - F. Taking one of the following actions with respect to any employee who is so convicted:
 - i. taking appropriate personnel action against such an employee, up to and including termination; or
 - ii. requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
 - G. Making a good faith effort to continue to maintain a drug-free workplace through the implementation of paragraphs (a), (b), (c), (d), (e), and (f).
2. **LOBBYING – The applicant certifies that:**
 - A. It will not use grant funds, either directly or indirectly, in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government.
 - B. If any non-grant funds have been or will be used in support of the enactment, repeal, modification, or adoption of any law, regulation or policy, at any level of government, it will notify the THSSAA to obtain the appropriate disclosure form.
 - C. It will include the language of paragraphs A and B of this section in the award documents for all sub-awards at all tiers and will require all sub-recipients to certify accordingly.

Statement of Work (SOW) for LBSP Grant Funds 2014

State Objective of LBSP 2014 Funds

The State of Texas will assist in the execution of coordinated border security operations and facilitate the conduct of sustained interagency law enforcement activities in conjunction with Federal, Local and Tribal agencies to disrupt, deter, interdict, and thereby dominate criminal activity associated with the movement—northbound and southbound—of illicit traffic through the Texas border region and throughout Texas in order to reduce border-related crime, contribute to the reduction of potential acts of terror within Texas and the United States, and increase the security and quality of life of Texans in order to:

- Increase the effectiveness and impact of Steady State and Surge Operations.
- Increase the amount and quality field intelligence (BIAR, INT-7, or similar field reporting of gang, cartel, drug activity, and border violence, terrorism, and other criminal activity information to the JOIC's and BSOC for overall unified command partner awareness.
- Reduce border-related criminal activity in Texas.
- Implement and increase the effectiveness of operational methods, measures, and techniques for outbound/southbound operations.
- Decrease the supply of drugs smuggled into and through Texas from Mexico.
- Disrupt and deter operations of gang and cartel criminal organizations.
- Target and decrease the use of specifically targeted tactics (such as conveyance methods) for drugs in the Texas border region.
- Decrease use of specific areas for crime as targeted in directed action missions.
- Increase the effectiveness of air operations mission planning and prioritization.
- Continue to exercise and integrate air-ground team operations to include TMF aviation, CBP Air and Marine, DPS Aircraft Section, and USCG aviation support.
- Based upon intelligence and analysis, increase the effectiveness of directed action missions to ensure they target specific organizations and areas as identified through intelligence and apprehensions in known geographical areas and on organizations operating in these areas.
- Increase the number and quality of analytical intelligence products developed at Unified Command and State levels based on quality information available.
- Increase intelligence based operations at Unified Command level through integration of TxMap, sector specific information, and employment of intelligence analysts.

1). How do you locally plan to ensure that the State Objectives are executed in your area?

The Hidalgo County Sheriff's Office will work collaboratively in covert and/or overt operation(s) with all local, state and federal law enforcement agencies.

By developing, processing and sharing intelligence data, utilizing inter-agency communications mechanisms and/or reacting to corroborated intelligence disseminated by the JOIC, will enable and prepare participating agencies to be vigilant, react and be proactive towards the criminal element.

This strategic approach will enable us to respond accordingly, prepared to identify problematic areas, shift manpower and resources as needed to gain control disrupt and/or dismantle the threat.

2). Explain in detail what strategies/tactics you will use to accomplish these objectives?

The Hidalgo County Sheriff's Office patrol personnel will conduct high visibility law enforcement presence while patrolling on north and south bound major highways, farm to market roads and on ingress/egress routes along the U.S./Mexico international boundaries with a direct plan of action to apprehend, identify, disrupt and/or dismantle the criminal element from engaging and/or furthering their criminal activity unto U.S. soil.

CHAPTER VII

WORK HOURS, LEAVE AND BENEFIT PROGRAMS

WORK HOURS

- 7.00 County and/or District work hours are scheduled so that all County and/or District offices are open by 8:00 a.m. and close no earlier than 5:00 p.m., Monday through Friday, except on official Holidays. Each Elected Official/Department Head establishes work hours for employees in his or her Department. In setting work hours, an Elected Official/Department Head considers the needs of the Department and the County and/or District, and ensures that any changes in work hours are in the County's and/or District's best interest.
- 7.01 Effective May 1, 1995, the County's (effective April 18, 2002, for the District) regular work period for all employees, except law enforcement personnel, is a seven day period which commences at 12:01 a.m. on Monday of each week and ends at 12:00 p.m. midnight on the following Sunday. The County's regular work period, effective May 1, 1995, for "law enforcement personnel," as such term is used in the federal Fair Labor Standards Act, is a fourteen day period which commences at 12:01 a.m., on Monday and ends at 12:00 p.m. midnight 14 days later.
- 7.02 There are 40 regular work hours in a seven day work period and 86 regular work hours in a fourteen day work period; however, the County schedules employees subject to a fourteen (14) day work period to work a minimum of 80 hours during such work period. In the event of a conflict between the work hours rules set forth in Sections 7.01 through 7.08 hereof for Head Start Program employees, the work hours set forth in the County's approved grant application for operation of the County's Head Start Program shall control. (Amended September 20, 1995)
- 7.03 An employee is required to be present at his or her duty station at the beginning of each workday.
- 7.04 Every employee is allowed one hour for lunch each workday.
- 7.05 Each Elected Official/Department Head should schedule his or her employees each workday for a fifteen (15) minute rest break in the morning and a fifteen (15) minute rest break in the afternoon.
- 7.06 An employee's time and attendance record (Form SFA-CA-008 for non-law enforcement personnel and Form SFA-CA-046 for law enforcement personnel) should coincide with an employee's work period. A completed time and attendance record is completed and turned in to the payroll section of the County Auditor's office and/or similar office in the District no later than 10:30 a.m. on the first employee work day following two seven day work periods or one fourteen day work period. Head Start Program employees shall follow procedures established by the Head Start Program Director for preparing and processing time and attendance records. (Amended September 20, 1995)
- 7.07 Effective May 1, 1995, all County employees (effective April 18, 2002, for District employees) are paid biweekly on the Friday following the end of two seven day work periods or one fourteen day work period. If that Friday is a holiday, employees will generally receive their pay checks on the last work day which precedes the holiday.
- 7.08 An employee's pay check is based on the hours worked by the employee during the applicable work period(s), plus any eligible hours of paid leave, all as shown on a signed time and attendance record.

Vendor Direct Deposit / Advance Payment Notification Authorization

This form may be used by vendors or individual recipients
 - to receive payments from the state of Texas by direct deposit
 - to change or cancel existing direct deposit information

For Comptroller's Use Only

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For State Agency Use

Advance Payment Notification
 International Payments Verification
 Interagency Transfer

Transaction Type

SECTION 1	<input checked="" type="checkbox"/> New setup (Sections 2, 3, 4 and 5 - Section 6 is optional)	<input type="checkbox"/> Change account type (Sections 2, 3, 4 and 5 - Section 6 is optional)
	<input type="checkbox"/> Change financial institution (Sections 2, 3, 4 and 5 - Section 6 is optional)	<input type="checkbox"/> Cancellation (Sections 2 and 4 - Sections 7 and 8 for state agency use)
	<input type="checkbox"/> Change account number (Sections 2, 3, 4 and 5 - Section 6 is optional)	

Payee Identification

SECTION 2	Social Security Number (SSN) or Employer Identification Number (EIN) 7 4 6 0 0 0 7 1 7		Mail code (If not known, leave blank.)		
	Payee name (Business/Individual) COUNTY OF HIDALGO		Phone number (956) 318-2506 ext.		
	Mailing address 2810 SOUTH BUSINESS 281		City EDINBURG	State TX	ZIP code 78539

Financial Institution (Completion by financial institution is recommended.)

SECTION 3	Financial institution name		City	State	
	Routing transit number (9 digits)	Customer account number (maximum 17 characters)		Type of account <input type="checkbox"/> Checking <input type="checkbox"/> Savings	
	Financial representative name (optional)		Title (optional)		
	Financial representative signature (optional)		Phone number (optional) () ext.	Date (optional)	

Authorization for Setup, Changes or Cancellation (required)

SECTION 4	I authorize the Texas Comptroller of Public Accounts to deposit my payments from the state of Texas to my financial institution electronically. I understand that the Texas Comptroller of Public Accounts will reverse any payments made to my account in error.		
	I further understand that the Texas Comptroller of Public Accounts will comply at all times with the National Automated Clearing House Association's rules. (For further information on these rules, please contact your financial institution.)		
	Authorized signature sign here	Printed name NORMA GARCIA	Date

International Payments Verification (required)

SECTION 5	Will these payments be forwarded to a financial institution outside the United States?.....	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
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Authorization for Advance Payment Notification Setup (optional)

SECTION 6	I authorize the Texas Comptroller of Public Accounts to send an email notification one business day prior to the payment posting to my account.		
	Contact name (Please print)	Contact phone number () ext.	
	Email address		

Cancellation by Agency (for state agency use)

SECTION 7	Reason	Date
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Authorized Signature (for state agency use)

SECTION 8	Signature sign here	Date
	Phone number () ext.	Agency number
	Agency name	
	Comments	

Please return your completed form to:

FAIR LABOR STANDARDS ACT ("FLSA")

7.09 The Fair Labor Standards Act ("FLSA") is the federal law which governs overtime compensation for employees covered by the provisions of that Act. Most County and/or District non-management employees are covered by the overtime compensation requirements of the FLSA. An FLSA covered employee receives: (i) time and one-half compensation; or (ii) compensatory leave of one and one-half hours; for each hour physically worked in excess of 40 hours for employees with a seven (7) day work period and 86 hours for those employees with a fourteen (14) day work period. The County provides straight hourly pay or compensatory leave on an hour for hour basis for employees with a fourteen (14) day work period who work between 80 and 86 hours in such work period. Hours for which an employee receives pay, such as paid leave and holiday hours, but which are not physically worked, are not considered hours worked for purposes of calculating FLSA overtime.

7.10 Each Elected Official/Department Head must require that his or her employees keep daily records of time worked and leave taken. Each Elected Official/Department Head must report all additional time worked for FLSA covered employees.

7.11 Except in unusual circumstances, the Elected Official/Department Head must have requested and approved, in advance, that an employee work extra hours or overtime hours. An example of an unusual circumstance is when an off-duty worker responds to an emergency. In this case, the employee is required to report the emergency and its circumstances to the Elected Official/Department Head at the beginning of the employee's next workday.

7.12 An employee who works extra hours or overtime hours without supervisory approval shall be compensated for the extra or overtime hours, but such employee is subject to disciplinary action.

7.13 The Elected Official/Department Head tracks and reports hours worked and leave used using the following forms:

- a. Form SFA-CA-008, Time and Attendance Record - Non-Law Enforcement Personnel;
- b. Form SFA-CA-046, Time and Attendance Record - Law Enforcement Personnel;
- c. Form SFA-CA-044, Leave Request Form;
- d. Form P-2, Summary of Vacation and Sick Leave; and
- e. Form P-3, 12 Month Period Summary of Leave Taken under the Family and Medical Leave Act of 1993 (FMLA).

7.14 To minimize the County and/or District's liability under FLSA for overtime or extra work hours, each Elected Official/Department Head is expected to manage work hours efficiently and effectively. An Elected Official/Department Head may need to adjust work hours for an FLSA covered employee to accomplish work assignments. When an FLSA covered employee's time and attendance record reflects hours worked in excess of that employee's standard work period, the Elected Official/Department Head and the County Auditor and/or similar office for the District shall immediately notify the County Judge and/or similar office within the District of such fact by forwarding to such party a copy of the time and attendance record for such employee (Form SFA-CA-008 or Form SFA-CA-046).

7.15 When an Elected Official/Department Head allows or requires an FLSA covered employee to work extra hours or overtime hours, the Elected Official/Department Head should make every effort to adjust the work hours during the applicable work period so that the employee

does not physically work in excess of 40 hours if the employee is on a seven day work period or in excess of 80 hours if the employee is on a fourteen (14) day work period.

ADMINISTRATION OF LEAVE AND BENEFIT PROGRAMS

7.16 The Governing Authority is solely responsible for authorizing compensated leave and benefit programs for County and/or District employees and such leave and benefit programs may be changed at any time by appropriate order of the Governing Authority. The County and/or District's existing compensated leave and benefit programs are as set forth in this Chapter.

7.17 Elected Officials and Department Heads administer the County and/or District leave and benefit programs according to law and regulations. Elected Officials/Department Heads are responsible for determining eligibility for paid leave for their employees. Each Elected Official/Department Head is also responsible for insuring that a leave account is established and maintained on each of his/her employees.

7.18 An Elected Official/Department Head may designate personnel from his or her office to be responsible for controlling absence and leave administration. Such delegation, however, does not relieve each Elected Official/Department Head of his or her ultimate responsibility for maintaining leave records on his or her employees.

7.19 Regular attendance at work is important to the overall operation of all County and/or District Departments. Any non-emergency leave, whenever practical, must therefore be scheduled in advance. Each Elected Official/Department Head may establish rules for requesting and scheduling leave not inconsistent with this Chapter. Each employee will be given a copy of any Department leave rules and amendments, and will acknowledge, in writing, receipt of such rules. A copy of the written acknowledgment shall be maintained in the employee's personnel file.

7.20 Every request for leave must:

- a. Be submitted to the Department Head/Elected Official, in writing, on a Form SFA-CA-044 which is signed by the employee;
- b. Clearly reflect when the requested leave is to begin and end;
- c. Include a brief explanation setting forth the reasons for taking the requested leave;
- d. To the extent applicable, be accompanied by any required documentation, such as a doctor's statement or military orders; and
- e. Be approved or disapproved, in writing, by the employee's supervisor, and if required, by the Department Head/Elected Official and/or the Governing Authority or its representative.

7.21 Departments shall respond to leave requests within a reasonable time, generally not to exceed five (5) business days.

7.22 After a leave request (Form SFA-CA-044) has been approved or disapproved, such completed form is processed as follows:

- a. The original is placed in the employee's personnel file; (Amended April 10, 1996)
- b. A copy is returned to the employee; and

- c. A copy is forwarded to the County and/or District's Insurance Office whenever the leave request relates to Family and Medical Leave, Leave Without Pay and/or Military Leave. Head Start Program employees should forward a copy to the Head Start Program Director in lieu of forwarding a copy to the County Insurance Office. (Amended December 9, 1998)
- 7.23 Compensatory Leave is controlled by the Fair Labor Standards Act (29 U.S.C. 201-219) ("FLSA"). All Departments must follow FLSA rules and regulations with regard to such leave.
- 7.24 Workers' Compensation claims are controlled by state law. All Departments must follow such statutes and any rules and regulations issued by the County and/or District's Insurance Office when dealing with Workers' Compensation issues. (Amended December 9, 1998)
- 7.25 Family and Medical Leave is controlled by the Family and Medical Leave Act. (29 U.S.C. 2601-2654). All Departments must follow such statutes and any rules and regulations issued with regard to such leave.
- 7.26 New Regular, Full-time Employees and new Regular, Part-time Employees who commence employment on the 1st through the 15th days of the month earn the applicable hours of Annual Leave and Sick Leave for that month.
- 7.27 Annual Leave and Sick Leave for each month are earned by an employee on a pro rata basis for each pay period.
- 7.28 All new or re-hired Regular, Full-time Employees and Regular, Part-time Employees are not eligible to use their accumulated Annual Leave or Sick Leave until their Probationary Period has expired. All Regular, Full-time Employees and Regular, Part-time employees who are placed on a three month Probationary Period due to a promotion, remain eligible to use their accumulated Annual Leave and/or Sick Leave during their Probationary Period. (Amended December 9, 1998)
- 7.29 All leave is rounded to the nearest fifteen (15) minute increment.
- 7.30 Annual Leave and Sick Leave accumulated over the maximum during a calendar year is not lost until the end of the calendar year.
- 7.31 [Reserved for expansion]
- 7.32 An Elected Official/Department Head who has reason to believe that an employee is using leave excessively or inappropriately may request that the employee provide a statement attesting to the necessity for the absence.
- 7.33 Temporary Employees are not eligible for Annual Leave, Sick Leave, optional tax method-insurance benefits (cafeteria plan) under Sections 7.125 and 7.126, Court Leave, group health and life insurance under Sections 7.100 through 7.107, paid Holidays, Leave Without Pay, retirement under Sections 7.128 and 7.129, and veteran reemployment rights under Sections 7.195 through 7.199. Temporary Employees assigned to the Head Start Program are also not eligible to receive any of the special benefits described in these Rules applicable only to Head Start Program employees. (Amended September 20, 1995)
- 7.34 Violations of leave policies may result in disciplinary action, which disciplinary action may include termination.

ADMINISTRATIVE LEAVE

7.35 Administrative Leave may be granted at the discretion of the Elected Official/Department Head or authorized by the Governing Authority. The following is a list of situations in which Administrative Leave may be granted:

- a. registration to vote;
- b. voting;
- c. group dismissals (hereinafter defined);
- d. emergency situations which require the Elected Official/Department Head to get an employee off a work location immediately and before any adverse action has been initiated (this includes situations where there is an immediate threat to County and/or District property or the well-being of the employee, a co-worker of the public); and
- e. during investigations into employee wrongdoing when it is in the best interest of the County and/or District to have the employee off the job.

7.36 A group dismissal occurs when the Governing Authority or a properly authorized official:

- a. suspends normal operations of the County and/or District or an office/Department of the County and/or District because of events beyond the control of the County and/or District;
- b. closes a Department/office of the County and/or District for managerial reasons;
- c. allows employees to participate in activities which are encouraged by the County and/or District and the dismissal is in the best interest of the public; or
- d. allows all employees to attend the funeral of a government or prominent public official.

ANNUAL LEAVE

7.37 County and/or District employees traditionally refer to Annual Leave as "vacation leave."

7.38 Regular, Full-time Employees accrue Annual Leave each month based on the number of years of continuous employment in accordance with the following formula:

Less than five (5) years of continuous employment - Eight (8) hours per month;

At least five (5) years, but less than ten (10) years, of continuous employment - Nine (9) hours per month; and

Ten years (10) or more of continuous employment - Ten (10) hours per month.

(Amended June 13, 2001)

7.39 Regular, Part-time Employees accrue Annual Leave on a pro rata basis, based on the number of years of continuous service listed in Rule 7.38, at a rate equal to the number of hours such employee works in a month bears to 173.33 hours. For example, if a Regular, Part-time Employee with less than five (5) years of continuous service, works twenty (20) hours a week, or

86.67 hours a month, such employee earns four (4) hours of Annual Leave per month [(86.67 hours per month/173.33 hours per month) x 8 = 4]. (Amended June 13, 2001)

7.40 Temporary Employees do not accrue Annual Leave.

7.41 A Regular, Full-time Employee and a Regular, Part-time Employee with less than ten (10) years of continuous service may maintain an accrued Annual Leave reserve not to exceed one hundred sixty (160) hours, or the equivalent of twenty (20), eight (8) hour, work days. (Amended June 13, 2001)

7.42 A Regular, Full-time Employee and a Regular, Part-time Employee with ten (10) or more years of continuous service, but less than fifteen (15) years of continuous service, may maintain an accrued Annual Leave reserve not to exceed two hundred forty (240) hours, or the equivalent of thirty (30), eight (8) hour, work days. (Amended June 13, 2001)

7.42A A Regular, Full-time Employee and a Regular, Part-time Employee with fifteen (15) or more years of continuous service may maintain an accrued Annual Leave reserve not to exceed three hundred twenty (320) hours, or the equivalent of forty (40), eight (8) hour, work days. (Added June 13, 2001)

7.43 Elected Officials/Department Heads are responsible for determining when Annual Leave may be taken. Annual Leave will be scheduled considering the needs of the County and/or District, the Department and the requests of the employee. However, all reasonable accommodation shall be given to the employee in determining when Annual Leave may be taken. Notwithstanding the foregoing, any request for extended, consecutive days, Annual Leave, i.e. requests submitted by an employee to take eleven (11) or more consecutive work days of Annual Leave in any twelve month period, may be granted or denied by the employee's Elected Official/Department Head, in such Elected Official's/Department Head's sole and absolute discretion. (Amended June 13, 2001)

7.44 Annual Leave requests for five (5) days or less generally require at least seven (7) days notice. Annual Leave requests for six (6) or more days should be submitted at least fifteen (15) days in advance. (Amended June 13, 2001)

7.45 Deleted June 13, 2001.

7.46 Elected Officials/Department Heads and employees should ensure that, whenever possible, Annual Leave is scheduled for use by an employee in order to prevent any loss of accrued Annual Leave at the end of the calendar year.

7.47 On separation from employment, an employee will be paid in a lump sum for accrued Annual Leave up to the maximum accumulation.

7.47A Sections 7.37 through Section 7.47 hereof are not applicable to Head Start Program employees. (Adopted September 20, 1995)

COMPENSATORY LEAVE - FLSA COVERED EMPLOYEES

7.48 Compensatory Leave, on an hour for hour basis, for an FLSA covered employee is earned:

- a. by law enforcement personnel who actually work in excess of 80 hours, but no more than 86 hours, in a fourteen (14) day work period; or
- b. by any employee, including law enforcement personnel, when the total of hours actually worked is less than 40 hours for an employee who has a seven day work