

- 4.13 **Conviction** means a final, non-appealable finding of guilt by either a judge or jury, or a suspension of sentence, probation or deferred adjudication, including a plea of guilty or *no lo contendere*.
- 4.14 **County** means Hidalgo County, Texas, as organized and existing under the constitution and laws of the State of Texas.
- 4.15 **Court Leave** is a benefit granted to an employee for jury service and to appear as a witness for the County. Court leave is only granted for the actual time served as a juror or witness.
- 4.16 **Department** means a county, district, or precinct office, agency, or board that has jurisdiction and control of designated governmental functions.
- 4.17 Deleted June 19, 2018.
- 4.18 **Detectable** means the measurable presence of an illegal or prohibited drug or substance found in body fluids at an mg/ml level of detection specified by the County's contract with a National Institute of Drug Abuse ("NIDA") certified testing laboratory; such levels will meet the DOT requirements.
- 4.19 **Elected Official** means an individual elected to a position created by the constitution or by statute. The term of an Elected Official is limited by the constitution.
- 4.20 **Employee**, [whether the term is capitalized or not], unless the context clearly indicates otherwise, means any person employed by the County. The Manual applies to those employees who are not subject to the Hidalgo County Civil Service Commission Rules. The Manual applies to:
- a. persons who are exempt from the Hidalgo County Civil Service System under Texas Local Government Code § 158.013 (an elected or appointed officer under the Texas constitution, employees of the criminal district attorney's office, and the official shorthand reporter of a court);
  - b. persons who are authorized by statute to perform governmental functions involving an exercise of discretion in the person's own right, except for deputy sheriffs and deputy constables;
  - c. a person who holds an office the term of which is limited by the Texas constitution;
  - d. the personal secretary and the chief administrative assistant/deputy of each elected official and appointed official under the Texas constitution;
  - e. justice of the peace and staff, county court at law and district court staff, including bailiffs and court coordinators and assistant bailiffs and assistant court coordinators and court clerks;
  - f. adult and juvenile probation officers and employees of the adult and juvenile probation offices;
  - g. the county auditor, assistant or deputy county auditors and employees of the county auditor;
  - h. Persons who are offered and accept employment with Hidalgo County under a grant/inter local funded and/or grant/inter local reimbursed position (Amended June 19, 2018); and
  - i. the following positions in the Hidalgo County Sheriff's Department: Commanders of Criminal Enforcement, Commanders of Detention, Captains and additional command positions in the Department as determined by the Sheriff, not to exceed 10 in number.
  - j. deputy clerks and assistant deputy clerks of the Hidalgo County District Clerk's office.
- 4.21 **Enrolled Employee** means an employee who, in any calendar year, has elected to participate in the Sick Leave Pool, and who, during the Enrollment Period, meets all requirements of Section 8

of these Rules with respect to the following calendar year, or with respect to an employee who elects to participate in the Sick Leave Pool after twelve months of County employment, for the remainder of the calendar year following enrollment.

- 4.22 Enrollment Period** with respect to the Sick Leave Pool means: (a) during the month of November in each calendar year; or during the twelfth month of County employment for employees who, based on length of County service, are not eligible to enroll in the Sick Leave Pool during the preceding November.
- 4.23 Family and Medical Leave** means leave available to "eligible employees" pursuant to a leave program adopted by the Governing Authority which complies with 29 U.S.C. 2601-2654, as amended.
- 4.24 Governing Authority** means the Commissioners Court, in its capacity, as applicable, of the County.
- 4.25 Holidays** means authorized days off from work as declared by the Governing Authority.
- 4.26 Information Resources** means any and all computer printouts, online display devices, magnetic storage media and all computer related activities involving any device capable of receiving e-mail, browsing internet sites or otherwise capable of receiving, storing, managing or transmitting electronic data including, but not limited to: mainframes, servers, personal computers, personal digital assistant (PDA), pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e., embedded technology), telecommunication resources, network environments, telephones, fax machines, printers and service bureaus. Additionally, it is the procedures, equipment, facilities, software and data that are designed, built, operated and maintained to create, collect, record, process, store, retrieve, display and transmit information.
- 4.27 Leave Without Pay** is a period of time without pay designated "Leave Without Pay" which the Elected Official/Department Head may grant to an employee when the employee has no available time left in the employee's applicable leave accounts.
- 4.28 Manual** refers to the Hidalgo County Personnel Policy Manual, adopted by the Commissioners Court, as amended from time to time.
- 4.29 Primary Sick Leave Pool Benefits** means, in any calendar year, the lesser of: seven hundred and twenty Sick Leave hours; or one-third of the total Sick Leave hours in the Sick Leave Pool on the date an Enrolled Employee submits his or her request for Primary Sick Leave Pool Benefits.
- 4.30 Probationary Period** means: (i) a six (6) month period of actual work following the date a person becomes employed or reemployed by the County and/or District. A Probationary Employee's approved absence from the job during the Probationary Period which exceeds five (5) working days in the aggregate, shall automatically extend the Probationary Period by the total period of time such Probationary Employee was absent from the job. In such event, the Probationary Period for such employee does not expire until the Probationary Employee has completed six (6) months of actual work in the position; however, under no circumstances will: (i) a six (6) month probationary period ever extend beyond nine (9) months following the date a person becomes employed or reemployed by the County and/or District. The Probationary Period does not include time served as a Temporary Employee. During the Probationary Period, the person serves at the discretion of the Elected Official/Department Head and may be separated "at will" from employment at any time prior to completion of such Probationary Period. If a person is dismissed during the Probationary Period, no cause need be cited and no access to the grievance procedure is permitted. (Amended June 19, 2018)
- 4.31 Regular, Full-time Employee** means an individual hired by the County to fill a position budgeted and approved by the Governing Authority, which position requires such person to perform work on a regular, on-going schedule of forty (40) hours per seven (7) day work period or eighty (80) hours