

### WILLIAMSON COUNTY EMPLOYEE POLICY MANUAL– RECEIPT AND ACKNOWLEDGEMENT

I have electronic access to or have received a copy of the Williamson County Employee Policy Manual (hereinafter “Manual”). I understand that the manual is posted on the Williamson County HR Intranet Portal Website and contains policies and rules that apply to me. I will abide by the policies and procedures as they exist and as they may be altered, deleted, or amended at any time.

**I agree to read the manual, to understand its contents, and to remain current with it during my employment with the County. I understand that this manual in no way constitutes a guarantee or contract of employment, that I am an at-will employee, and that my employment can be terminated at any time, with or without cause or notice, at the will of the County, and that I may resign at any time.**

\_\_\_\_\_(Initial) I have read the Vehicle Use Policy and appendices and understand my responsibilities to be a (check all that apply):

- ☐ County-owned or leased vehicle/equipment operator
- ☐ Driver of a personal vehicle on county business
- ☐ County emergency vehicle driver

I agree to comply with the policy and understand that failure to comply may result in disciplinary action up to and including termination. If County emergency vehicle driver is checked, I agree to comply with Chapter 546 of the Texas Transportation Code which defines operation of an authorized emergency vehicle and certain other vehicles.

I hereby authorize Williamson County, at the County’s discretion, to obtain a copy of my driving record and may use the driving record to qualify me as a driver of a County vehicle or personal vehicle used on County business as indicated above.

\_\_\_\_\_(Initial) I acknowledge that I have received a copy of the Drug Free Work Place Policy for Commercial Drivers License.

I also acknowledge that the provisions of the Policy are part of the terms and conditions of my employment and that I agree to abide by them.

\_\_\_\_\_(Initial) I have read and understand the Sexual Harassment Policy and Grievance Policy, and I agree to report sexual harassment complaints as required by County policy.

\_\_\_\_\_(Initial) I hereby certify that I have read, understand, and agree to comply with the Williamson County Electronic Systems Use Policy.

**This signed copy will become part of your personnel file.**

\_\_\_\_\_  
Employee Signature                      Date                      Date of Birth

\_\_\_\_\_  
Employee Name (please print)                      Employee ID #                      Driver’s License # (if applicable)

\_\_\_\_\_  
Department Name

TO ALL COVERED EMPLOYEES AND ELECTED OFFICIALS:

The purpose of this manual is to describe the personnel, payroll, leave, and benefits policies of Williamson County (hereinafter referred to as "County") so that supervisors and employees will be able to work together with as much cooperation and as little confusion as possible. Nothing in the manual constitutes a contract or guarantees employment. Policies may be altered, deleted, or amended at any time by action of the Commissioners' Court. Unenforceable provisions of this policy, as imposed by applicable law, regulations, or judicial decisions, shall be deemed to be deleted. Any revisions to County policies that are made will be distributed to employees and officials.

Please note that the written policies in effect in an Elected Official's department may supersede the policies specified herein, especially when said policy is more stringent. In departments under the supervision of a non-elected official, there may be additional written policies and procedures that are necessary for the legal and efficient operations of the department.

Questions about County policy should be directed to the Human Resources Department, 512-943-1533.

## WILLIAMSON COUNTY EMPLOYEE POLICY MANUAL

Approved by Commissioners' Court August 31, 2010

Effective October 1, 2010

If any provision or part of a provision of these policies is held invalid, illegal, or unenforceable, it will not affect the validity of the remaining provisions or parts of provisions, which will remain in effect. In cases where federal or state laws or regulations supersede local guidelines for specific groups of employees, such laws or regulations will substitute for these personnel guidelines only insofar as necessary for compliance.

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## **ABOUT WILLIAMSON COUNTY GOVERNMENT**

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

### **Commissioners' Court**

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The Commissioners' Court consists of four County commissioners; each elected by the voters of a commissioners' precinct, and County judge, elected by all of the voters of the County. Officials are elected for a four-year term of public service.

The Commissioners' Court is the chief policy, administration or executive branch of the County government. Among its many functions, the Court:

- Sets the tax rate
- Adopts the annual budget
- Approves new programs or changes existing ones
- Adopts regulations and policies
- Approves and manages County facilities

The Court carries out these and other specific duties by meeting in regular sessions. Decisions of the Court require a majority vote.

### **County Operations**

County operations are conducted through departments; each administered by an elected public official or an appointed department head.

### **Independent Elected Officials**

While the Commissioners' Court has the wider range of authority, in some areas, state law gives greater authority to other elected officials. These elected officials – whether they are judges, the Tax Assessor-Collector, the County Sheriff, etc., - are directly responsible to the voters for performing the duties assigned to their offices.

## RECRUITMENT, NEW HIRE, PROMOTIONS, TRANSFERS, DEMOTIONS AND SALARY POLICY

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### Equal Employment Opportunity

Williamson County does not discriminate on the basis of race, color, religion, political affiliation, handicapped condition, national origin, sex or age in recruiting selection, training, raises, promotions, terminations, discipline, use of employee facilities or programs, or any other condition or privilege of employment except where age or sex is a bona fide occupational qualification (BFOQ) or where it is required by state or federal laws.

### Recruitment

1. Officials and department heads are requested to notify the Human Resources Department when a vacancy for a regular, full-time position occurs. Formal recruitment may also be used to fill part-time, temporary and seasonal positions. The Human Resources Department will use a current job description as the basis for drafting a vacancy notice and any advertisements that are authorized. Officials and department heads would then have three options for posting the position:
  - a. Applications from the general public--In this case, the vacancy notice would be posted on the County's Human Resources Department website in the Human Resources Department in the Inner Loop Annex and with the Texas Workforce Commission. A general notice will be regularly posted in the local news publications as well as their websites. A specific vacancy notice may be posted with other recruitment sources, as appropriate for the position. Outside applicants may apply electronically and if they are interviewed, they must provide an original signature on their application.
  - b. Applications from current County employees only--In this case, the vacancy notice would be posted on the County's Human Resources Department website and in the Human Resources Department in the Inner Loop Annex.
  - c. Applications from within the department or office only--In this case, the vacancy notice shall be posted only in the department or office in which the vacancy has occurred.
2. If option "a" or "b" is selected, official County applications from all persons, including departmental applicants, shall be submitted to the Human Resources Department. If option "c" is chosen, departmental applicants who are regular, full-time employees or part-time or temporary employees shall submit a letter of interest or request for promotion directly to the appropriate hiring authority.
3. Applications submitted through the Human Resources Department will only be accepted for positions that are currently vacant and posted. However, job applicants have the option to complete a job interest card online and be notified whenever a position is posted.
4. If recruitment is through the Human Resources Department, an applicant must submit a county application for each position applied for.

5. Positions posted in the Human Resources Department will in most cases have a closing date, and all application materials must be received by the Human Resources Department by that date. For positions filled solely from within a County department, the appropriate hiring authorities shall likewise receive letters of interest or requests for promotion by a posted closing date. Jobs posted in the Human Resources Department shall be open for applications for at least five working days (ten days or more are recommended).

6. As soon as possible after the closing date, the Human Resources Department will forward all timely and complete applications to the appropriate office or department. The Human Resources Department is available to provide advice and assistance with screening, interviewing, and hiring. The department will work with officials and department heads to develop written interview questionnaires and other materials relevant to the selection process.

7. The final decision to hire remains with the elected official or department head in the department or office in which the opening has occurred. For a department head position reporting to the Commissioners' Court, the final decision to appoint a department head is determined by a majority vote of the members of the Court. Current department head positions include:

- Animal Services Department, Animal Services Director
- Elections Department, Elections Administrator
- Emergency Services Department, Senior Director of Emergency Services
- Human Resources Department, Senior Director of Human Resources
- Technology Services Department, Senior Director of Technology Services
- Infrastructure Department, Senior Director of Infrastructure
- Parks Department, Senior Director of Parks
- Purchasing Department, Purchasing Agent

A copy of the Department Head pay scale can be found as Appendix E.

Hiring authorities are encouraged to work with the Human Resources Department to ensure that the process is conducted in the best interests of the County and its potential employees.

#### **Nepotism**

With regard to the appointment, confirmation of the appointment of, or voting for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated with public funds or fees of office, County officials shall conform to the nepotism prohibitions contained in Chapter 573 of the Texas Government Code. Examples of nepotism include the following:

- a. The appointment or related action, as stated above, by a public official (elected or appointed) of a person related by blood (consanguinity) to the official, in the following degrees: parent, child, sibling, grandparent, grandchild, aunts, uncles, nieces, nephews, great-grandparents, or great-grandchildren;



- b. The appointment, or related action, as stated above, by a public official (elected or appointed) of a person related by marriage (affinity) to the official, in the following degrees: spouses, mothers-in-law, fathers-in-law, sons-in-law, daughters-in-law, brothers-in-law, sisters-in-law, or grandparents-in-law.
- c. A candidate for office cannot influence people in the office for which he or she is a candidate to appoint, promote, or take other employment actions involving persons related to the candidate in the same degrees stated above. If the candidate is running for commissioner, the candidate cannot influence persons serving on the commissioner's court, other officials, or their employees to take such actions. Example: If I am running for county clerk, I can ask the county tax assessor to hire my son, so long as this request is not part of a "trade" in which I agree to perform the same or similar action for the tax assessor. But if I'm running for county commissioner, I cannot ask a commissioner, other official, or an employee of the County to hire my son.
- d. The ending of a marriage by death or divorce ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as the child of that marriage lives.
- e. Department Heads and supervisors in a department under the Commissioners' Court are not allowed to directly or indirectly supervise an employee who is related to them as defined in Chapter 573 of the Texas Government Code. In summary, they are prohibited from having an employee who is related to them at any level in their chain of command.

#### **Job Offers**

1. The Human Resources Department is available to prepare or assist you in preparing a job offer letter for the successful candidate to fill your department's job vacancy.
2. At the conclusion of the selection process, all applications originally submitted through the Human Resources Department will be retained in the online system for at least two years.
3. The electronic applicant system is able to prepare and distribute notices to each unsuccessful applicant who applies for a position within your department. Please contact the Human Resources Department to process a job offer letter for the successful applicant and to notify the unsuccessful applicants or to simply notify the unsuccessful applicants via the electronic applicant system.
4. Positions may be filled by using applications previously received by the Human Resources Department for the same or similar position if the applications were received no later than 180 days prior to the position's current vacancy.

#### **After Hire**

1. The number of employee positions established and authorized for each official and/or department, and the maximum allowable salary for each position, are determined by the

Commissioners' Court. No County or precinct official or department head is required to pay the maximum salary allowed; the actual salary to be paid to each employee is to be decided by the employing official or department head, (not to exceed the amount allowed under County policy and budgeted for that position), and is to be certified by the Human Resources Department before the last day of the pay period

2. All new employees must complete the following two steps:
  - a. Complete the new hire packet, which includes the Federal I-9 and W-4 forms, preferably on or before their hire date but no later than their third (3<sup>rd</sup>) day of employment. The Human Resources Department is available to provide these forms and to assist a new employee with completion and processing of these forms. As part of the new hire packet, a new employee will also need to provide documentation pursuant to the requirements of the Immigration Reform and Control Act. A list of acceptable documents to meet these requirements will be forwarded from the Human Resources Department and can also be found on the Williamson County Human Resources Department Web site or at <http://www.uscis.gov/files/form/i-9.pdf>. For any questions or assistance in completing the new hire packet or the required documentation, please contact the Human Resources Department at 512.943.1533 or [hr@wilco.org](mailto:hr@wilco.org).
  - b. Attend a new hire orientation session in the Human Resources Department located at 301 S. E. Inner Loop, Suite 108, Georgetown, TX 78626. As of September 28, 2009, new hire orientation sessions will be held each Monday at 9:00 a.m. and each Thursday at 1:30 p.m. New employees shall complete their online benefits enrollment no later than 31 days from date of hire. Any supporting documentation must also be submitted no later than 31 days from date of hire.
3. Failure to provide accurate and complete information on the County application or any official employment record may result in dismissal from county employment.

#### **Introductory and Probationary Periods**

1. Officials and department heads may establish periods of special scrutiny or close supervision at the outset of employment. Such periods, regardless of the terms used to describe them, do not alter the employment at will status of employees, either during the terms of the periods or upon their completion.
2. Probationary status may be assigned to an employee who has been promoted or disciplined. The completion of such a probationary period does not alter the employment at will status of the employee.

#### **Promotions**

1. A promotion is the movement of an employee into a position with different job responsibilities at a higher grade. The County encourages the promotion of well-qualified persons when it is feasible to do so. Any vacancy that would result in a grade assignment increase for any

employee within the office or department in which the vacancy has occurred should be posted in the office or department.

2. Departmental applicants should submit a letter of interest or request for promotion to the appropriate supervisor in order to be considered for positions posted within the department only. If a position is posted to the general public through the Human Resources Department then County and departmental applicants, as well as members of the general public, shall submit a regular County application to the Human Resources Department.
3. Part-time and temporary employees, and in some cases volunteers, may be considered as departmental applicants. This practice may be utilized so long as there is no adverse effect on the county's recruitment efforts.

### **Transfers**

1. A lateral transfer is a move by an employee into a different position with the same pay grade.
2. Lateral transfers within a department do not require posting.
3. Any employee wishing to transfer to a position in another department will need to utilize the regular posting and recruiting processes.

### **Transfers between Departments**

Employees transferring from one County office or department to another should give at least two weeks' notice to their current official/department head. The current official/department head may waive the two week period.

### **Transfers to/from Williamson County**

Employees transferring to/from Williamson County, the Williamson County and Cities Health District (WCCHD), and the Community Supervision and Corrections Department (CSCD/Adult Probation), will require paying out all vacation, comp and holiday time upon transfer, so that this time does not become a liability of the new department. All sick leave balances will be reset to zero and all accrued sick leave of the employee will be forfeited upon transfer.

### **Funding for Employee Positions within an Office or Department**

Williamson County funds individual employee positions in all offices and departments as specific individual slots and does not fund positions in a way that allows transferring funds from one position to another without express or delegated approval by the Commissioners Court.

An office or department may request reductions or increases for specific individual employment slots. *If the Commissioners' Court either directly or through delegated authority determines that the County budget in the succeeding fiscal year will likely recover any extra funds and the department's salary line item will **not** be increased in the next fiscal year simply due to the requested reduction or increase, the request may be approved for the purposes listed below:*

1. Demotions or voluntary reassignments of one or more employees so that the employees, while receiving a lesser salary, may be placed in a step that approximates the same step (though not the actual salary) of their former position.
2. Promotions related to reassignments or demotions as stated above or other increases necessitated by the abrupt departure of key staff.
3. Entry level pay up to step 8 for employees classified in pay grade 26 or higher, if:
  - a. the applicant is currently being paid more, and
  - b. will not accept the budgeted level of the position, and
  - c. the confirmed salary and qualifications of the new hire justify the higher pay based upon market salaries, and
  - d. the higher step does not create pay inequities on a County-wide basis;
4. Entry level pay up to step 6 for employees classified in pay grade 25 or lower, if:
  - a. the applicant is currently being paid more, and
  - b. will not accept the budgeted level of the position, and
  - c. the confirmed salary and qualifications of the new hire justify the higher pay based upon market salaries, and
  - d. the higher step does not create pay inequities on a County-wide basis;
5. Entry level pay higher than step 1 or promotion pay as needed to compensate supervisors at a level higher than subordinates, not to exceed the current budgeted level for the slot and not involving a change in the pay grade.
6. Promotion pay equivalent to 2 pay steps below the budgeted amount for the slot, unless the resulting pay level does not yield at least a 5% increase for the employee being promoted, in which case the employee may receive an increase that will yield a 5% increase. Requests must be submitted to the HR Department for review. HR will forward these requests to the County Judge, who will review the requests and may refer the matter to the Commissioners' Court.

#### **Demotions**

A demotion of an employee should include a reduction in salary as well as a reduction in grade/step. If an employee is demoted to another position with a lower grade/step, the employee should be placed at step 1 and not at the currently budgeted step for the position. Any employee who is demoted will also not be eligible for merit money or any type of pay for performance award during the succeeding 12 month period.

#### **Salary Levels—New Hires – Civilian Grade/Step Chart**

A copy of the civilian grade/step chart can be found as Appendix C.

General Rule: Entry level is step 01 of the grade in which the position is classified. A copy of the FY 2011 civilian grade/step chart is attached. Any longevity pay or wellness program pay earned by an employee or any stipend awarded to an employee will be paid in addition to the salary stated on the civilian grade/step chart.

All full time and part-time positions should be assigned to the appropriate grade/step for the position.

Possible Exceptions if Budgeted Funds are available in the Office's or Department's Current FY Budget (Prior approval must be obtained from the County Judge):

1. If the salary of the best qualified applicant is higher than the regular entry level (usually step 1), and the applicant will not accept the entry level, the County Judge, through delegated authority by the Commissioners' Court, may authorize an entry level up to three steps higher (usually to step 04) if the following criteria are met: (a) the applicant's current salary is verified; (b) the hiring official confirms that the applicant has a combination of relevant education, training, and experience equal to that of any current departmental employee in the same position and at the same salary group/step proposed for the new hire. Other exceptions may be granted by the Commissioners' Court.
2. If the vacant position involves supervisory duties, the new hire may receive a salary two (2) steps higher than anyone the new hire would supervise, not to exceed the currently budgeted amount for the position. The exact amount would be determined by the new hire's qualifications, salary history, etc.

New hire salaries for attorneys may be granted in accordance with retention requirements or internal salary plans, provided the office does not exceed the currently budgeted amount for an individual attorney's salaries in the office of the County Attorney and the District Attorney. Refer to District Attorney Salary Policy below.

After at least three months of employment, a new hire may receive a merit step increase within the same fiscal year if undistributed annual merit funds are available within the department. Any merit award must be calculated on an annual basis amount not the dollar amount that would be expended during the remaining fiscal year should the award be given to an employee. The Human Resources Department will determine whether undistributed merit funds are available within the department.

#### **Examples:**

##### **General Rule**

Example: A person leaves County employment after ten years of service. The person is a deputy clerk at group 16, step 09, at the time of termination, but the person's duties are essentially the same as those of other deputy clerks with much less time on the job. The new hire would be brought in at the new hire level of group 16, step 01, instead of step 09. Note: The department head could, however, fill the position from within, in which case the salary rules for promotion would be used instead of the rules for new hires.

**Exception (1)** Example: A supervisor leaves County employment. The position is not filled from within. The departing supervisor was at step 12. The employees who had been supervised by the departing supervisor were at steps 08, 06, 04, and 01, or equivalent salary levels in lower groups. The new hire for the supervisory position would be brought in at step

10, or equivalent in another salary group, instead of step 01, so that the new supervisor would be earning more than the people he or she would supervise.

**Exception (2)** Example: The best qualified applicant for a court clerk position is earning \$29,000 per year in her current job at another county. The Williamson County position for which she has applied has a new hire level of Group 16, Step 1 (\$27,442.97). The applicant will not come to work here for less than she is making. Our Group 16, Step 4 is \$29,567.36. The Human Resources Department verifies the \$29,000 salary, confirms with the Elected Official that the applicant has as much education, training, and experience as any current departmental employee at that level, and the County Judge reviews and approves the 16/4 hire level after verifying that funds are available in the departmental budget.

#### **Salary Levels—Promotions – Civilian Grade/Step Chart**

General Rule: Promotion is recommended to be up to two steps below the current salary level for the slot being filled through the promotion. Any individual being promoted will assume the responsibilities of the open position. **Simply re-assigning an employee to a position with a higher grade/step when the individual will not assume the responsibilities of the open position is not considered to be a promotion and does not fall within the rules for promotions.** A copy of the FY 2011 civilian grade/step chart is attached as Appendix C.

#### **Possible Exceptions if Budgeted Funds are available in the Office's or Department's Current FY Budget (Prior approval must be obtained from the County Judge):**

- (1) If promotion to this level does not yield at least a 5% raise for the promoted employee, the employee may be raised to a level that does provide at least a 5% raise, not to exceed the budgeted amount for the slot.
- (2) If the vacant position has involved supervisory duties, the promoted employee may receive an amount equal to five percent (5%) more than the salary of any employee being supervised by the promoted employee, not to exceed the currently budgeted level.

Assuming that the position has been funded at a level higher than that allowed for in the possible exceptions noted above, other exceptions may be granted by the County Judge, acting under authorization from the Commissioners Court, after consultation with the Human Resources Department and the elected official or department head and review of an employee's qualifications as well as the budgeted funding for the specific position.

Promotion salaries for attorneys may be granted in accordance with retention requirements or internal salary plans, provided the promotions do not exceed the currently budgeted amount for an individual attorney's salaries in the offices of the County Attorney and the District Attorney. Refer to District Attorney Salary Policy Below.

**Examples:****General Rule**

Example: A current employee, who is a grade 18, step 10, terminates. The open position is filled from within, and the person to be promoted into the open position and to assume those job responsibilities is a grade 18, step 04. The person will go to a grade 18, step 08.

**Exception (1)** Example: The employee chosen for the promotion is already at 18/07, and promotion to 18/08 would not provide a 5% raise. The employee is therefore authorized to be paid at an 18/09 level.

**Exception (2)** Example: A supervisor leaves county employment. The position is filled from within through promotion. The departing supervisor was at group 20, step 09. The promoted employee was at group 20, step 02. Applying the General Rule for promotions, the promoted employee would go to group 20, step 07. But in this case there is another employee who would be supervised by the promoted employee and is also making the equivalent pay of a group 20, step 07. The exception would allow the promoted employee to go to group 20, step 09, so that the promoted employee would earn at least 5% more than any person whom that employee would supervise.

In no case, however, could the salary of a new hire or a promoted employee be higher than the currently budgeted level set by the Commissioners Court for the position, unless the County Judge refers the request to the Commissioners Court for authorization of an additional exception.

Slots that are filled pursuant to these policies during a fiscal year will not carry over any surplus funding to the succeeding fiscal year.

Example: A slot in FY 2011 was funded at group 23, step 04. The person in that slot terminated during FY 2011. The slot was filled by a new hire at group 23, step 01. The amount that will carry over to FY 2012 will be group 23, step 01, and not group 23, step 04.

**District Attorney Salary Policy**

PROSECUTOR SALARY SCHEDULE  
WILLIAMSON COUNTY DISTRICT ATTORNEY'S OFFICE

This schedule is designed to establish a predictable and appropriate compensation level for prosecutors hired by the District Attorney. The schedule and promotion factors were developed in consultation with the Human Resources Director after a study of comparable salaries in similar offices throughout Texas. These salaries are subject to reclassification upon the request of the District Attorney, recommendation of the Human Resources Director and approval of the Commissioners' Court.

There are three factors that influence the assignment of a particular salary level for a prosecutor: years of service as a prosecutor, board certification in criminal law and an annual evaluation of the work done by the prosecutor.

#### Years of Service

Before employment, each prosecutor must verify years of service with another prosecutor's office. Generally, a letter from that office confirming the time of service will be sufficient. Time of service with the Williamson County DA's office is counted from the date of hire and each year is accrued on the anniversary of that date of hire. The District Attorney may bring in a new prosecutor at the level of total years of experience or at any level below that total. Promotion to a new level may occur on the anniversary date of hire. The District Attorney may deny or delay such a promotion based on an evaluation of that prosecutor's actual work, but a delay should be noted on the paperwork for any subsequent approval. In the case of a denial or delay, the prosecutor becomes eligible for a merit raise at the next anniversary date.

#### Certification

Before employment, each prosecutor must verify whether or not the attorney has board certification in criminal law. Promotion into Felony Prosecutor Level II from Felony Prosecutor Level I occurs on the date certification is obtained rather than the anniversary of date of hire. However, subsequent merit raises within the steps for Felony Prosecutor Level II occur on date of anniversary of date of hire.

#### Evaluation

The District Attorney may evaluate the prosecutor annually and may delay or deny a promotion if the District Attorney determines that the prosecutor's work does not justify a promotion. Prosecutors are assigned to one of the following salary schedules:

1. Felony Prosecutor Level I: a non board certified lawyer with at least three years of prosecuting experience; a lawyer is eligible to move up one step within this schedule for each year of service within the District Attorney's Office at the discretion of the District Attorney and if salary funds are available.
2. Felony Prosecutor Level II: a board certified lawyer with at least five years of service; a lawyer is eligible to move up in 3-year increments at the discretion of the District Attorney and if salary funds are available.
3. Senior Attorney: a board certified appellate lawyer with at least five years of service; a lawyer is eligible to move up in annual increments at the discretion of the District Attorney and if salary funds are available.
4. First Assistant: a board certified lawyer with at least five years of service.

Salary schedules are subject to increase by across-the-board raises approved by the Commissioners Court for county employees. However, just as employees on the Peace Officer Pay Scale (tenure plan) are not eligible to receive lump-sum payments or merit increases as provided for other county employees, if any, that the commissioners court may award, attorneys on the District Attorney Pay Plan likewise are not eligible for such awards, but will continue to be eligible for raises and promotions that may be funded under the District Attorney Pay Plan. In fiscal years when the Commissioners Court does not award merit funds, state legislative dollars may be used to fund increases based on the plan.



The following chart is the prosecutor pay schedule in place as of September 2010. The grade/steps and salaries referenced correlate with the civilian grade/step chart.

PROSECUTOR TENURE PAY SCALE WITH SALARIES and NEW HIRE LEVELS

	<u>Years</u>	<u>Cert</u>	<u>Grade/Step</u>
Felony Pros I	3	no	35/1
	5	no	35/3
	6	no	35/4
	7	no	35/5
	9	no	35/7
Felony Pros II	5-7	yes	38/2
	7-9	yes	38/3
	9-12	yes	38/4
	12-15	yes	38/5
	15-18	yes	38/6
Senior Atty	10	yes	39/6
	11	yes	39/7
	12	yes	39/8

### **Peace Officer Tenure System and Certification Pay Plan**

1. **Purpose** The purpose of this pay plan is to establish the procedures and compensation rates for employees designated by the Commissioners Court as eligible for the Peace Officer Tenure System (POTS). The POTS may be eliminated at any time, and the compensation rate may be reduced, frozen, or adjusted at any time, by action of the Commissioners Court.
2. **Eligibility** The Commissioners Court shall designate the peace officer and corrections officer position types that are eligible to participate in POTS. Only employees who are peace officers or corrections officers actively involved in a law enforcement activity and whose job qualifications require state peace officer or state corrections officer certification may be eligible to participate in POTS.
3. **Peace Officer Pay Scale (POPS)** The Peace Officer Pay Scale contained in Appendix D is approved by the Commissioners Court. The scale correlates years of service with official rank within an office or department.
4. **Years of Service**
  - a. Years of Service under POTS are based on continuous service (with no break of more than one calendar year) as a regular employee in an approved POTS position (see POPS chart) in the sheriff's office, the offices of the county attorney or district attorney, or in any constable's office. Years of service as a corrections officer do not automatically count toward years of service as a law enforcement officer, nor do years of service as a law enforcement officer automatically count toward years of service as a corrections officer. (See paragraphs 3 and 5, below.)

If an employee in an approved POTS law enforcement position transfers from one designated POTS office to another (e.g., constable to sheriff, sheriff to constable, constable to another constable, sheriff to county attorney, district attorney, constable), or returns to county employment after a break in service, the employee's years of POTS service will apply, not to exceed the current salary budget for the office, as verified by the County Judge.

- b. All personnel newly hired from outside Williamson County for positions subject to POTS start at the first pay increment for the POPS position for which they are hired, unless they qualify for a prior service credit that applies to the L1 rank (patrol deputy, or similar) only. (See paragraph (e) below.)
- c. Current Williamson County corrections officers who successfully complete the selection process to become an officer in the law enforcement division of the Sheriff's Office must begin their law enforcement service at the first pay increment of the law enforcement position and remain at that increment for a period of one calendar year. At the end of that year, such officers will be evaluated, and if they are able to remain in the law enforcement division, they will be placed at the pay increment corresponding to their time of continuous POTS service (with no break of more than one calendar year) in both corrections and law enforcement.
- d. Effective October 7, 2005, all current officers in POTS law enforcement positions will be placed in the pay increment that corresponds to their time of continuous

POTS service (with no break of more than one calendar year) in both corrections and law enforcement.

- e. Law enforcement officers within the Sheriff's Office who transfer from the law enforcement division to the corrections division will, if appropriate corrections certification is achieved, be placed at the pay increment corresponding to their time of continuous POTS service (with no break of more than one calendar year) in both corrections and law enforcement.

5. Credit for Prior Service An applicant for a law enforcement POTS position, or a current officer in such a position at the grade of L1.1, may qualify for service credit earned prior to current employment with Williamson County, if the following requirements are met:

- a. Applicant must meet all Williamson County requirements of the hiring office.
- b. Must be a TCLEOSE certified officer.
- c. If from another state, the officer must become TCLEOSE certified or attend a regional police academy.
- d. Must have four years of prior law enforcement experience (prior service subject to approval by hiring office). Lengthy gaps in service may disqualify a candidate, at the discretion of the hiring office.
- e. Qualified applicants and current officers will receive up to three years of service credit as it applies to tenure increment increases. The applicants and officers affected by this section are the following:
  - i. applicants whose prior service may qualify them for starting pay at increment L1.2, L1.3, or L1.4;
  - ii. current officers whose credit for prior service may qualify them for tenure increments L1.2, L1.3, or L1.4; and
  - iii. officers with the rank of law enforcement captain whose beginning pay may be up to increment L5.10 if they have prior service credit of 9 years; the minimum pay for the rank of law enforcement captain is increment L5.6.
  - iv. officers with the rank of law enforcement lieutenant, or equivalent, whose beginning pay may be increment L4.6 if they have prior service credit of 5 years, and may be as high as L4.8 if they prior service credit of at least 7 years;
  - v. officers with the rank of law enforcement sergeant, or equivalent, whose beginning pay may be increment L3.4 if they have prior service credit of 3 years, and may be as high as L3.6 if they have prior service credit of at least 5 years.

The hire date and length of service with the county for officers who receive prior service credit will not change as a result of receiving the prior service credit.

6. Prior service defined (candidates must substantially meet at least 3 of 5 criteria):

- a. patrolling in a radio equipped car, answering calls for the protection of life, property and the enforcement of city, county or state laws;
- b. conducting preliminary and follow up investigations of disturbances, prowlers, burglaries and other crimes;
- c. responding to calls related to traffic incidents and other required emergencies, observing, monitoring and controlling routine and unusual traffic conditions, assisting and advising motorists and enforcing safety laws;
- d. collecting and preserving evidence at a crime or accident scene, making arrests as necessary, interviewing victims and witnesses, interrogating suspects, searching and transporting prisoners and testifying in court;
- e. filing complaints and performing other work related to processing misdemeanor and felony complaints, enforcing court orders, and preparing reports of arrests and activities performed.

Offices must submit a Prior Service Verification Form to the Human Resources Department along with their Oracle Manager Self Service Hire process or Worker Status Change process in order for prior service credit to be applied.

7. Tenure Progression Employees in POTS positions move from one tenure level to the next, within the same rank, based on their years of service, subject to funding by the commissioners' court.

8. Promotions and Demotions - Promotions for POTS employees in positions subject to POTS to higher ranks are based on years of service determined in compliance with paragraph (d)(1) and on the office's assessment of an employee's performance, after the County Judge verifies that the office has sufficient funds in the current budget or the Commissioners Court approves additional funding, if necessary. POTS employees who are demoted may carry to a lower POTS grade the POTS step corresponding to their years of service, after the County Judge verifies that the office has sufficient funds in the current budget or the Commissioners Court approves additional funding, if necessary.

9. Longevity Pay

- a. Each commissioned peace officer in the Sheriff's Office shall be provided statutory longevity pay of not less than \$5 a month for each year of service in the office in addition to the applicable salary rate.
- b. Commissioned peace officers in the Sheriff's Office are eligible to accrue statutory longevity pay at the rate of \$5 per month for each year of service (up to a maximum of 25 years) after the first year anniversary of their certification as a peace officer.

- c. Commissioned peace officers in the Sheriff's Office are not eligible to receive statutory longevity pay under this section and Williamson County longevity pay. Commissioned peace officers in the Sheriff's Office as of October 1, 2003, will receive the greater of statutory longevity pay or Williamson County longevity pay until the amount of statutory longevity pay exceeds county longevity pay as such pay was set on October 1, 2003. From that time forward, such officers will receive only statutory longevity pay. Commissioned peace officers in the Sheriff's Office employed after October 1, 2003 will receive only statutory longevity pay.

10. Timing of Payroll Actions - All pay changes related to dates of service will take effect at the beginning of the first full pay period that follows the attainment of the service date.

11. Certification Pay - The following certification pay will be paid to non-elected commissioned peace officers and eligible corrections officer (County Jail) who hold a full-time active duty position in a law enforcement or corrections capacity with the County on June 1<sup>st</sup> of each year:

- a. Law enforcement officers--\$60 per month for Advanced Certification; \$90 per month for Masters Certification;
- b. Corrections officers--\$60 per month for Advanced Certification; \$90 per month for Masters Certification.
- c. Payment for an entire fiscal year beginning on October 1<sup>st</sup> will be based on the level of certification held as of September 15<sup>th</sup> of the preceding fiscal year.

Certification pay does not transfer with an individual employee who leaves a corrections officer position to accept a law enforcement position nor does it transfer with an individual employee who leaves a law enforcement position to accept a corrections officer position except when the corrections officer position is that of a Bailiff.

#### **Annual Reclassification Requests – All Positions**

Reclassification requests are submitted by a department during the annual budget process. The reclassification requests should only be based upon an increase in assigned job duties or new or greater supervisory responsibilities for a position.

#### **Market Salary Adjustments – All Positions**

Each year the Human Resources Department performs a market analysis comparing the current salaries for Williamson County positions to comparable public sector entities and private sector entities, when applicable. Any positions that are not aligned with market salaries will be identified and a salary recommendation will be made to the Commissioners Court during the annual budget process.

It is the policy and practice of Williamson County to comply fully with the Fair Labor Standards Act (FLSA). All job positions will be reviewed and classified as non-exempt or exempt, according to FLSA standards. All employment practices will be conducted in accordance with this policy basis.

### **Terminating Employees – All Positions**

The employee termination date for an employee who is terminating employment with Williamson County will be their last date of active duty in person at his/her usual and customary place of work unless they are on paid administrative leave pending an investigation. If they are on paid administrative leave pending an investigation, their last date of active duty will be the date upon which a final determination decision was made following the investigation. Any accrued vacation or comp time balances remaining for the employee as of their last date of active duty will be paid in a lump sum to the employee on their final pay check. A terminated employee's final paycheck is processed in the pay period which includes their termination date. No direct deposit will be processed for a terminating employee. Instead a paper check will be issued for their last paycheck.

Each employee who is issued County-owned equipment that may be used or taken outside the daily workplace must sign an agreement each year acknowledging receipt of the equipment, including an acknowledgement of its current replacement value, and agreeing that the equipment will be returned on request of the department head or on leaving departmental employment whichever comes first. The agreement will further provide that if the equipment is not returned when required, the replacement value will be deducted from the employee's next (or final) paycheck.

### **Military Leave**

The Uniformed Services Employment and Re-employment Rights Act (USERRA) grants up to five years of military leave. The Act requires an employer to reinstate a person to his/her previous position if military service has been satisfactory according to the guidelines listed below.

1. Service of 90 days or less – veteran must be re-employed in the position he would have held if he had continued in employment without interruption for military service
2. Service of 91 days or more – the veteran must be re-employed in the same position or in a position of like seniority, status and pay.
3. For service up to 30 days – veteran must report back to work on the next regularly scheduled day after completion of duty.
4. For service of 31-180 days – veteran must apply for re-employment within 14 days following release from active duty.
5. For service of more than 180 days – veteran must apply for re-employment within 90 days of release from active duty.

## **PAY PLAN AND PAY POLICIES**

### **Work Week and Work Hours**

The official work week for all County departments is Friday through Thursday. The work schedules of each department are determined by the official responsible for overseeing the department and are established according to their work requirements and pertinent regulations.

### **Rest Periods/M Meal Periods**

Rest Periods of 15 minutes or less are not required by the Fair Labor Standards Act (FLSA) and should not interfere with proper performance of work responsibilities and schedules. If workflow permits and if authorized by their immediate supervisors, employees may take up to two fifteen (15) minute rest periods each work day. If authorized, rest periods do not accumulate if not taken. To the extent possible, rest periods will be provided in the middle of work periods. Since rest periods are counted and paid as time worked, employees must not be absent from their work stations beyond the allocated time. Additionally, employees may be requested to curtail the rest period, if necessary, to provide adequate customer service in high customer service areas.

Supervisors will schedule meal periods to accommodate operating requirements. The Commissioner's Court encourages offices to remain open during the noon hour to better serve the public. Some employees may stagger their lunch hours in order that the County can provide this service.

### **Lactation Accommodation**

**Pursuant to legislation amending the Fair Labor Standards Act, each Department Head should ensure that nursing employees are provided reasonable break time(s) as needed to express breast milk in a private location (other than a bathroom) shielded from view and intrusion.**

The DOL has released a fact sheet to help employers comply with the lactation break time obligations established by the new federal healthcare reform law. Under this healthcare reform, employers must provide the reasonable rest breaks and suitable space for employees who are nursing mothers to express breast milk for up to one year after the child's birth. The Fact Sheet provides further information about the time and location of the breaks, which employers are exempt from the law, and whether employees must be compensated for this break time. A copy of the fact sheet is available [here](#).

### **Payroll Procedures**

1. All officials and their employees shall be paid every other Friday for the two-week pay period ending on the Thursday 8 days prior to the payday. If that Friday falls on a holiday, payday shall be the last working day prior to the holiday. All annual re-classes, merits and COLA's, or "across the board" increases approved by the court during budget preparation will go into effect the first day of the first full pay period after October 1<sup>st</sup>.

2. At the end of each pay period, all employees (including non-elected department heads) must report to their supervisor any authorized paid leave they have taken during the pay period. In addition, all nonexempt employees are to report their actual working hours.
3. Accurately recording time worked is the responsibility of every non-exempt employee. Federal and state laws require Williamson County to keep accurate records of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Non-exempt employees should accurately record the time they begin and end their work. They should also record the beginning and ending time of any split-shift or departure from work for personal reasons. Overtime work must always be approved before it is performed. Altering, falsifying or tampering with time records or another employee's time record may result in disciplinary action up to and including termination of employment.
4. It is the employee's responsibility to certify the accuracy of all of their recorded time. The supervisor is also responsible for certifying the accuracy of their subordinate's recorded time before submitting it for payroll processing. These reports shall be in a form acceptable to both the Human Resources Department and the Auditor. The reports are to be reviewed by the department head or their designee and, if approved, forwarded to the Payroll Department which must receive them no later than 9:00 a.m. on the 7<sup>th</sup> day prior to payday. After this time, any corrections or additions to Payroll resulting in less than or equal to 16 hours will not be processed until the following pay period.
5. Pay advances are not authorized under any circumstances.
6. In the event that one of these payroll reports is omitted or incorrect, a corrected report should be submitted not later than the end of the following pay period. Except in extraordinary cases, it will not be possible to correct the payroll records at a later date. **The burden is equally on the department head and the individual employee to avoid falsification of the government records reflecting hours worked and leave taken.**

#### **Tampering with a Governmental Record**

**As an employee of a political subdivision of the State of Texas, all Williamson County employees' Kronos time records are considered governmental records. When an employee knowingly reports inaccurate information or fails to report accurate information in a governmental record, that employee is Tampering with a Governmental Record.**

Penal Code Sec. 37.10. TAMPERING WITH GOVERNMENTAL RECORD.

(a) A person commits an offense if he:

- (1) knowingly makes a false entry in, or false alteration of, a governmental record;
- (2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
- (3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;



(4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;

(5) makes, presents, or uses a governmental record with knowledge of its falsity; or

(6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

(b) It is an exception to the application of Subsection (a) (3) that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Subtitle C, Title 6, Local Government Code.

(c)(1) Except as provided by Subdivisions (2), (3), and (4) and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

(2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was a public school record, report, or assessment instrument required under Chapter 39, Education Code, or was a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States, unless the actor's intent is to defraud or harm another, in which event the offense is a felony of the second degree.

(3) An offense under this section is a Class C misdemeanor if it is shown on the trial of the offense that the governmental record is a governmental record that is required for enrollment of a student in a school district and was used by the actor to establish the residency of the student.

(4) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the governmental record is a written appraisal filed with an appraisal review board under Section 41.43(a-1), Tax Code, that was performed by a person who had a contingency interest in the outcome of the appraisal review board hearing.

(d) An offense under this section, if it is shown on the trial of the offense that the governmental record is described by Section 37.01(2)(D), is:

(1) A Class B misdemeanor if the offense is committed under Subsection (a) (2) or Subsection (a) (5) and the defendant is convicted of presenting or using the record;

(2) A felony of the third degree if the offense is committed under:  
(A) Subsection (a) (1), (3), (4), or (6); or

(B) Subsection (a) (2) or (5) and the defendant is convicted of making the record; and

(3) A felony of the second degree, notwithstanding Subdivisions (1) and (2), if the actor's intent in committing the offense was to defraud or harm another.

(e) It is an affirmative defense to prosecution for possession under Subsection (a) (6) that the possession occurred in the actual discharge of official duties as a public servant.

(f) It is a defense to prosecution under Subsection (a) (1), (a) (2), or (a) (5) that the false entry or false information could have no effect on the government's purpose for requiring the governmental record.

(g) A person is presumed to intend to defraud or harm another if the person acts with respect to two or more of the same type of governmental records or blank governmental record forms and if each governmental record or blank governmental record form is a license, certificate, permit, seal, title, or similar document issued by government.

(h) If conduct that constitutes an offense under this section also constitutes an offense under Section 32.48 or 37.13, the actor may be prosecuted under any of those sections.

(i) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

#### **Merit Pay**

In fiscal years when Commissioners Court approves merit pay for each department, any merit pay shall be awarded to an employee on or before March 31st. No merit pay awards will be processed after that date.

#### **Direct Deposit and Payroll Definitions**

##### **Direct Deposit shall be mandatory for all employees effective January 1, 2009**

Direct Deposit of employee pay is mandatory per the 2008/2009 Budget Order. If an employee does not have a bank account, Union State Bank (USB) will provide a free account into which your pay will be directly deposited. USB is the depository bank for the County. Contact the County Treasurer's office at 943-1540 to set up a time to visit with a representative from Union State Bank (USB). Your funds will be available to you by 8:00 a.m. the last work day of the payroll week. If at any time you need to make an amendment to your account, you must contact Union State Bank. The bank has locations in Georgetown, Liberty Hill, Florence, Round Rock, Killeen and Harker Heights.

*Remember: The Payroll Department in the Auditor's Office must be notified of any bank account changes. They can be reached at [payroll@wilco.org](mailto:payroll@wilco.org) or 943-1550.*

The Technology Services Department will need to set up your view and/or print capabilities for your direct deposit advice using Oracle. Contact the department at 943-1449, 943-1448 or 943-1680 to request a user name and password to access Oracle and to obtain access to Wilco Self Service. Your direct deposit is listed under "Pay Slip".

Remember: Payroll checks are mailed to the employee address on file in Oracle. If you need to update your address, please contact the Human Resources Department at [hr@wilco.org](mailto:hr@wilco.org) or 943-1533.

All terminating or retiring employees will receive a paper paycheck for their final pay. Final pay is not available by direct deposit. A final paycheck will be mailed from the Treasurer's Office on the pay date to the employee's address on record in the payroll system and cannot be picked up in person. Employees are encouraged to submit an address change notice to the Human Resources Department, if necessary, to ensure prompt receipt of the employee's final pay. The County cannot guarantee the date you will receive your final paycheck.

**The following Payroll Definitions apply to payroll processing in Williamson County:**

**Authorized paid leave** includes holiday, sick leave, vacation, compensatory time taken, emergency leave, floating holiday, military leave, civil leave, essential personnel leave, and all similar forms of compensation allowed under these employee policies.

**Unpaid Leave** The Texas Constitution absolutely forbids counties from making a gift. Therefore, Williamson County cannot pay an employee any compensation that is not authorized in its budget. The allowances for authorized paid leave are the exclusive forms of paid leave provided by the County to its employees.

The County cannot legally pay someone for un-worked hours that do not fall under one of these categories, or that exceed the maximum amount allowed. The department head may grant employees unpaid leave if they have exhausted their paid leave, but may not agree to make any payments not authorized by the Commissioners' Court. Any employee's need to report unpaid leave may be the result of attendance problems and the Human Resource Department does not recommend allowing an employee to enter unpaid leave status, unless the employee is on unpaid leave in conjunction with FMLA or Worker's Compensation. Except as otherwise provided in this policy statement, the Payroll Department and Auditor shall reject any departmental request to pay a full-time employee who has not actually worked 40 hours during a 7-day work period and is not entitled to authorized paid leave.

**Employees not subject to the plan** include all employees who are not subject to the guaranteed fluctuating hours plan ("the plan").

**Employee's subject to the plan** includes all employees who are subject to the plan, as defined above. These employees include shift paramedics and supervisors working in the Emergency Medical Services Department.

**Exempt employees** include all County and precinct officials, department heads, and employees who are not subject to the overtime regulations of the Federal Fair Labor Standards Act, or whose working hours are not restricted by that Act. Exempt employees will be defined as such by the Williamson County Human Resources Department after consultation with the elected official or other department head.

**Nonexempt employees** include all County and precinct employees who have not been identified as such exempt employees by the Williamson County Human Resources Department.

**Officials** include district, County and precinct officials and any other officials for which the Commissioner's Court has the authority to adopt a budget, and any official, employee, or agency that receives county funds. The provisions of this Order relating to authorized paid leave do not apply to elected officials, the County Auditor or the Chief Juvenile Probation Officer.

**Part-time employees >=20** includes all employees who are regularly scheduled to work greater than 20 hours per week but less than 30 hours per week calendar year. The elected official or other department head must identify all such employees to the Human Resources Department to ensure that their compensation and benefits will be properly calculated and paid.

**Part-time employees >=30** includes all employees who are regularly scheduled to work greater than 30 hours per week but less than 40 hours per week but may work for more than 130 days in a calendar year. The elected official or department head must identify all such employees to the Human Resources Department to ensure that their compensation and benefits will be properly calculated and paid.

**Part-time employees <20** includes all employees who are regularly scheduled to work less than 20 hours per week but may work for more than 130 days in a calendar year. (This definition includes seasonal staff). The elected official or department head must identify all such employees to the Human Resources Department to ensure that their compensation and benefits will be properly calculated and paid.

**Temporary employees** include (1) a person hired to work for a period of no more than 130 *days in a calendar year*, regardless of the hours worked per day or week; and (2) a person whom the hiring authority does not intend to employ as a regular full-time or part-time employee. The elected official or department head must identify all such employees to the Human Resources Department to ensure that their compensation and benefits will be properly calculated and paid.

**Full-time employees** include all employees whose positions have been established and authorized by the annual approved County budget filed with the County Clerk.

### **Pay Plan**

1. The Commissioners' Court, under statutory budgetary procedures, shall approve the number and salary of all regular salaried positions, and part-time and temporary positions allocated to each department.
2. Most County employees have been assigned a pay group and step range based on a market survey and job analysis of each position. The authority to assign groups and steps rests with the Commissioners' Court.
3. The position classification is designed to assess the nature of a position and not to evaluate the individual in the position. But once a position has been classified, advancement to higher steps is dependent on certain job-related factors, including, but not limited to, individual performance.
4. Merit raises, if any, should be based on an evaluation of the individual's performance and other job-related factors. The amount received by individual employees may vary according to

supervisory evaluations. The Human Resources Department has forms and instructional materials that may be of assistance in evaluating employees.

5. The payroll system uses a calculated five digit hourly rate to process compensation on a pay period basis. This calculated rate is rounded to 2 decimals when printing the hourly rate. The 2-decimal rate is **not** used for processing pay period compensation.

6. The Commissioners' Court has sole authority to determine the availability of funds for across the board cost of living pay increases or merit raises, if any, that may be granted. In some cases, the Court may approve a combination of across the board cost of living pay increases and merit raises. If an across the board cost of living pay increase is approved, the pay increase will be in the form of a percentage rather than a flat dollar amount. When this is done each salary amount on the pay scale and each individual employee's salary are adjusted by the authorized percentage increase, unless a specific employee's salary has been frozen as a result of a determination that the employee is being paid beyond the maximum salary established for the position. Across the board cost of living pay increases are typically not tied to the Consumer Price Index (CPI) determined by the U.S. Department of Labor. Across the board cost of living pay increases will be less than the CPI. Performance based pay, such as merit pay or lump sum incentive pay, may be awarded and is used to allow top performing employees to meet or exceed the consumer price index annual adjustments.

### **Other Pay Types**

#### **Longevity Pay**

##### **Eligibility**

1. All employees of officials or employees in any other department, including any department head appointed by the Commissioner's Court, shall be paid longevity pay above their regular salary set by the employing official or department head. Longevity pay is related solely to length of total service with the County.
2. Longevity pay shall begin with the pay period following the completion of five years' employment and shall increase with the pay period following each additional five years of employment, to a maximum of twenty-five (25) years. However, all temporary, along with part-time employees who are regularly scheduled for less than 20 hours per week shall not earn any longevity credit. Longevity pay will accrue bi-weekly beginning with the first pay check in December thru November for a 12 month period. It will then be paid out annually on the first pay check in December. This applies to anyone who begins receiving longevity in Fiscal year 2008-2009. Any employee who terminates employment and has been accruing longevity pay toward an annual December payout will receive their prorated longevity payment on their last paycheck. Each November those employees still receiving longevity on a biweekly basis will be given the opportunity to elect an annual payment.
3. An individual who terminates employment with Williamson County and is rehired within one year of termination will be reinstated with longevity at the rate they were receiving upon termination. **However, they will only be able to accrue longevity on the annual payout basis**

**as described in 2. above.** An employee is reinstated with everything earned to the new date of hire just as though they never left employment with the county (break in service does not apply). Longevity is reinstated and vacation accrual is reinstated and longevity keeps accruing from original date of employment less the break in service. This applies only if employee returns within one year.

4. The longevity rule as it applies to breaks in service is applicable to all current employees, and those being hired/rehired, after May 23, 2003. If there is a break in service of more than one year the employee will lose all accrued longevity and must start earning longevity from the new date of hire.

#### Payments

5. Longevity pay shall be accrued twenty-six (26) times per year and paid as noted in 2., as follows for **full-time staff** who began receiving longevity pay prior to Fiscal Year 2008-2009 and who have elected to continue receiving longevity pay on a per pay period basis:

\$24.00 per pay period after completing five years of employment;  
 \$48.00 per pay period after completing ten years of employment;  
 \$72.00 per pay period after completing fifteen years of employment;  
 \$96.00 per pay period after completing twenty years of employment;  
 \$120.00 per pay period after completing twenty-five years of employment,  
 Shall be the maximum allowable longevity.

6. Longevity pay shall be accrued twenty-six (26) times per year and paid as noted in 2., as follows for current **part-time employees** who began receiving longevity pay prior to Fiscal year 2008-2009 and who have elected to continue receiving longevity pay on a per pay period basis:

\$12.00 per pay period after completing five years of employment;  
 \$24.00 per pay period after completing ten years of employment;  
 \$36.00 per pay period after completing fifteen years of employment;  
 \$48.00 per pay period after completing twenty years of employment;  
 \$60.00 per pay period after completing twenty-five years of employment,  
 Shall be the maximum allowable longevity.

#### Overtime

##### General Provisions on Overtime

##### 1. Statement of Intent

The following rules regarding overtime represent an effort to go over and above the minimum requirements imposed by federal law in the interest of fairness. The examples are designed as general illustrations of the principles involved, as well as of the sort of situations that the policy is intended to address.

## 2. Work Period

- a. Except as provided below, the “work period” for purposes of calculations under the Fair Labor Standards Act shall be a 7-day week. Generally, nonexempt employees may only work 40.00 hours during a pay week without incurring an overtime obligation for the county.
- b. Employees who are trained peace or corrections officers primarily involved in law enforcement or corrections activities shall have a 14-day “work period” for purposes of calculations under the Fair Labor Standards Act. Non-exempt employees in these categories may work 85.00 hours during a “work period” without incurring an overtime obligation.
- c. Only hours actually worked count toward the overtime limit for non-exempt employees. Holiday, vacation, sick leave, emergency leave, floating holidays, compensatory time taken and any other forms of paid leave do not contribute to the total number of hours worked in a “work period”.
- d. Although employees who are exempt or not subject to the Fair Labor Standards Act never have any federally-guaranteed right to overtime compensation, a department head may allow such employees flexible hours, even if this occasionally results in full pay for a week in which the employee works less than 40 hours, so long as the average work week of the employee exceeds 40 hours (including authorized paid leave).

*Example: A felony prosecutor puts in 60 hours during a jury trial week and the DA lets him/her take 2 days off a few weeks later; he/she gets no extra compensation for the long week, but (at the discretion of the DA) the short week is not charged against his/her accrued paid leave.*

## 3. Explanation of Overtime

If you are in an **exempt** position, you are not eligible for official overtime or compensatory time. Exempt positions are usually professional or executive positions. Examples are attorneys, engineers, department heads, and some supervisors.

If you are a **non-exempt** employee, you are eligible for compensatory time at the rate of 1.5 hours for every hour you work over the normal total for your work period. This usually, but not always, means that if you work more than 40 hours in a one-week work period, you would incur compensatory time. This compensatory time could be taken off in the next work period or, with the approval of your supervisor or department head, at a later time. Compensatory time for non-exempt employees is officially recorded and is subject to accrual. Only hours actually worked are included in the determination of overtime. Sick leave, vacation leave, holidays, and other absences from the work place do not count towards the accrual of overtime. Non-exempt

employees include clerical support personnel, Department of infrastructure crew members, and equipment operators.

**Non-exempt Department of Infrastructure Employees** will, at the discretion of the Senior Director, earn the equivalent of 1.5 hours of compensatory time for every hour worked over forty in a work period or overtime pay at the rate of 1.5 times their hourly rate for every hour worked over 40 hours in a work period.

**Non-exempt Employees working as Juvenile Detention or Academy officers or as Dispatchers and Shift Supervisors in the Department of Emergency Communications** will be paid at the rate of 1.5 times their hourly rate for every hour worked over 40 hours in a work period.

**Non-exempt Emergency Medical Services Employees** will be compensated for overtime at the same hourly rate as for their first 40 hours per week (*i.e.*, their guaranteed weekly salary divided by 40). The employee is not guaranteed if the employee does not work at all during the work period. An employee who performs no work during a given period will not be paid, except to the extent of any accrued leave that the employee has previously earned.

**Non-exempt Law Enforcement Officers and Corrections Officers employed by the Sheriff's Department and Constable's Offices** who work the 85-hour work period may be paid their regular salary for the first 80 hours worked in a work period plus their regular hourly rate "straight" for additional hours up to 85 hours worked; after 85 hours these employees may be paid at a rate of 1.5 their regular hourly rate, although the County Judge and Commissioners' Court may, at their discretion, limit or suspend paid overtime compensation and instead provide compensatory time at the rate of 1.5 times the overtime hours worked in excess of 85 hours in a work period, or provide some combination of paid overtime and compensatory time. The County Judge and the Commissioner's Court may also, at their discretion, limit or suspend the "straight time" compensation for additional hours worked between 80 and 85 hours in a work period.

#### 4. Controls on Overtime

- a. Nonexempt employees may only work on a County holiday or outside normal working hours at the express direction of their supervisor or with the express permission of their department head or designee. Additional hours worked without such authorization will not be compensated, except to the limited extent required by federal law, and may result in discipline or termination. **It is the responsibility of the department head to enforce this policy and to prevent the filing of claims for unauthorized compensation.**

**Example:** An employee is sick on Monday, then gets permission to work 8 extra hours later in the week; under the policies described below, the employee will not be charged with any expenditure of sick leave.

**Example:** Another employee is sick the same day, and then works 8 extra hours **without** permission; the employee is charged with 8 hours sick leave and accrues no compensatory time.



- b. Department heads are responsible for controlling overtime so as to avoid creating an excess liability for the County. The Commissioners' Court is not required to amend the budget or approve line-item transfers to allow for the payment of unnecessary overtime compensation, or for hiring any additional employees required to keep an office open while the regular employees are taking their compensatory time. Employees are encouraged to take any accrued compensatory time as soon as they possibly can, rather than allowing it to accumulate.

**Example:** Five employees, each with 80 hours of accrued compensatory time, quit a department at once; the department head may have to do without any replacements for 10 employee-weeks or risk running out of salary money before the end of the fiscal year.

#### 5. Adjustments to Working Hours

- a. Sick leave, holiday time, vacation, compensatory time and other authorized paid leave shall be charged against an employee only to the extent that the employee actually works less than 40 hours during a 7-day work period (or 85 hours in a 14 day work period, if applicable). This policy shall be administered so as to preserve accrued sick leave as the highest priority, with the other categories following in the order set out above.

**Example:** An employee takes vacation leave all day Monday, but works 6 extra hours (with Permission) before Thursday; the employee is only charged for 2 hours leave, not 8.

**Example:** An employee takes a Friday vacation day, is called out on an ice storm emergency for 10 hours on Sunday, and has the flu on Tuesday; the employee is charged with no sick leave and only 6 hours of vacation leave.

- b. Whenever possible, an employee who works on a holiday with permission is to be given another day off within the same 14-day pay period. County holiday hours that the department head determines cannot be taken off during the current pay period shall be banked and used at a later date as provided below.

#### **Provisions only applicable to employees not subject to the Guaranteed Fluctuating Hours Plan ("the plan")**

1. Except as required by federal law or allowed by this policy, employees not subject to the plan shall receive only compensatory time in lieu of overtime payments. The maximum accrual for compensatory time is 240 hours. Any compensatory time accrued over 240 hours will be paid at time-and-a-half.
2. In the event that a nonexempt employee not subject to the plan is required or requested to work outside his or her normal working hours or on a county holiday, the employee shall be entitled to compensatory time at the rate of time-and-a-half but only to the extent that hours actually worked exceed 40 in a week or 85 (as the case may be) during the work period.

3. County holiday hours worked by an employee not subject to the plan that the department head determines cannot be taken off during that pay period shall be converted hour-for-hour to flat-rate holiday time by the Payroll Department's payroll processes and the employee's holiday time will be reflected in their holiday bank for use at a later time.

4. Nonexempt law enforcement officers and corrections officers employed by the Sheriff's Department and Constable's Offices who work the 85-hour work period may be paid their regular salary for the first 80 hours worked plus their regular hourly rate "straight" for additional hours up to 85 hours worked; after 85 hours these employees may be paid at a rate of 1.5 their regular hourly rate, although the County Judge and Commissioners' Court may at their discretion limit or suspend paid overtime compensation and provide compensatory time at the 1.5 times the overtime hours worked in excess of 85 hours in a work period, or provide some combination of paid overtime and compensatory time. The County judge and the Commissioners' Court may also, at their discretion, limit or suspend the "straight time" compensation for additional hours worked between 80 and 85 hours in a work period.

5. All nonexempt Department of Infrastructure employees will earn the equivalent of 1.5 hours of compensatory time for every hour worked over (40) forty in a work period with the exception of crew members, truck drivers, inspectors and operators who will earn overtime pay at the rate of 1.5 times their hourly rate for every hour worked over 40 hours in a work period.

6. All nonexempt employees working as Juvenile Detention or Academy officers or as dispatchers and shift supervisors in the Department of 911 Communications will be paid at the rate of 1.5 times their hourly rate for every hour worked over 40 hours in a work period.

7. Employees in the Elections Department who are eligible for payment under elections services contracts will be paid at 1.5 their hourly rate for every hour worked over 40 hours in a work period, if such hours were for services performed under contract on behalf of another political subdivision.

#### **Outside Employment for Off Duty Peace Officers**

1. The intentional or knowing use of County-owned or controlled assets to assist in the production of private income for a county officer or employee (or knowingly allowing such use by a subordinate) is generally prohibited by state law and could result in criminal prosecution, adverse employment action, or removal from office.

2. As a limited traditional exception recognized by law and as an approved employee benefit for county peace officers, equipment (including without limitation uniform items, radios, and vehicles) owned by Williamson County may be used in connection with special duty work in fire protection, law enforcement, or related activities for a separate and independent employer (public or private) during a County employee's off-duty hours in accordance with the following policy. Elected officials may regulate, at their own discretion, other forms of outside employment that do not involve work for the County or the use of County equipment. Use of County property except in accordance with this policy is prohibited.

3. This policy applies only to off-duty law enforcement or related work performed for a separate and independent employer at the sole option of the employee. Elected officials are, of course, free to control the use by on-duty employees of county equipment assigned to their department, but on-duty employees must be paid from the departmental budget. Work in the following categories performed by a non-exempt employee is considered on-duty time that must be compensated at the employee's regular or overtime rate, as applicable:

- a. Work performed for the County itself or for its benefit (unless the duties are performed for another County department and have no connection with the employee's regular duties); or
- b. Work performed at the direction of the employee's department or supervisors (including policing services provided by the department for a community event).

4. Pursuant to the U.S. Department of Labor Regulations contained in 29 C.F.R. Part 553, Sec. 553.227, peace officers and other public safety employees may be permitted (solely at the employee's option, with the consent of the elected department head) to engage in special duty work for a separate and independent employer (public or private) during their off-duty hours. Since this is separate employment, the rate of compensation for such work may differ from the employee's regular pay and the hours of work for the second employer are not combined with the hours worked for the primary public agency employer for purposes of overtime compensation.

5. Pursuant to the stated position of the U.S. Internal Revenue Service in auditing other agencies, any outside employer who wishes to hire an officer for special duty work permitted by this policy must allow a county agency to facilitate the employment and process payroll, including federal withholding. The outside employer must agree to make payment of the fee for such services directly to the County, which will establish procedures for the officers to receive their pay for the special detail through the agency's payroll system. The County will retain a fee for administrative expense.

6. Prior to the commencement of outside employment under this policy, the following documents must be executed:

- a. A written agreement between the authorized agent of the department and the separate and independent outside employer defining the nature of the special duty work to be performed, giving the consent of the department to the performance of the work, and providing that the outside employer will pay a fee directly to Williamson County in accordance with the payment schedule in paragraph 7 below for each employee/hour of services;
- b. A written acknowledgment by the officer that he or she is undertaking the special duty work at the employee's sole option and not as an assignment from the department, and that payment to the employee in the amount set out in paragraph 7 below through the County payroll system will be contingent on payment by the outside employer; and

- c. Written acknowledgment from both the employee and the outside employer that the County is providing only administrative services and is not a party to the agreement for special duty services between the officer and the independent employer. Thus, all issues relating to the scope, manner, or means of performance shall be strictly between the parties to the separate employment. Specifically and without limitation, the outside employer (and not the County) is liable for any and all potential liabilities in connection with the outside employment, including any employee rights under the Worker's Compensation or other employee-protection laws.

[NOTE ON PARAGRAPH 7: The following assumes that both governmental and non-governmental agencies will pay the same amount for fringe benefits, administrative fees, and vehicle use compensation. This is a policy decision that the Commissioners' Court will need to make.]

- 7.
  - a. The rate paid to the deputy by the independent outside employer shall be as negotiated between the parties. The outside employer shall also pay an additional 12.65% fringe (to cover employment taxes and the County's required workers compensation payments) and an additional \$2.00/hour to the County as an administrative fee.
  - b. If the deputy is on 24-hour call and has a take-home marked vehicle which he is required by his agency to use for commuting, and he uses that vehicle in connection with providing direct services to the outside employer (such as patrolling or traffic control, but not including merely commuting to or from the job site), the outside employer shall reimburse Williamson County at the rate of \$10.00 per hour. Internal Revenue Service regulations consider the use of an unmarked vehicle for private use to be additional taxable compensation.
- 8. All officers permitted outside employment under this policy must observe their normal standards of conduct during such employment and are subject to disciplinary action from their department if they fail to do so.
- 9. If an officer performing special work duties should observe the commission of a crime that requires response in the employee's official capacity as a Williamson County peace officer and outside the scope of the secondary employment (or if the officer is otherwise called to duty in an official capacity), the officer's performance in that capacity will be treated for payroll purposes as on-duty time and will not be billed to the outside employer.

**Provisions only applicable to employees subject to the Guaranteed Fluctuating Hours Plan ("the plan")**

- 1. Nonexempt employees who are subject to the plan are not eligible to earn compensatory time or "bonus time" in place of overtime pay. They must be paid additional cash compensation for their overtime as each period occurs. Because their salary is not subject to reduction if they work fewer hours, however, these employees are not paid time-and-a-half for their overtime hours.

2. Nonexempt EMS employees subject to the plan shall be compensated for overtime at the same hourly rate as for their first 40 hours per week (*i.e.*, their guaranteed weekly salary divided by 40).
3. The salary provided for a nonexempt employee subject to the plan is not subject to reduction because the employee worked fewer than 40 hours during the work period or fewer than 85, as the case may be. Salary may not be “docked” for absences although an employee who willfully misses work is subject to disciplinary action. This might include unpaid disciplinary suspension or termination.
4. Payment of a salary to an employee subject to the plan is **not** guaranteed if the employee does not work at all during the work period. An employee under the plan who performs no work during a given period will not be paid, except to the extent of any accrued leave that the employee has previously earned. Unpaid leave under the Family and Medical Leave Act (FMLA) or otherwise, is regulated by the same rules that apply to employees who are not subject to the plan. Under federal law, employees subject to the plan and all exempt employees may be placed on disciplinary leave without pay in full-day increments, but only for violations of a major workplace safety rule or a written workplace policy. They may not have their pay reduced for such other infractions such as disregarding an oral instruction, poor work performance, or nonattendance. Pay can be deducted only if the Payroll Department is provided documentation showing that pay was docked for one of the permissible reasons.
5. Employees subject to the plan accrue vacation, sick leave, and other authorized paid leave so long as they are working or being compensated as a result of using accrued leave. They are also entitled to leave under the FMLA, on the same basis as any other employee. Similarly, when the employee is absent from work, the absence is charged against accrued leave on the same basis as any other employee. The only difference is that the salary of an employee subject to the plan may not be reduced for absences – even if the employee has no accrued leave – in any work period during which the employee performed any work. Like any other employee, an employee subject to the plan may be disciplined or terminated for excessive tardiness or absences.
6. County holiday hours earned by an EMS employee subject to the plan that the department head determines cannot be taken off during that pay period shall be converted hour-for-hour (based on 12 hours per shift) to flat-rate holiday time by the Payroll Department’s payroll processes and the employee’s holiday time will be reflected in their holiday bank for use at a later time.
7. The County will comply with the Fair Labor Standards Act (FLSA). Inquiries about the FLSA should be directed to the Senior Director of Human Resources. Williamson County will comply with all Fair Labor Standards Act rules and regulations. Employee records will be maintained for a minimum of 4 years as mandated by the Act. The County is an Equal Opportunity Employer and will also comply with the Americans with Disabilities Act and the Family and Medical Leave Act. Williamson County has adopted a firm policy on sexual harassment and will not tolerate such behavior.

### **Asset Values**

1. Key – If an employee loses a key or fails to return it at termination, there will be a \$3.00 replacement charge with the exception of a grandmaster key. If someone loses a grandmaster key to an area or a building, the replacement cost will be established after determining which locks are affected.
2. Badge/Fob – If an employee loses a badge or fails to return it at termination, there will be a \$3.00 replacement charge on an ID badge and a \$6.00 replacement charge on a Prox card (cards with electronic sensor). If an employee loses a fob or fails to return it at termination, there will be a \$5.00 replacement charge. Any loss of a badge or key fob should be reported immediately so that the access can be disabled for use.
3. Laptop – If an employee loses a laptop or fails to return it at termination, there will be a replacement charge which is the average of the laptop prices for that year. For example, 2009 laptop costs are minimum \$1300.00 and maximum \$2000.00 depending on the laptop type.
4. Procurement Card – All charges made that do not follow the policies and procedures as outlined in the Procurement Card Manual will be deducted from the final paycheck.

### **Employee Termination/Separation**

The employee termination date for an employee who is terminating employment with Williamson County will be their last date of active duty in person at his/her usual and customary place of work unless they are on paid administrative leave pending an investigation. If they are on paid administrative leave pending an investigation, their last date of active duty will be the date upon which a final determination decision was made following the investigation. Any accrued vacation, holiday, or comp time balances remaining for the employee as of their last date of active duty will be paid in a lump sum to the employee on their final pay check. A terminated employee's final paycheck is processed in the pay period which includes their termination date. No direct deposit will be processed for a terminating employee. Instead a paper check will be issued for their last paycheck.

All assets assigned to the terminated employee must be returned. Failure to return any asset will result in deduction of the asset's value from the terminated employee's final paycheck. All assets assigned to employees must be listed on an inventory sheet which shall be the responsibility of the departments and must include a value assigned to each item assigned to the employee. The inventory sheet shall be signed and dated by the employee and department head. Each employee who is issued County-owned equipment that may be used or taken outside the daily workplace must sign an agreement each year acknowledging receipt of the equipment, including an acknowledgment of its current replacement value, and agreeing that the equipment will be returned on request of the department head or on leaving departmental employment, whichever comes first. The agreement will further provide that if the equipment is not returned when required, the replacement value will be deducted from the employee's next (or final) paycheck.

**Reporting Responsibility**

1. Each official or department head (or designee) shall be responsible for the accurate reporting of all time worked by each employee and of all holidays, vacation leave, sick leave, jury service, and other leave.
2. Such reports shall be made to the Human Resources Department on such forms and at such times as may be prescribed by that department.

## PERSONAL CONDUCT

### **Nature of Employment – “At Will”**

Employment with Williamson County is an “At-Will” status. The employee may resign at any time, with or without cause. Similarly, Williamson County may terminate the employment relationship at any time, with or without notice or reason, as long as there is no violation of applicable federal or state law.

### **Discipline**

1. Discipline may include both corrective action and more conclusive measures, including termination of employment.
2. Employees may be disciplined for misconduct, which includes, but is not limited to, the following:
  - a. Incompetence in the performance of duties;
  - b. Inefficiency;
  - c. Insubordination;
  - d. Dishonesty;
  - e. Intemperance;
  - f. Immorality;
  - g. Violation of rules contained in this Manual, the rules and regulations of the Commissioners’ Court, or of the office or department, or of any law;
  - h. The conviction of a criminal offense involving moral turpitude. For the purpose of this section, the word “convicted” shall mean a finding of guilt by either a judge or a jury without regard to the subsequent disposition of the case by suspension of sentence, probation, or otherwise, and shall also include a suspension of finding of guilt by a judge in a deferred adjudication probation. For the purpose of this section, the phrase “moral turpitude” shall mean an act of baseness, vileness, or depravity, or any act done with deception, or through corrupt motive, or as defined by state law and/or judicial decisions made under state law.
  - i. Damage to public property or waste of public supplies through negligence or willful misconduct;
  - j. Conduct unbecoming an officer or employee of the County;



- k. Failure to report to work for one working day without notification to his or her supervisor;
- l. Misuse of sick leave privileges;
- m. Serious or consistent negligence in the performance of duties;
- n. Serious or consistent failure to meet the written standards of job performance;
- o. Lying or concealing a material fact concerning a matter under investigation; or for the purpose of obtaining personal benefit; or relating to service to the public;
- p. Violent or disruptive behavior;
- q. Unauthorized use of public property;
- r. Negligence of duty, including sleeping on the job;
- s. Violation of a safety procedure;
- t. Making a false statement or misrepresenting a material fact in the employee application materials, or on other work records;
- u. Other actions detrimental to operations or to the public;
- v. Seriously or consistently endangering the health or safety of employees or the public;
- w. Possessing or using controlled substances, as defined by Texas law, marijuana, or drug paraphernalia on County property or any place designated as a work site where the County is conducting business or providing services;
- x. Coming to work, or being at work, or remaining at work under the influence of alcoholic beverages or controlled substances, as defined by Texas law, or of marijuana;
- y. Use of recording devices to record conversations between an employee, co-worker or supervisor without their prior permission or in other violation of the County's Recording policy;
- z. Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor;
- aa. Any other misconduct, as determined by the employee's actions.

3. The following disciplinary procedure is available for use by supervisory personnel (see also paragraph "4" below):

- a. If informal counseling or suggestions have not produced appropriate results, the supervisor may give the employee an oral warning which explains the misconduct, outlines a solution, and states the consequences if improvement does not occur. Supervisors may prepare a memo for the record and retain it in their files.
- b. If misconduct continues after the oral warning, the supervisor may issue a written reprimand to the employee and focus again on the nature of the misconduct, the solution, and the consequences if improvement does not occur. In addition, the employee may be placed on probation for a specified period. The reprimand should be signed by both the employee and the supervisor, and each should retain a copy.
- c. If a written reprimand does not produce the desired improvement, additional written reprimands may be issued or other actions, such as paid or unpaid suspension, or dismissal, may be necessary. If an employee is suspended, the terms of the suspension should be set forth in writing and signed by the employee and the supervisor.

4. There is no requirement that the disciplinary actions listed in section "3" be implemented prior to dismissal or other action or that they be implemented in any particular order. County employees work "at will", which means that the employment relationship is terminable at any time, with or without cause or notice, by either the employee or the County, and nothing in this section is intended to affect the "at will" status of any County employee.

5. Unless prior authority has been granted, dismissal shall occur only with the approval of the elected official, department head, or other hiring authority.

6. Employees may use available grievance procedures if they disagree with the implementation of a disciplinary action.

#### **Employment Records**

1. Applications, recruitment notices, EEO information, and other materials related to the application process should be retained by the department in which the vacancy occurred, for at least three calendar years after the termination of an employee who was hired into the specific vacancy.

2. Documents related to disciplinary actions should be on file in the office or department in which the disciplined employee is or has been employed. They should be retained during the tenure of the employee and for at least three years following the employee's termination.

3. Documents related to performance evaluations should be on file in the office or department in which the employee works, and should be retained during the tenure of the employee and for at least three years following the employee's termination.
4. The County Auditor shall maintain copies of payroll information and the Human Resources Department shall maintain copies of benefit information.
5. Each employee may choose whether the County discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality, the home address and telephone number on file are considered public information (does not apply to law enforcement personnel). However, employees may change their election for disclosure or confidentiality at anytime by contacting Human Resources.
6. Certain medical information is collected by Williamson County for reasons authorized by law (FMLA, ADA, etc.) or to prove eligibility for a County benefit program. Such information is voluntary, but failure to do so can result in the benefits being denied or delayed, pending receipt.
7. Supervisors and employees are encouraged to maintain strict confidentiality regarding an employee's medical or personal information and to limit distribution of this information on a need-to-know basis only.

#### **Access to Personnel Files**

Generally, only supervisors and management personnel who have a legitimate reason to review information in a file are allowed to do so. Employees who wish to review their file should contact their direct supervisor or Human Resources. With reasonable notice, employees may review or request a copy of their personnel file in Human Resources. However, an employee may not remove documents from the file.

#### **Recording**

With the exception of cooperation with law enforcement and calendared training events (which may be recorded for those unable to attend), audio and video recording are expressly prohibited unless all parties involved are provided prior written notice.

#### **Vehicle Use Policy**

##### **Overview**

It is the intent of Williamson County to operate County-owned or leased motor vehicles, equipment, and personal vehicles used on County business in the safest manner possible. We will only allow drivers who meet our hiring criteria to drive on County business and expect our drivers to comply with our safety policies and procedures and state law in order to do our part to make the roads as safe as possible.

##### **Purpose**

To outline Williamson County's commitment to, and expectations of, those who operate County-owned or leased vehicles, equipment, and personal vehicles used while conducting County business.

### Application

This policy applies to all employees who operate motor vehicles and equipment while conducting county business. This includes County-owned or leased vehicles, equipment, and personal vehicles while conducting County business. This policy is not intended to supersede any departmental policy that may be more stringent or restrictive.

### Program Coordinator

The Human Resources Manager, Risk Management has been designated as the County coordinator with the insurance carrier. The coordinator shall be the person designated to receive most reporting forms mentioned in this policy. The Safety Coordinator has primary responsibility for accident prevention, safety training, and accident investigation. Elected officials/department heads, managers and supervisors are designated to enforce the policy at the departmental level.

### County Responsibilities

The County will:

- Provide vehicles that meet all federal/state mandated safety requirements.
- Require driving records at the time of hire for all drivers that will be assigned to operate county-owned or leased vehicles and equipment on county business.
- Maintain a list of drivers authorized to operate county-owned vehicles on county business. Support and enforce the County Vehicle Use Policy.
- Check driving records for County employees who operate their personal or leased vehicles on County business, if requested to do so. (The County's insurance carrier will perform an annual check of drivers who operate county-owned or leased vehicles).
- Notify officials and department heads of status changes involving employees who operate personal and County-owned or leased vehicles.

### **Specific Policies and Procedures**

**I. County-owned or Leased Vehicles and Equipment (Note: references to leased vehicles and equipment do not apply to rental cars or vans used on a temporary basis for employee travel or other approved temporary uses.)**

#### Driver List

All employees that will operate a county-owned or leased vehicle and equipment on county business must be on the list of approved drivers. The list will indicate the driver's qualification status. The list will be maintained by the County Safety Coordinator. Only drivers on the list may operate county-owned or leased vehicles and equipment. Any changes in employee qualifications will be reported to the County Safety Coordinator. All new drivers and new hires employed into positions which require driving a county-owned or leased vehicle and/or equipment shall be listed on a payroll action sheet, which will be forwarded to the County Safety Coordinator, who will then add the employee's name to the list of approved drivers.

#### Driver Qualifications

Every driver on the driver's list must meet the point qualification for drivers as shown in *Driver Qualification Criteria below*. Each driver of county-owned or leased vehicles and equipment will

have a MVR check on an annual basis. Traffic violations on or off the job will be counted against drivers for insurance and employment purposes. Drivers not meeting the qualification standard may be removed from positions requiring driving. Drivers removed from positions requiring driving may be reassigned according to specific department policies if they qualify for currently available positions that do not require driving. If they do not qualify for a current position that does not require driving, they may be terminated.

#### Safe Vehicle Operation

Drivers will operate vehicles and equipment in a safe and lawful manner and do what is reasonably expected to avoid fleet incidents/crashes and injuries to passengers.

#### Vehicle Restraints

Drivers will ensure that all occupants of the vehicle wear seat belts at all times when possible, when the vehicle is in use. Passengers should not travel in vehicles that are not equipped with restraints in areas of the vehicle intended for cargo or where seats with restraints are not available.

#### Vehicle Security

All vehicles should be locked when not in use. Vehicles should be parked in a secure location and valuables should be secured out of sight when the vehicle is not in use.

#### Driving Records

Drivers are expected to maintain a driving record that allows them to meet the qualification criteria outlined in *Motor Vehicle Records (MVR) check*.

#### Operating Vehicles While Impaired

Drivers shall not operate the vehicle/equipment while under the influence of drugs, alcohol or under any other conditions in which the driver's ability to operate the vehicle or equipment safely is inhibited or impaired. Drivers shall also not transport any drug or alcoholic beverage in the vehicle/equipment unless they do so directly in the performance of their specific job duties. Employees who violate this policy will be subject to immediate disciplinary action, up to dismissal from employment. See the Williamson County Drug Free Workplace Policy for further information.

#### Tobacco-Free Workplace

In conjunction with an organization-wide Wellness Program, the county has adopted a policy prohibiting smoking within county buildings or offices. The use of tobacco products in county-owned vehicles, and equipment is also prohibited.

#### Vehicle Inspection

It is the responsibility of fleet users to perform routine pre and/or post inspections on vehicles and equipment. Departments should establish policies to insure that checks are accomplished. Inspection criteria may vary for each county office or department, and for each type of vehicle or equipment. Therefore, inspection formats should be coordinated through the Fleet Services Manager. The following are basic rules of thumb for inspecting vehicles and equipment that are recommended for individual department policies.

### Pre Trip Inspection

1. Perform a visual walk around inspection of the vehicle for fluid leaks or obvious damage.
2. Inspect the following fluid levels where appropriate.
  - a. Engine oil
  - b. Battery fluid levels
  - c. Cooling system level
  - d. Hydraulic oil
  - e. Transmission fluid (after warm up)
  - f. Inspect the engine compartment for loose or frayed belts, hoses, etc.
  - g. Check tire pressure to insure compliance with the manufacturer's specifications.

Vehicles with defects that affect the vehicles' safety should not be driven until the vehicle is repaired.

### Vehicle Maintenance

The vehicles and equipment owned or leased by the County are on a preventative maintenance schedule based on miles or hours of operation. When fueling a County-owned unit, miles or hours shall be entered without the tenths. Weekly notices will be sent out based on these entries for scheduled maintenance to be performed. Any repairs needed to ensure the safe operation of the vehicle/equipment shall be performed prior to the vehicle being used.

### Vehicle Operation

Drivers should operate the vehicles/equipment per the guidelines in the manufacturer's operating manual. Guidelines regarding not using cruise control in adverse weather conditions must be followed. Drivers are expected to be familiar with a vehicle/equipment prior to using it and be able to operate lights, horn, emergency flashers and other equipment.

### Non Business Use

Drivers shall not permit the vehicle to be in custody or control of, or to be operated by, any person not authorized to operate a County-owned or leased vehicle.

### Passengers while on County business

It is recommended that no non-business passengers should be in the vehicle when the vehicle is being used on County business.

### Unauthorized Use

Employee agrees to indemnify and hold harmless Williamson County from and against any and all losses, costs, judgments, damages, claims or liabilities growing out of or resulting from any unauthorized use of a County or leased vehicle or from use of said vehicle by an unauthorized driver having care, control or custody of said vehicle.

### Fleet Incident/Crash/Vandalism Reporting

Drivers must report all fleet incidents/crashes/vandalism involving a County-owned or leased vehicle and equipment to the proper chain of command in their department. Prompt reporting is essential to limit legal repercussions or ramifications, and employees are expected to report all fleet incidents/crashes as soon as possible. The designated department representative shall report all fleet incidents/crashes/vandalism to the County Risk Coordinator in Human Resources as soon

as possible using the Williamson County Fleet Incident/Crash/Vandalism report. Departments may use a departmental form, as long as the form contains at a minimum, the information contained in the Williamson County Fleet Incident/Crash/Vandalism report.

A fleet incident/crash shall be defined as any damage incurred to a County-owned or leased vehicle or equipment regardless of fault. This shall include collisions involving other vehicles and equipment, obstacles, pedestrians, animals, overturning, jackknifing, vandalism and other damage that is not considered normal wear and tear. Vandalism shall be defined as the act of maliciously damaging county-owned or leased vehicles or equipment. Fleet incidents are those that would be considered minor due to the cost of repairs or that cause no damage to the county-owned or leased vehicle/equipment, and minimal damage to property, obstacles, and animals.

**All fleet incidents/crashes involving County-owned or leased vehicles and equipment must be reported to the employee's supervisor or dispatch immediately unless the employee is injured and unable to do so.**

If an employee is involved in a crash, the following procedures apply:

1. Contact Department foreman, supervisor, or department designee or call 911 to report the crash. Request EMS if anyone has been injured.
2. Wait for the emergency responders.
3. Do not attempt to assist any injured parties except under the direction of a law enforcement officer or a medical responder unless conditions exist that will cause further injury or death if immediate actions are not taken (i.e. drowning, proximity to fire).
4. Get the names, addresses, and phone numbers of all witnesses to the crash.
5. Note the location, time of day, weather, and road conditions.
6. Provide only your name, department, and the department phone number to others involved in the crash.
7. Answer any question asked by the responding law enforcement officer.
8. Do not admit any guilt or legal ramifications.
9. Department designee shall fill out a Williamson County Fleet Incident/Crash/Vandalism report and provide a copy to the County Risk Coordinator in Human Resources.

#### **Crash Investigation and Data Analysis**

1. The County Safety Coordinator will review all fleet incidents, crashes, and vandalism involving county-owned or leased vehicles/equipment, and report findings to the elected or appointed department head or his or her designated person. In investigations, the County Safety Coordinator may assist with determining facts and whether the employee was at fault.

2. When the facts are known, the foreman, supervisor and/or department designee, and the Safety Coordinator determine the best strategy to prevent a recurrence of this type of fleet incident, crash, and or vandalism. The official or department head reviews the findings and recommendations and is responsible for implementing corrective action.

#### **Claims Settlement**

1. A department designee must report all crashes to the County Risk Coordinator using the Williamson County Fleet Incident/Crash/Vandalism report. Texas Association of Counties Loss Notice form will be required when crashes involve a third party.

2. The department designee shall work with the insurance carrier and the County Risk Coordinator on any further follow up information needed to settle claims.

3. If the other party is at fault in a fleet incident, crash, or vandalism with a County-owned vehicle or equipment, then the County Risk Coordinator, working with the department designee, is to file a claim with the other party's insurance. The County's insurance carrier can assist with this process.

4. The County Risk Coordinator shall work with the other party's insurance carrier and the departmental designee to settle claims against the other party.

5. The County Risk Coordinator shall forward a copy of the Fleet Incident/Crash/Vandalism report to the County Auditor once the costs of all damages have been determined.

#### Fleet Incident/Crash/Vandalism Review

Each fleet incident/crash/vandalism involving a County-owned or leased vehicle or equipment will be reviewed by the department to determine if the driver did everything they reasonably could to avoid the crash. Each fleet incident/crash/vandalism will be classified as preventable or non-preventable. Fleet incident/crash/vandalism preventability will be used in determining a driver's qualification to operate County-owned or leased vehicles and equipment.

#### Motor Vehicle Records

Williamson County employees must exercise the utmost care in the use of County-owned or leased equipment and vehicles to minimize damage. In order to reinforce the importance of individual responsibility for complying with this policy and preventing accidents, the policy requires that corrective action be taken against drivers who exceed the point totals in the Driver Qualification Criteria.

The County Safety Coordinator or a designated supervisor in each office or department will, when records are available, review all written and photographic information that is relevant to an accident and review the driving records of the employee(s) involved in an accident for the preceding 36 months.

Next, there will be a review of the Driver Qualification Criteria and a levy of any corrective action based on the information gathered. Departments shall document their findings, and place a copy of the findings in the department's personnel file. A change in an employee's point system shall



be given to the County Safety Coordinator to update the County Driver Qualification listing for insurance purposes.

An at-fault fleet incident/crash within the last three years will revoke an employee's excellent driving status and is grounds for corrective action. Depending on the circumstances surrounding each fleet incident/crash, the following corrective actions are possible:

Oral Counseling	Driver training	Driver education	Written reprimand
Suspension	Probation	Termination	

A conviction for one of the following violations, barring appeal, will disqualify a driver from being considered for positions that require operation of County-owned or leased vehicles or equipment:

- 1. Driving under the influence of alcohol or a controlled substance**
- 2. Refusing to submit to a test to determine alcohol or controlled substance concentration**
- 3. Leaving the scene of a crash**
- 4. Vehicular manslaughter/homicide**
- 5. Using vehicle to commit a felony**
- 6. Losing your license or driving while license is suspended**

Drivers with 12 points or more in the last three (3) years will be removed from positions requiring operation of county-owned or leased vehicles or equipment. Drivers removed from positions requiring driving may be reassigned according to specific department policies if they qualify for currently available positions that do not require driving. If they do not qualify for a current position that does not require driving, they may be terminated. In case of an arrest for a violation listed above, the official or department head may, based on business necessity, take appropriate action, up to and including dismissal from employment.

#### Right of Appeal—Current Employees

With the approval of an employee's elected official or department head, an employee of the County as of September 26, 2006, may appeal a disqualification not based on items 3, 4, or 5, above, to the County Fleet Committee, provided that such an employee has not been arrested or charged with a violation carrying a point factor rating of 4 or higher (see Appendix A) in the 12-month period preceding the date of the appeal hearing. The County Fleet Committee may, at its discretion, after due consideration of the County's best interests and the recommendation of the official or department head, consider lifting the disqualification or restricting an employee's vehicle or equipment operation in lieu of permanent disqualification.

#### Right of Appeal—After September 26, 2006

With the approval of the elected official or department head, a person hired by the County on or after September 27, 2006 or an applicant for a County position to be filled on or after that date, may appeal a disqualification not based on items 3, 4, or 5, above, if the employee or applicant has not been arrested or charged with a violation carrying a point factor rating of 4 or higher (see Appendix A) in the 36-month period preceding the date of the appeal hearing. The County Fleet Committee may, at its discretion, after due consideration of the County's best interests and the recommendation of the official or department head, consider lifting the disqualification or restricting the employee or applicant's vehicle or equipment operation in lieu of permanent disqualification.

#### Post Fleet Incident/Crash Training

Drivers with violations, fleet incidents and/or crashes may be required to complete safety or fleet safety program training.

#### Motor Vehicle Record (MVR) Checks

Motor vehicle record checks for drivers or operators of County-owned or leased vehicles and equipment will be performed annually by the automobile insurance company. Departments may also request a MVR check at any time on any employee who operates a county-owned or leased vehicle or equipment. The County Safety coordinator will review vehicle record reports and make appropriate recommendations.

Offices and departments will require new hires who will be assigned to operate county-owned or leased vehicles and equipment to provide a copy of their MVR to the department, and the MVR will be taken into account in making hiring decisions.

Drivers of County-owned or leased vehicles or equipment must notify their supervisor when any on or off the job changes in the following occur:

- Citations for driving-(moving violation) related offenses
- Citation for No Liability Insurance
- Loss of drivers license
- Convictions for driving-(moving violation) related offenses
- Changes in the ability to operate a motor vehicle due to injury or illness that impacts safe operation of the vehicle.
- A copy of this notification will be given to the County Safety Coordinator to update the County Driver Qualification listing for insurance purposes.

#### Driver Training

It is recommended that every employee who will operate a County-owned or leased vehicle or equipment be trained in safe operation through their department.

#### Program Acknowledgement

Drivers will read and sign the Vehicle Use Policy upon receiving a County-owned or leased vehicle or being assigned to operate County-owned or leased equipment. Drivers will return the signed Vehicle Use Driver Acknowledgement Form to their department designee or supervisor. The original of the Driver Acknowledgement Form must be sent to the Human Resources Department.

## **II. Personal Vehicles Used on Williamson County business**

#### Safe Vehicle Operation

Drivers operating personal vehicles used on County business and drivers operating other non-County vehicles on County business will operate the vehicles in a safe and lawful manner and do what is reasonably expected to avoid crashes and injuries to passengers.

#### Vehicle age and condition

Vehicles should be in good mechanical condition and be maintained according to the

manufacturer's standards. Vehicles that have mechanical defects or do not have a good appearance due to age, damage, rust, etc., should not be used on County business. Department designees should change driving assignments when there is a clear indication that an employee's vehicle may be unsafe.

#### Insurance limits

Every vehicle used on County business must have liability coverage at least at the minimum levels required by state law.

#### Verification of coverage

Employees operating their own vehicles on County business must be able to provide proof of insurance in case of a traffic violation or crash.

#### MVR criteria

Employees should meet the same MVR criteria as County-owned vehicle drivers as outlined in Appendix A of the program.

#### Seat belts

Drivers should ensure that all occupants of the vehicle wear seat belts at all times when possible, when the vehicle is in use. Business passengers should not travel in vehicles that are not equipped with restraints in areas of the vehicle intended for cargo or where seats with restraints are not available.

#### Towing trailers on County business

Towing of trailers while on County business is prohibited, unless approved by the employee's official or department head as necessary for legitimate work-related duties. Trailers owned by the County should be towed by County-owned or leased vehicles.

#### Fleet Incident/Crash Reporting

All fleet incidents/crashes involving personal or leased vehicles used on County business must be reported to the proper chain of command in the department. The designated department representative shall report all incidents/crashes to the County Risk Coordinator in Human Resources as soon as possible using the Williamson County Fleet Incident/Crash/Vandalism report. Departments may use a departmental form, as long as the form contains at a minimum, the information contained in the Williamson County Fleet Incident/Crash/Vandalism report.

#### Crash Investigation and Data Analysis

**The County Safety Coordinator will review all fleet incidents and crashes involving personal vehicles used on county business and report findings to the Elected or Appointed Department Head or his or her designated person.**

When the facts are known, the foreman, supervisor and/or department designee, and the Safety Coordinator determine the best strategy to prevent a recurrence of this type of incident, or crash. The official or department head should review the findings and recommendations and implement corrective action.

#### Fleet safety policies

Employees using personal vehicles on County business may be required to comply with all of the policies as outlined in the Vehicle Use Policy. (Employees using personal vehicles on County

business whose driving records, upon review, show violations listed in Driver Qualification Criteria, may be subject to the disciplinary actions listed in that section.)

#### Driver Qualification Criteria

All preventable fleet incidents/crashes within a 36-month period shall be subject to the following disciplinary action:

Employees will be categorized based on a point system developed from the County's Point Assessment Table. Drivers are categorized based on their point summation from the table within a 36-month period. (See also Section II for applicability of these criteria to employees operating their personal vehicles.)

<b>Excellent</b>	<b>0 points</b>	<b>Receive recognition.</b>
<b>Satisfactory</b>	<b>1-4 points</b>	<b>Receive corrective action.</b>
<b>Unsatisfactory</b>	<b>5-11 points</b>	<b>Receive continued corrective action, and may include some type of driver improvement training.</b>
<b>Excluded drivers</b>	<b>12 + points</b>	<b>Driver will not drive a County-owned or leased vehicle or equipment, or use a personal vehicle for County business. Drivers removed from positions requiring driving may be reassigned according to specific department policies if they qualify for currently available positions that do not require driving. If they do not qualify for a current position that does not require driving, they may be terminated.</b>

#### **Point Assessment Table:**

<b>Driving under the influence of alcohol or a controlled substance</b>	<b>12 points</b>
<b>Refusing to submit to a test to determine alcohol or controlled substance concentration</b>	<b>12 points</b>
<b>Leaving the scene of an crash</b>	<b>12 points</b>
<b>Vehicular manslaughter/homicide</b>	<b>12 points</b>
<b>Using vehicle to commit a felony</b>	<b>12 points</b>
<b>Losing your license or driving while license is suspended</b>	<b>12 points</b>
<b>Reckless driving</b>	<b>6 points</b>
<b>Negligent crash</b>	<b>6 points</b>
<b>Violation with a pedestrian</b>	<b>6 points</b>
<b>Improper turn</b>	<b>4 points</b>
<b>Failure to control vehicle</b>	<b>4 points</b>
<b>Driving in an improper lane or on wrong side of road</b>	<b>4 points</b>
<b>Illegal passing</b>	<b>4 points</b>
<b>Failure to report a fleet incident, crash, or vandalism</b>	<b>4 points</b>
<b>Speeding</b>	<b>3 points</b>
<b>Violation in a school zone or yielding to a school bus</b>	<b>3 points</b>
<b>Failure to yield</b>	<b>3 points</b>

Running a stop sign	3 points
Following a vehicle too closely	3 points
Unsafe backing	3 points
Rear-ending a vehicle, with no injury	3 points
Running over object causing damage to vehicle and/or property	3 points
Causing property damage while operating on unstable surface/steep slope	3 points
Not being aware of your surroundings	3 points
Improper operation of a vehicle/equipment and causing damage	3 points
Flailing rocks when it is preventable	3 points
Not securing a load properly, including securing a trailer	3 points
Not following a proper procedure or accepted practice	3 points

All facts and circumstances surrounding the fleet incident/crash shall be reviewed prior to any corrective action being levied. Fleet incidents, as in those with no property damage or minimal costs, can have their point assessment adjusted down by up to two points only after reviewing the facts. The above point system is the minimum criteria for assignment of points and is not all-inclusive. Each individual department may add to the above point system, but may not replace or remove any of the above criteria.

NOTE: If the Fleet Committee determines that the specific circumstances associated with any violation, or combination of violations, listed above, demonstrate a pattern of abuse or a clear disregard for safety or property, the Committee may recommend immediate dismissal of the employee.

#### **Dealing with the Public**

1. Officials and employee are public servants, with a responsibility to the public to provide timely, courteous, and efficient service.
2. All officials and employees are expected to conduct themselves in a way that will earn public respect and bring credit to the County and its operations.

#### **Public Communications Policy**

1. Purpose: The purpose of the Williamson County Public Communication policy is to establish guidelines to ensure that information disseminated by the County to residents, employees, news media representatives and others in either verbal or printed form is consistent and professionally presented, in both emergency and non-emergency situations.
2. Philosophy: Williamson County embraces an open government philosophy.
3. Responsibility: When communicating with the public in either verbal or written form, each County official and employee shall respond in a professional and timely manner always as mindful of the best

interest of the County. In this context, personal opinions and speculation are inappropriate and shall be avoided.

#### Verbal Communications

Public: When information is requested by a non-media member of the public, each employee shall respond in a professional, concise and timely manner – generally within the same business day - within his or her area of job responsibility and knowledge.

Each employee shall notify his/her supervisor when a potential communication problem or misunderstanding may develop and what action might mitigate the situation before it becomes a problem.

Media: When information is requested by a member of the news media:

1. All employees may speak, but are not obligated to speak, directly with members of the media when asked about routine and general public information where they have specific job related knowledge and will refer all other requests to their department head. In this context, personal opinions and speculation are inappropriate and shall be avoided. Routine and general public information includes department or office locations and phone numbers, staff names, title, public meeting dates, locations.
2. The employee contacted by the news media shall, as soon as practical, notify their department head or elected official as well as the Public Information Office (PIO) giving details of the request including the media organization, name of the reporter, question(s) asked and the response given, if any.
3. For non-routine or general public information requests, the department head or elected official shall either respond directly to the news media or shall contact the public affairs manager to discuss any serious, sensitive, controversial or countywide impact requests. The PIO is on-call 24 hours a day to respond to media inquiries. The PIO is available to all employees for advice, consultation and assistance in media relations and can be present for any arranged interviews with reporters when requested. When in doubt, the employee should defer to the PIO.

#### Printed Communications

News Releases: The Public Information Office (PIO) is the only department that provides news media releases about County events, initiatives and services for County departments. The Sheriff's Office, District Attorney and County Attorney disseminate their own information to the news media.

County Logos: Only County offices and departments may use the County logo and County seal. The logo and seal may not be used by other entities or persons for marketing, indications of affiliation, or other purposes. The Williamson County logo is an important part of the professionalism and history of Williamson County. As one of the fastest growing counties in the State of Texas, a brand for Williamson County is a necessary step in creating an identity for the

County. The brand should be protected to strengthen presence and increase awareness within the minds of the employees of Williamson County, as well as the residents. Please refer to the logo design guidelines for specifics on usage.

**Printed Materials:** To ensure consistency of branding and professional appearance, all printed publications for County departments should be submitted to the Public Information Office for review prior to publication. This includes brochures, flyers, guides, etc. This does not include routine forms, reports to other agencies, the Comprehensive Annual Financial Report (CAFR), the Popular Annual Financial Report (PAFR), the Annual Operating Budget or routine updates to web page content.

**Web Sites:** The Williamson County Web Site is comprised of various Web pages operated by Williamson County. The Williamson County Web Site is available for the purpose of disseminating County information for County offices and departments in accordance with the Web Site user agreement. County Web pages will have uniform consistency in design to support the County brand and image of professionalism. Viewers must be able to tell that they are on a Williamson County Web page by its appearance and common location of information. To ensure consistency and professionalism, all non-routine Web page changes to content or design must be submitted to the Public Information Office for review prior to implementation.

**Social Media Sites:** Social media sites for County departments and offices, like County Web pages, will be available for the purpose of disseminating County information and providing an opportunity to engage with the public. Social media sites are online communications tools that allow the general public to post, comment on or share content. Employees who post on these sites in their job capacities are subject to the Public Communication Policy. Thus, a professional demeanor, in the best interest of the County is mandated. Again, in this context, personal opinions and speculation are inappropriate and must be avoided. County Social Media sites are not for the personal use of the County employees. Social Media sites include, but are not limited to Facebook, Twitter, Flickr, etc. Social media sites for County departments or offices must be approved by the Public Communication Committee comprised of individuals from Public Information and Technology Services Department before being formed. Refer to the Social Media Sites Policy for additional information.

#### Requests for Information

**Public Information Act/Open Records Act Requests:** Public Information Act requests or Open Records Requests must be in writing and shall be immediately forwarded either to the elected official who is the official record keeper for the office or the public affairs manager for departments that report to the Commissioners Court. The information must be collected by the office or department that is the official record holder of the information. Any requests where an exception to disclosure will be sought should be promptly forwarded to the County Attorney's Office to prepare the brief for the Attorney General's Office. Any information that is not confidential by law or where an exception to disclosure has not been sought will be released in accordance with the Public Information Act.

#### **HAZARD COMMUNICATION PROGRAM POLICY** **Under Revised Texas Hazard Communication Act (THCA) of 1993**

**PURPOSE:** This program has been prepared to comply with the requirements of the Texas Department of Health to insure that information is available for safe use, handling and storage of hazardous chemicals, guidelines on identification of chemical hazards and the preparation and proper use of container labels, placards and other types of warning devices.

#### Workplace Chemical List

1. For the purpose of worker right-to-know, this County will make sure that applicable departments shall compile and maintain a workplace chemical list that contains the following information for each hazardous chemical normally present in the workplace facility in excess of 55 gallons or 500 pounds or in excess of an amount that the Texas Hazard Communications Board determines by the rule of certain highly toxic or dangerous chemicals:
  - a. the identity used on the MSDS and container label; and
  - b. the location of the facility in which the hazardous chemical is normally present.
2. The applicable departments shall update the workplace chemical list as necessary, but at least on an annual basis. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information.
3. A workplace chemical list shall be prepared for each facility of the applicable department and must be readily available to employees. All employees shall be made aware of the workplace chemical list before working with or in a work area containing hazardous chemicals.
4. The applicable department shall maintain a workplace chemical list for at least 30 years. The department shall also send complete records to the Texas Hazard Communication Director if the department ceases to operate.

#### Material Safety Data Sheets (MSDS)

1. A chemical manufacturer or distributor shall provide appropriate MSDS to departments with each initial shipment and with the first shipment after an MSDS is updated.
2. MSDS for all hazardous chemicals used by this County department's facilities shall be maintained in an MSDS book at the facility where the chemical is used. MSDS shall be made available to all employees.
3. As new chemicals are brought into the workplace, their MSDS shall be added to the existing MSDS book at the facility they are brought to. This is to ensure that a complete MSDS is on hand for each chemical an employee may be exposed to at that facility. If the applicable department does not receive a current MSDS on a chemical brought into the workplace, then a request shall be made to the chemical manufacturer or distributor in a timely manner to obtain a current MSDS.
4. A copy of an MSDS maintained by the departments shall be provided to the Texas Hazard Communications Director upon request.



### Container Labeling

1. All chemicals on site shall be stored in their original or approved containers with a proper label attached, except small quantities for immediate use. Any container not properly labeled shall be made aware to the immediate supervisor for proper labeling or disposal.
2. Employees may dispense chemicals from their original containers only in small quantities intended for immediate use. Any chemical left after work in a temporary container must be returned to the original container or to the immediate supervisor for proper handling.
3. The department head will insure that each container is labeled with the identity of the hazardous chemical contained, any appropriate physical and health hazards, and the manufacturer's name and address.

### Employee Training

1. Training shall be furnished on an as-needed basis to all Williamson County employees who use or handle hazardous chemicals; new or newly assigned employees to be briefed prior to working with, or who are assigned to a work area containing hazardous chemicals.
2. The level of training will be of the basic and general nature. One individual in the applicable department shall be designated responsible for administering training for all department employees.
3. Training will be provided through various means:
  - a. Oral Briefing
  - b. Hands-on Instruction
  - c. Audio-visual Presentation
  - d. Written Tests

### Elements contained in the training program may include:

1. Verbal presentation by trainer to include the purpose and applicability of the THCA.
2. Examples of Material Safety Data Sheets (MSDS) to be reviewed with explanation of use, interpretation, and how to obtain. Actual MSDS Book may be shown to employees and information provided on location of books at the various facilities.
3. Sample of a "Workplace Chemical List" to be shown, and information on it's' purpose and availability provided.
4. Information regarding chemical container "labeling" responsibility furnished. Examples of labels may be shown to employees.

5. Information to be provided with reference to utilizing MSDS and manufacturing labeling for "specific" information on Personal Protective Equipment (PPE), First Aid treatment to exposures, and general safety instruction on handling, clean-up, and disposal of chemical spills.
6. Employees to be advised of their responsibility for working safely with hazardous chemicals, using required PPE, and knowing the location of Workplace Chemical List, and MSDS book.
7. Employee rights under the THCA to be notified. Employees to be given a copy of "Notice to Employee" form at briefing and advised of location of notices posted in facilities.

Records are to be kept on all THCA Training and shall include:

- a. Date of Training
- b. List and signatures of trainees
- c. Topics covered
- d. Materials handed out
- e. Name of trainer

#### Personnel Protective Equipment (PPE)

1. Employees are required to wear proper PPE when handling hazardous chemicals when there is a potential for overexposure.
2. The department head will be responsible for insuring proper equipment is available and worn when there is a potential for employees to be overexposed.

#### Emergency Response

1. Any incident of overexposure or spill of hazardous chemicals shall be reported to the immediate supervisor.
2. The immediate supervisor shall be responsible for insuring that proper emergency response actions are taken in spill or leak situations.

#### General Contractor/Subcontractor Responsibilities

1. When employees of a contractor/subcontractor may be exposed to a hazardous chemical while working on a County work site, this County shall provide access to the MSDS for hazardous chemicals being used at the work site. The department facility workplace chemical list shall be made available to employees of a contractor/subcontractor while working at a County facility.
2. It shall be the responsibility of all contractor/subcontractors who bring hazardous chemicals onto County property to provide appropriate MSDS to the County at the work site.
3. When exposure to a hazardous chemical is expected, each contractor/subcontractor shall be responsible for the appropriate training of their employees.

#### Posting

The County departments shall post information for employees at the department facilities on the hazard communication standard. This information may be found on the department facilities' employee bulletin boards.

#### Tier-Two Form

1. For the purpose of community right-to-know, this County shall compile and maintain a tier two form that contains information on hazardous chemicals present in any facility in quantities that meet or exceed thresholds determined by the EPA in 40 CFR Part 370, or at any other reporting thresholds as determined by the Texas Hazard Communications board for certain highly toxic or extremely hazardous substances.
2. Each tier two form shall be filed annually with the appropriate fee according to the procedures specified by the Texas Hazard Communications board. The County shall furnish a copy of each tier two form to the Local Emergency Planning committee and to each fire department having jurisdiction over the department's facilities.
3. The County shall file the tier two form with the Texas Department of Health not later than the 90th day after the date the department has a reportable addition, at the appropriate threshold, of a previously unreported hazardous chemical or extremely hazardous substance. The County shall furnish a copy of the additional tier two form to the Local Emergency Planning committee and to each fire department having jurisdiction over the department's facilities.

### **Drug Free Workplace**

In compliance with the Texas Department of Transportation's regulations for drug and alcohol testing, Williamson County employees or potential employees who possess commercial drivers licenses (CDL) and/or operate County owned equipment or vehicles are subject to pre-employment, random, and post-accident testing. Certain employees of the Williamson County Sheriff's Department, Emergency Medical Services, Juvenile Services, Department of Infrastructure, Fleet Department and certain Constables are subject to pre-employment testing. Certain employees, as shown on their job description, of the Emergency Medical Services, Department of Infrastructure and Fleet Department are subject to random drug testing. All employees are subject to being tested if there is probable cause to suspect they are intoxicated while on duty.

### **WILLIAMSON COUNTY DRUG FREE WORK PLACE POLICY FOR COMMERCIAL DRIVERS LICENSE**

In compliance with The Omnibus Transportation Employee Testing Act of 1991, revised February 1994, Williamson County adopts the following Drug Free Work Place Policy for employees with Commercial Drivers Licenses in the Williamson County Department of Infrastructure.

#### **Purpose**

The objective of this policy is to develop a DRUG and ALCOHOL-FREE WORK PLACE which will help insure a safe and productive work place and to provide education for Williamson County employees working in the Williamson County Department of Infrastructure, and for employees who drive a County vehicle in the regular performance of their job duties.

Use and misuse of alcohol or drugs can and does impair the ability of an employee to perform their job duties and may endanger the employee, a co-worker, or the public, as well as property. Williamson County seeks to prevent the use, abuse, or misuse of drugs and alcohol by employees in any way which impairs their ability to perform their job duties.

#### **Policy**

1. Alcoholism and other drug addictions are recognized as diseases responsive to proper treatment, and this will be an option as long as the employee cooperates with Williamson County.
2. The manufacture, distribution, dispensing, possession, sale, purchase or use of a controlled substance on Williamson County premises is prohibited.
3. Being under the influence of alcohol or illegal drugs on Williamson County premises is prohibited. The unauthorized use or possession of prescription drugs not prescribed to the employee or prescriptions taken other than in accordance with the prescribed directions of a physician is prohibited on Williamson County premises.
4. Employees who violate this policy are subject to appropriate disciplinary action including immediate termination.

5. This policy applies to all Williamson County employees who currently hold a Commercial Drivers License for use in Williamson County employment, regardless of position and includes all temporary and part-time employees. This policy also applies to all employees who drive a Williamson County vehicle in the regular performance of their job duties.

#### Definitions

1. WILLIAMSON COUNTY PREMISES – All Williamson County property including buildings (owned or leased), parking lots, vehicles, equipment, or lockers.

2. WILLIAMSON COUNTY PROPERTY – All Williamson County owned or leased property used by employees such as vehicles, lockers, desks, closets, rest rooms, etc.

3. CONTROLLED SUBSTANCE – Mind altering and/or addictive substances included under the provisions of the United States Government’s Controlled Substance Act of 1970, as amended. Examples include, but are not limited to:

- a. Opiates (e.g., marijuana, codeine, methadone)
- b. Cocaine
- c. Cannabinoids (e.g., marijuana, hashish)
- d. Amphetamines
- e. Barbiturates
- f. Other narcotics and hallucinogens (e.g., phencyclidine (PCP), Methaqualone (Quaalude), peyote (LSD)).
- g. Benzodiazapines (e.g., Valium, Librium)
- h. Alcohol

4. DRUG – A drug is any chemical substance that produces a physical, mental, emotional, or behavioral change in the user

5. DRUG PARAPHERNALIA – Equipment, a product or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug or controlled substance.

6. FITNESS FOR DUTY – To work in a manner suitable for the job. To determine “fitness”, a medical evaluation will include drug and/or alcohol testing.

7. ILLEGAL DRUG - an illegal drug is any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal under any federal, state, or local law or regulation of any other drug, including, but not limited to, a prescription drug, used for any reason other than legitimate medical reason and inhalants used illegally.

8. REASONABLE CAUSE/REASONABLE SUSPICION - Supported by evidence strong enough to establish that a policy violation has occurred.

9. UNDER THE INFLUENCE – The state of having a blood alcohol concentration of 0.10 or more or evidential breath testing for alcohol concentration of .02 or greater; or the state of not

having normal use of mental or physical facilities resulting from the voluntary introduction into the body of any alcoholic beverage or controlled substance.

10. TESTING – Is generally defined as a urine, blood, or breath test to determine chemical or drug content. Testing can occur in the following instances:

- a. Pre-employment process.
- b. Random selection.
- c. Reasonable cause to suspect use.
- d. Injury involving employee(s) causing or contributing to the injury.
- e. On the job accident.

Testing results will remain confidential.

11. NEGATIVE TEST RESULTS – “Negative Test” results are results that indicate no alcohol or drugs in the employee’s system other than properly used prescription medication.

#### General Policy Provisions

Any of the following actions constitutes a violation of the Policy and may subject any employee to disciplinary action to include immediate termination.

1. Using, selling, purchasing, transferring, possessing, manufacturing, or storing any illegal drug or drug paraphernalia, or attempting or assisting another person to do so, while in the course of employment or engaged in a Williamson County sponsored activity, on premises, in owned, leased or rented property, or on official business for Williamson County.
2. Working or reporting to work, conducting County business or being on County premises or in a County-owned, leased or rented vehicle while under the influence of an illegal drug, alcohol or in an impaired condition.
3. Switching, adulterating, or attempting to tamper with any sample submitted for medical testing, or otherwise interfering or attempting to interfere with the testing process.

#### Preventative Acts

1. Employees taking drugs prescribed by their attending physician must advise their Department Head in writing of the possible side effects of such medication regarding their job performance and physical/mental capabilities. This written information must be kept confidential. All prescription drugs must be kept in the original container.
2. Any employee involved in a work related accident where alcohol or drugs are believed to be a contributing factor will be subject to an accident investigation and referred to a drug counselor.

#### Employee Assistance

1. Any employee who has an alcohol or drug problem should contact the Benefits Administrator or the Senior Director of Human Resources to obtain information on a leave of absence. Employees who voluntarily enter into and participate in an approved alcohol or drug rehabilitation program will be eligible for unpaid leave for a maximum of 90 calendar days to enter such a program. Employees must explore options which minimize their time off from work and the County reserves the right to require periodic

reports and/or testing as to the employee's progress and/or successful completion of the program. The time off will be without pay.

2. Employees should refer to the Third Party Administrator of Williamson County Health Benefits Program to determine whether the cost of the program they are entering will be covered under the Williamson County Health Benefits Insurance. Any expenses that are incurred and are not eligible for reimbursement under the Williamson County Health Benefits Program will be the sole responsibility of the employee.

3. An employee will not be disciplined because he or she requests to participate in a rehabilitation program. Participation within a program does not alter the at-will relationship that the County maintains with its employees or the County's right to discipline or terminate the employee for performance, misconduct, or violation of County Policy made know to the County independently from the employee's request for accommodation.

#### Applicant Testing

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

#### 1. OBJECTIVES

To maintain the high professional standards of the County's workforce for employees holding a Commercial Drivers License, it is imperative that individuals who use illegal drugs be screened out during the initial employment process before they are placed on the employment rolls of the company. This procedure will have a positive effect by reducing instances of illegal drug use by the employees working within the County and will provide for a safer work environment. For these reasons, drug testing will be required of all applicants who hold a Commercial Drivers License for use with Williamson County.

#### 2. VACANCY ANNOUNCEMENTS

Every vacancy announcement, for positions requiring a Commercial Drivers License, designated for applicant testing shall state:

"Any applicant tentatively selected for this position will be required to submit to a testing to screen for illegal drug use prior to employment."

In addition, each applicant will be notified that employment in the position will be contingent upon a negative drug test result. Failure of the vacancy announcement to contain this announcement will not preclude the applicant testing if advance written notice is provided to applicants in some other manner.

#### 3. CONSEQUENCES

Williamson County will decline to extend a final offer of employment to any applicant with a verified positive test result, and such applicant will not be reconsidered for employment by the County for a period of one year. The Human Resources Department working on the applicant's

file shall be directed to object the applicant on the basis of failure to pass the physical, a lack of personal characteristics necessary to relate to public employment or a failure to support the goals of the County. The County shall inform the applicant that a confirmed presence of an illegal drug in the applicant's urine precludes the County from hiring the applicant.

#### EMPLOYEE TESTING

Refusal by an employee to submit to screen testing will be considered cause for discharge.

##### 1. OBJECTIVE

Williamson County's objective is to provide a safe, drug-free environment for employees.

##### 2. WHEN

- a. POST ACCIDENT – Conducted after accidents on employees whose performance could have contributed to the accident and for all fatal accidents.
- b. REASONABLE SUSPICION – Conducted when a trained supervisor or County official observes behavior or appearance that is characteristic of drug or alcohol misuse. When, as determined by the immediate supervisor or County official that reasonable grounds exist to believe that an employee is impaired or an employee's unsatisfactory behavior or job performance suggest to management that substance abuse may be a contributing factor, the County reserves the right to require an immediate fitness for duty examination such as a medical evaluation including drug and/or alcohol testing. Refusal to participate in such an evaluation shall be considered equivalent to a positive result and shall result in immediate dismissal.
- c. RANDOM – Conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions. The employees will be selected on a random basis. The testing times and dates are unannounced and are with unpredictable frequency throughout the year. Each year, the number of random tests must equal at least 50% of the Commercial Drivers License holding employees. Some employees may be tested more than once in a year. Once notified for selection, however, an employee must report to a collection site to accomplish the specimen collection for drug/alcohol testing.
- d. RETURN-TO-DUTY AND FOLLOW-UP – Conducted when an employee who has violated the prohibited drug/alcohol conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six (6) tests will be conducted during the first twelve (12) months after return to duty. Follow-up testing may be extended for up to sixty (60) months following return to duty.

##### 3. CONSEQUENCES

A positive test shall mean either the presence of a drug and/or alcohol. Sample testing procedures shall conform to Department of Health and Human Services (DHHS) certified



and monitored laboratories before the test may be used as a basis for any action. Both screening and confirmatory testing will follow the guidelines adopted by the DHHS.

- a. When a screen test is positive for the first time but no evidence of drug or alcohol use on the job exists, the employee will be suspended with pay until all County required testing and treatment is completed. The employee will be required to obtain a written evaluation for drug abuse from a recognized professional and or institution at the employees own expense. If there is evidence of drug or alcohol use on the job, the employee may be disciplined or discharged and will not be eligible for reinstatement.
- b. To be reinstated to a job, an employee must have a signed release from a medical doctor stating that they are fit for work. The employee must submit to another screen test and have a negative result within six (6) weeks from the date they were suspended; otherwise, they will be discharged. The County will decide when the test shall be administered. Before the employee returns to work, they will be required to sign a reinstatement agreement that states under what conditions the employee will be reinstated and that random drug testing may be conducted for one year.
- c. An employee who has been suspended for a positive drug or alcohol test and is allowed to return to work will be immediately discharged for a positive result on any confirmatory drug or alcohol test.

#### 4. POLICY PARAMETERS

- a. For confidentiality, only department heads or County officials who have a need to know will be furnished information regarding positive results of fitness for duty examinations. Employee's privacy will be protected and the employer, without exception, will punish any breach of the workers' privacy and confidentiality.
- b. The County will use only laboratories that are certified under appropriate federal and/or state regulations. The laboratories will follow the guidelines adopted by the United States Department of Health and Human Services for workplace drug testing.
- c. The employee will provide a specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes the chain of custody documents, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised. The Omnibus Act requires all specimens be split into two bottles labeled "primary" and a "split" specimen. Both bottles are sent to the laboratory. Only the primary specimen is opened and used for urinalysis. The split specimen remains sealed and stored at the lab. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the employee has seventy-two (72) hours to request the split specimen be sent to another approved DHHS certified laboratory for analysis. This split specimen procedure provides the

employee with an opportunity for a “second opinion”. Only conclusive results are to be reported to the County. Both tests must be positive or the results are considered to be inconclusive.

#### Supervisory and Employee Training

Supervisors will receive training regarding the Drug and Alcohol Policy. All employees who are included under this policy will receive a copy of the Drug and Alcohol Policy.

#### Disciplinary Action

Any employee suspected of violating this Policy will be immediately suspended without pay pending a complete investigation. During the course of the investigation, the suspected employee shall have the opportunity to provide an explanation. In the event that a determination is made by the County that the employee has violated this Policy, the employee shall be immediately terminated. Should a determination be made that the employee made no violation the employee will be reinstated without penalty.

#### Coordination with Law Enforcement Agencies

The sale, use, purchase, transfer or possession of an illegal drug or drug paraphernalia is a violation of the law. Williamson County will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials. Any search and seizure will be conducted by the contacted law enforcement agency. Williamson County will cooperate fully in the persecution and/or conviction of any violation of the law.

#### Reservation of Rights

Williamson County reserves the right to interpret, suspend, cancel or dispute, with or without notice, all or any part of this policy, or procedures or benefits discussed herein. Employees will be notified before implementation of any change.

Although adherence to the Policy is considered a condition of continued employment, nothing in this Policy alters an employees’ status and shall not constitute or be deemed a contract or promise of employment. Employees remain free to resign their employment at any time for any reason, without notice, and Williamson County retains the right to terminate any employee at any time, for any reason, with or without notice.

#### Other Laws and Regulations

The provisions of this Policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this Policy, as imposed by applicable law, shall be deemed to be deleted.

## **SEXUAL HARASSMENT POLICY**

1. The Equal Employment Opportunity Commission has issued guidelines, which state that sexual harassment is a form of sex discrimination and is an unlawful employment practice in violation of Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when;

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive work environment.

2. Examples of unwelcome conduct may include the following:

- a. Touching, advances, or propositions;
- b. Verbal abuse of a sexual nature;
- c. Graphic or suggestive comments about an individual's dress or body;
- d. Sexually degrading words to describe an individual;
- e. The display in the workplace of sexually suggestive objects or pictures, including nude photographs.

3. Williamson County strongly condemns sexual harassment in any County office or department. Each official, department head, supervisor, and employee has the responsibility to maintain a work environment free of such harassment and to report or complain about it as soon as possible. This responsibility includes dealing with sexual harassment that involves a non-employee on County premises. Officials and employees involved in a sexual harassment situation are required to cooperate in any investigation that occurs.

4. Employees who believe they have been sexually harassed should report their complaint immediately, verbally to any one of these individuals:

- a) your supervisor;
- b) the next level of management above your supervisor (elected official or department head);
- c) The Senior Director of Human Resources.

The complaint should at least outline:

- a) What took place;
- b) Who was involved;
- c) Names of any witnesses, and
- d) What the complainant's expectations are for resolution. **All complaints will be investigated.**

They can come directly to the Senior Director of Human Resources if circumstances within the employee's department or other factors prohibit a reasonable attempt at an informal resolution of the problem. It should be understood that Human Resources will reverse coordinate as part of the investigation process.

5. All complaints received by any elected official, department head, or supervisor must be immediately reported to the Senior Director of Human Resources. The Senior Director of HR will inform the Commissioner's Court of all complaints and will coordinate with the appropriate personnel as part of any investigation. Prompt reporting is very important. Confidentiality will be maintained to the extent possible, and participants in any investigation will be instructed not to discuss the subject. If a complaint is presented, retaliation against the employee is prohibited.

5. Sanctions against offending officials, department heads, supervisors, and employees may include, but are not limited to, consultation with superiors, reprimands, transfers, suspensions, demotions, dismissals, or referrals to appropriate enforcement agencies or officials.

#### **Safe and Respectful Workplace Policy**

1. It is the policy of Williamson County to promote a safe and respectful environment for its employees. The County will work with officials, department heads, and their employees to maintain a work environment that is free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

2. Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated; that is; all reports of incidents will be taken seriously and will be dealt with appropriately.

3. Examples of such behavior include **but are not limited to** the following:

- a. Carrying unauthorized weapons on county premises;
- b. Physical assault of any person on county premises;
- c. Oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm or harassment;

4. Employees who violate this policy will be subject to removal from the premises or immediate disciplinary action, possibly including dismissal from employment, as well as criminal prosecution, if warranted. Members of the general public exhibiting violent or threatening behavior will be subject to removal or legal action, as appropriate.

5. Officials, department heads, supervisors, and other employees must report any violent, harassing, intimidating, or other disruptive behavior, or the presence of weapons, at once. Recognizing early signs of workplace violence is extremely important in preventing it.

6. **Direct threats, violent actions, or reports of weapons on County premises** must be reported at once by calling 911 or according to the security procedures defined within the specific department.

**Actual injuries must be reported immediately to 911.**

7. **Indirect threats** or other potentially violent behavior, including “jokes” with hints of violence, should be reported to the official or department head, who then should contact the County Attorney at 943-1111 or the Senior Director of Human Resources at 943-1533. When in doubt as to whether a situation justifies calling for immediate law enforcement assistance, employees should go ahead and contact the sheriff or 911 as appropriate.
8. Dismissals and other disciplinary action associated with this policy may be implemented in the presence of a law enforcement officer. Employees dismissed or suspended in violation of this policy may be required to remove their personal belongings and return keys or other County property immediately following the disciplinary action.
9. Employees dismissed or suspended in accordance with this policy may be barred from County premises and should receive a notice in writing to this effect. The notice should be given to the employee in the presence of a law enforcement officer.
10. The notice barring the employee from County premises should also state that future communications from the employee must be directed only to the Senior Director of Human Resources at 943-1533.

Employees with questions about this policy may contact the Senior Director of Human Resources at 943-1533 or the County Attorney at 943-1111.

**Workplace Safety and Security Policy**

**PROTECTING THE PUBLIC - PROTECTING OURSELVES**

**WORKPLACE VIOLENCE**

1. 2 million acts of workplace violence occur each year, with annual cost of \$36 billion.
2. Homicide is the No. 1 cause of death for women at work.
3. There is an average of 1,000 total workplace homicides a year.
4. There are 1,875,000 assaults a year, 87,000 robberies, and 50,500 sexual assaults and rapes.

**BE ALERT TO WARNING SIGNS**

1. Use of alcohol or drugs
2. Loud, aggressive, argumentative behavior
3. Can be described as a loner
4. Holds grudges, hypersensitive to criticism
5. Bad attitude, lying, untrustworthy

6. Sudden or dramatic mood changes
7. Personal hardship—divorce, death, arrests
8. Mental health issues—depression, anger
9. History of violence
10. Verbal threats or abuse

#### COUNTY POLICY

1. No unauthorized weapons, no physical assaults, no threatening words or gestures will be tolerated in the workplace.
2. If you witness or experience violent actions, injuries, physical contact, weapons—CALL 911 or your building security.
3. If you witness or experience indirect threats or “jokes,” call HR or County Attorney.
4. Employees, others may be barred from premises when there is an act or threat of violence.

#### FIRE!

1. If you see smoke or fire, yell “Fire! Fire! Fire!”
2. Activate the alarm to trigger an evacuation.
3. All but emergency personnel must leave.
4. Close doors to seal off fire if you have time. Do not lock.
5. Do not stop evacuation if alarm stops sounding.

#### EVACUATION PROCEDURES

NEVER USE ELEVATORS—The dept. liaison will know the best evacuation route; use stairs and ground-level exits or consult posted evacuation plan.

1. Go to designated “rally point” outside building for head count—dept. liaison will have an up to date roster.
2. Call 911; use fire extinguishers or hoses if necessary for safe exit.
3. Fire extinguishers are located by most exit doors.

Notify firefighters immediately if you suspect someone remained in building.

4. Do not return to the building unless fire and emergency officials have declared it safe.
5. Do not leave the rally point until you are released.
6. If you have another emergency, be sure to notify official in charge, who may allow you to leave.

#### TORNADOES—COMMUNICATION

1. County 911 center receives reports from field.
2. County 911 notifies County Judge, PIO, and HR when a tornado has been sighted—also notifies 24 x 7 contacts.
3. PIO notifies all email users, including dept liaisons.
4. Offices and departments monitor weather on weather radios and on internet.
5. Offices and departments will purchase weather radios and have them on at all times and set so that warning alarm goes off.

#### TORNADOES—RESPONSE

1. Tornado “Watch”—This means that conditions could develop into a threat but there has been no actual sighting; monitor on radio and internet.
2. A “Warning”—This means a tornado is occurring or has been sighted in the area.
3. “Warning” action—If the siren is on or a tornado is close, go to “Safe Area”; otherwise monitor the weather and wait for instructions.

#### MOVE TO SAFE SITE IN BUILDING

1. Alert everyone; use up to date personnel roster.
2. Take battery radio, flashlight, and roster to safe site.
3. Close the doors when you leave.

#### WHILE IN SAFE SITE

1. Check personnel roster; call 911 or security if someone is missing.
2. Use the battery radio to monitor tornado activity.
3. Do not the leave safe site until “All Clear” sounds.
4. If there are injuries, call 911.

#### SEVERE WEATHER CLOSINGS

1. 911 and OEM/EMS monitor ice, snow, and severe storms.
2. These are the criteria for closing: field reports, forecasts, major ISD closings, other governmental closings.
3. The OEM/EMS Director will contact the county judge, and make recommendation based on above criteria.
4. County Judge will make the decision and call 911 & PIO.

#### PUBLIC INFORMATION

1. If the decision is made at night or early in the morning, the PIO will list the information on the web page and record a voicemail for County employees; the PIO will also notify the media.
2. Information will be made available by 6 a.m.
3. If the decision to close occurs during normal business hours, PIO will notify offices and departments, and the media.

#### ALL BUILDINGS OPEN OR CLOSED

1. County Judge's decision will be that all buildings are open or all buildings are closed--public and employees get only one message.
2. Exception: essential personnel must report.
3. Offices that differ with decision will have to notify their own employees and will be responsible for opening and closing buildings.

#### ESSENTIAL PERSONNEL

1. LAW ENFORCEMENT, CORRECTIONS
2. EMS
3. 911 DISPATCH
4. FACILITIES
5. JUVENILE ACADEMY AND DETENTION
6. DEPARTMENT OF INFRASTRUCTURE
7. TECHNOLOGY SERVICES
8. EMPLOYEES DESIGNATED BY DEPARTMENT HEAD
9. EMPLOYEES IN OTHER OFFICES THAT ARE OPEN

#### PAY ISSUES-- WEATHER CLOSINGS

1. Essential non-exempt personnel who work may be granted EP leave (emergency personnel leave),



to be used at the discretion of the official/dept head, as departmental budgets allow. EP leave will be paid in the same amounts as holiday leave but will not carry over to the next fiscal year.

2. All essential personnel who do not work during the weather closing must notify their supervisors. They will be paid, required to use leave, or placed on leave without pay, at the discretion of the official/department head.
3. Employees who are not essential should not place themselves or the public at risk by coming to work. If they voluntarily do so, they will not be granted EP leave or receive other compensation.
4. All full-time, non-essential employees scheduled to work on a day when their office or department is officially closed will be paid.
5. All full-time, non-essential employees who do not work on days when their office or department is officially open may be paid, or required to use leave, or placed on leave without pay, at the discretion of the official or department head.
6. Regular, part-time employees working at least 20 hours per week will be paid for weather closings that occur on a scheduled work day.
7. Such employees who do not work when their worksites are officially open may be paid, or required to use accrued leave, or be placed on leave without pay, at the discretion of the official or department head.

#### OTHER OFFICIAL CLOSINGS

1. The procedures for paying essential, non-essential, and regular part-time employees in cases of severe weather closings will also be applied when county offices are officially closed for other reasons, such as funerals or non-weather-related emergencies.

#### INJURIES AND HEALTH EMERGENCIES

2. Always call 911 if there is an injury or health emergency (heart attack, choking, severe asthma, serious fall, etc.).
3. The county phone system will be modified to show origin/location of the call in order to provide specific information to emergency personnel.
4. County buildings will have AED (automated external defibrillation) units and first-aid kits.
5. Some employees will receive first-aid and AED training; their names will be given to offices and departments.

#### ACCIDENT/INJURY FOLLOW-UP

1. Injured employees or their supervisors will submit a TWCC-1 to HR immediately after the incident (first report of injury or illness).

2. The employee or supervisor will complete an Accident Investigation Report and submit it to HR.
3. If an incident involves a visitor, the County employee on hand at the time of the incident will fill out and submit a Visitor Incident Report to HR.

#### BOMB THREATS

1. If the threat is by phone...
  - a. Try to remain calm and ask co-worker to notify 911.
  - b. Do not active fire alarm!
  - c. Write down caller ID if it is displayed.
  - d. Write down exact time of call.
  - e. Write down exact words of the caller.
  - f. Ask when bomb is going to explode.
  - g. Ask where the bomb is.
  - h. Ask what the bomb looks like.
  - i. Ask what kind of bomb it is.
  - j. Ask what will cause it to explode.
2. Ask if caller placed the bomb.
3. Ask why caller placed the bomb.
4. Ask where caller is calling from.
5. Ask for caller's address and then name.

#### CALLER CHARACTERISTICS

##### VOICE

1. Is the voice calm, disguised, nasal, slow, deep, lisp, rapid, deep,
2. giggly, crying, squeaky, excited, stressed, accented,
3. loud, slurred, normal?
4. Is the voice familiar?
5. Who or what does it sound like?

##### CALL BACKGROUND

1. Note background noise—radio, TV, equipment, trains, planes.
- 2.** Note other voices, note names, if spoken.

3. Listen for static, interruptions; does it sound like a cell phone?

#### WRITTEN THREATS

1. DO NOT HANDLE PAPER ANY MORE THAN IS NECESSARY!!
2. All bomb threats--Call 911.
3. Do not activate the fire alarm for bomb threats—a controlled evacuation with limited contact is the safest course.
4. Try to identify those who have touched items.
5. Carefully place items in large envelope and protect them from contamination.

#### SUSPICIOUS PACKAGES

1. WARNING SIGNS:
  - a. Powdery substance;
  - b. Oily stains, odor;
  - c. Excessive packaging material—tape, string, etc.;
  - d. Excessive weight.
2. CALL 911.
3. DO NOT TOUCH.
4. DO NOT SHAKE OR EMPTY CONTENTS.
5. DO NOT TAKE TO ANOTHER AREA.
6. PUT ON STABLE SURFACE IF YOU HAVE PICKED IT UP—THEN WASH YOUR HANDS.
7. SECURE ROOM AND TURN OFF HVAC.
8. MAKE A LIST OF ALL WHO HAVE TOUCHED IT.
9. DO NOT USE THE FIRE ALARM—CONTROLLED EVACUATION IS THE KEY.
10. ALL PERSONS MUST LEAVE THE ROOM AND REMAIN IN THE ISOLATION AREA UNTIL RELEASED; NO PHYSICAL CONTACT WITH OTHERS.

#### CONCLUSION

1. All offices and departments must have safety liaison who is responsible for following:
2. Having a copy of safety procedures;

3. Maintaining a current roster of employees;
4. Maintaining the radio, flashlight, and first-aid kit;
5. Knowing safe areas inside the building, evacuation routes, and rally points outside of building, and posting information in an accessible place;
6. Assisting disabled employees and directing the public.
7. Knowing building personnel trained in CPR/AED operation and first-aid.

### **WILLIAMSON COUNTY TOBACCO- FREE WORK PLACE POLICY FOR ALL WILLIAMSON COUNTY EMPLOYEES**

Williamson County adopts the following TOBACCO-FREE WORK PLACE POLICY in conjunction with its 1994 Wellness Program.

#### **Purpose**

Williamson County acknowledges that there are studies by the Surgeon General of the United States, the National Academy of Sciences, and other health organizations which link passive exposure to tobacco smoke, referred to as secondhand smoke, to a variety of negative health conditions. Williamson County also recognizes that tobacco use is one of most preventable causes of life-threatening diseases; therefore it is Williamson County's responsibility to establish a tobacco-free work environment for our employees.

The objective of this policy is to develop a tobacco-free work place for all employees to perform their job duties and to protect the health and welfare of those employees.

#### **Policy**

1. Williamson County adopts this policy prohibiting smoking or use of any Tobacco Product on Williamson County Premises, as defined below.
2. Employees who violate this policy, including employees of elected officials are subject to appropriate disciplinary action. The disciplinary actions for employees of the Williamson County Commissioners Court shall be as follows:
  - a. A written formal warning for the first and second violations;
  - b. On the third violation, the employee can either be suspended for (5) five work days with no pay or can be terminated.
3. This policy applies to all Williamson County employees, regardless of position and includes all temporary and part-time employees.

4. This policy shall become effective as of October 1, 2010. Employees who are employed as of the effective date will be notified of changes in this policy. Employees will also be informed of Williamson County's Tobacco Cessation Programs, when available. All future applicants for employment by Williamson County will also be notified of the Tobacco Use Policy and the possible availability of smoking cessation classes.

#### Definitions

1. Williamson County Premises: Except for premises that are otherwise specifically excluded herein below, Williamson County Premises shall mean and include all Williamson County Offices; all buildings leased or owned by Williamson County; the attached protective coverings, the entrances, exits or other parts of such buildings; interior spaces of Williamson County owned or rented vehicles; and all exterior properties owned or leased by Williamson County, including the grounds, parking lots and garages and sidewalks that are situated on Williamson County property.
2. Williamson County Offices: Any enclosed area which employees normally frequent during the course of employment, including but not limited to work areas, employee lounges, employee restrooms, conference rooms, and private offices.
3. Tobacco Use: Tobacco Use shall mean and include the lighting, holding, carrying of, inhaling and exhaling of the smoke of a tobacco product, which includes but is not limited to the carrying or holding of a lighted pipe, cigar or cigarette or any other lighted smoking equipment or device. Tobacco Use shall also mean the oral use of any type of Tobacco Product.
4. Tobacco Product: The product derived from the dried leaves of any one of the various species of Nicotine, including but not limited to the species Nicotine Tabacum, the broad leafed American plant, which is utilized for smoking, dipping and/or chewing.

#### Reservation of Rights

Williamson County reserves the right to interpret, suspend, cancel or dispute, with or without notice, all or any part of this policy or procedures discussed herein. Employees will be notified before implementation of any change.

Nothing in this policy alters an employee's at-will employment status and shall not constitute or be deemed a contract or promise of employment at any time for any or no reason, without notice, and Williamson County retains the right to terminate any employee at any time, for any reason, with or without notice.

#### Other Laws and Regulations

The provisions of this policy shall apply in addition to, and shall be subordinate to any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this policy, as imposed by applicable law, shall be deemed to be deleted.

### Excluded Premises

The only excluded premises from this policy shall be County roads within Williamson County, sidewalks that are adjacent to public streets or sidewalks that are not owned by Williamson County, parks that are owned, operated and/or managed by Williamson County, the Central Texas Treatment Center located in Granger, Texas, and the Williamson County Jail where inmates are housed. The Sheriff and CSCD Director may impose their own restrictions within the confines of only the Williamson County Jail and the Treatment Center. However, this policy will include and apply to all Williamson County Sheriff and CTTC employees.

### Tobacco Use by the Public

Except for premises that are otherwise specifically excluded herein above, smoking or the use of any Tobacco Product by any member of the public shall also be strictly prohibited on Williamson County Premises. Signs will be posted on all Williamson County Premises that explain the policy. This policy will also be posted on Williamson County's website.

### Solicitation

Persons not employed by Williamson County may not solicit or distribute literature in the workplace at any time for any purpose. Williamson County recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch breaks, work breaks or any other periods in which employees are not on duty.) In addition, the posting of written solicitations is limited to County bulletin boards and is restricted. You should check with your department head or elected official for approval. Solicitations using electronic systems including County email are prohibited and subject to the Electronic Systems Use Policy. If you experience any problems, please contact Human Resources.

### Use Of Social Media

While Williamson County encourages its employees to enjoy and make good use of their off-duty time, certain activities on the part of employees may become a problem if they have the effect of impairing the work of any employee; harassing, demeaning, or creating a hostile working environment for any employee; disrupting the smooth and orderly flow of work within the County; or without reasonable cause (such as, for example, when in the role of a private citizen, speaking out on matters of public concern or reporting illegal activity), harming the reputation of Williamson County among County taxpayers or in the community at large. In the area of social media (print, broadcast, digital, and online), employees may use such media in any way they choose as long as such use does not produce the adverse consequences noted above. For this reason, employees are reminded that the following guidelines apply in their use of social media, both on and off duty:

1. If an employee publishes any personal information about themselves, another employee of Williamson County, applicants or an associate of Williamson County in any public medium (print, broadcast, digital, or online) that:

- a. has the potential or effect of involving the employee, their co-workers, or Williamson County in any kind of dispute or conflict with other employees or third parties;
- b. interferes with the work of any employee;
- c. creates a harassing, demeaning, or hostile working environment for any employee;
- d. disrupts the smooth and orderly flow of work within the office, or the delivery of services to Williamson County's taxpayers or customers;
- e. harms the reputation of Williamson County among its taxpayers or in the community at large;
- f. states falsities or is slanderous about the County;
- g. reveals information that should be treated as confidential;

The employee(s) responsible for such problems will be subject to counseling and/or disciplinary action up to and potentially including termination of employment, depending upon the circumstances.

*"Personal information" means personal identifying information (Social Security Number, Drivers License number, home address and phone number, personal cell phone number, names of family members or information indicating the person's family members or their home address(es) or home and personal cell phone numbers, or other information recognized as being confidential by law) and/or information regarding the personal or private conduct and affairs of that person and interaction with other people that is unrelated to the person's job performance or official duties for Williamson County. Personal information does not include information or comments regarding conduct or facts related to job performance or performance of official duties and/or information that might be of public concern, or constitute information regarding illegal activity.*

2. No employee of Williamson County may use County equipment or facilities for furtherance of non-work-related activities or business.

3. Employees who conduct themselves in such a way that their actions and relationships with each other could become the object of gossip among others in the office, or cause unfavorable publicity for Williamson County in the community, should be concerned that their conduct may be inconsistent with one or more of the above guidelines.

In such a situation, the employee involved should request guidance from their supervisor to discuss the possibility of a resolution that would avoid such problems. Depending upon the circumstances, failure to seek such guidance may be considered evidence of intent to conceal a violation of the policy and to hinder an investigation into the matter.

4. Should an employee decide to create a personal blog, be sure to provide a clear disclaimer that the views expressed in the blog are the author's alone, and do not represent the views of Williamson County.

5. All information published on any employee's blog(s) should comply with Williamson County confidentiality and disclosure policies. This also applies to comments posted on other social networking sites, blogs and forums.

6. Be respectful to Williamson County, co-workers, taxpayers, associates and be mindful of your physical safety when posting information about yourself or others on any forum. Social media sites are not an appropriate forum for venting personal complaints about supervisors or co-workers. Describing intimate details of your personal and social life, or providing information about your detailed comings and goings might be interpreted as an invitation for further communication or even stalking and harassment that could prove dangerous to your physical safety.
7. Personal social media activities should never interfere with work commitments and should not be conducted while at work.
8. Your online presence can reflect on Williamson County. The lines between public and private, personal and professional information are blurred in this context. Be aware that your comments, posts, or actions captured via digital or film images can affect the image of Williamson County. If you are posting to personal networking sites and are speaking about job related content or about the County, identify yourself as a County employee and use a disclaimer and make it clear that your views are not reflective of the views of County (ex. "The opinions expressed on this site are my own and do not necessarily represent the views of Williamson County".)
9. Be aware that if you access and post on personal social media sites using County equipment, that any such information could be subject to the Texas Open Records Act and information, sites accessed, or usage may be disclosed to the public as the result of a proper request.

Again, any violations of this policy are subject to disciplinary action.

#### **Outside Employment**

Employees may be employed in any capacity in a business, trade, occupation, or profession, at any time other than scheduled hours they are working for the county, as long as such employment does not violate state laws concerning abuse of office or employment, does not interfere with their normal duties, and does not constitute a breach of ethics or conflict of interest.

#### **Political Activity**

1. Employees are encouraged to vote and to exercise other responsibilities of citizenship consistent with state and federal law and these policies. Employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so. An employee may not:
  - a. Use his or her official authority or influence to interfere with or affect the result of an elections or nomination for office; or
  - b. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.



2. County employees, except elected officials, may not participate in political activities while on County duty. Employees are expected to remove County uniforms and identification before participating in a political activity. In addition, no County-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity. This section does not apply to the use of the Courthouse, Courthouse grounds or County buildings when used for the purpose of political announcements approved by Commissioners' Court.
3. Any employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election. County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.
4. An employee's political activity which is not in violation of this section will not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

#### **Retaliation Prohibited By State Law**

A state or local governmental body may not suspend or terminate the employment of, or otherwise discriminate against, a public employee who reports a violation of the law to an appropriate law enforcement authority, if the report is made in good faith.

#### **Termination And Exit Interviews**

1. It shall be the responsibility of each departing employee, whether or not the departure is voluntary, to meet with the appropriate representative of the Human Resources Department to complete forms and submit keys and other materials or information required by the County. The Human Resources Department will also provide the departing employee with information about retirement and deferred comp plans, as applicable, and payment of accrued leave, if any. The departing employee shall inform the Human Resources Department of the employee's computer user identification or password and any other computer-related information considered important by the County.
2. The departing employee may also discuss insurance issues and the possible extension of benefits.
3. Employees must return all Williamson County property immediately upon request or upon termination of employment. Employees are responsible for items issued to them by Williamson County or in their possession or control. Any items not returned will be documented and the stated value of the item will be deducted from the employee's last paycheck. Item values are defined in the Williamson County Fixed Assets Policy.
4. All terminating or retiring employees will receive a paper paycheck for their final pay. Final pay is not available by direct deposit. A final paycheck will be mailed on the pay date to the employee's address on record in the payroll system and cannot be picked up in person.

Employees are encouraged to submit an address change notice to the Human Resources Department, if necessary, to ensure prompt receipt of the employee's final pay.

5. Employees terminated for a violation of the Safe and Respectful Workplace policy shall contact the Human Resources Department by phone or mail.

**Serious Diseases or Disabilities**

1. Employees with serious diseases or disabilities are encouraged to notify their supervisors and the Human Resources Department when adverse health conditions may affect their ability to perform their jobs, pose a threat to other employees or to the public, or require possible accommodation by the County.

2. A doctor's certification may be necessary to determine an employee's eligibility for continued employment or to determine what type of accommodation may be appropriate.

3. Access to medical information and records will be restricted according to practical and legal requirements.

4. Employees who have concerns about working with other employees who have serious illnesses or disabilities should bring those concerns to the attention of their supervisors or contact the Human Resources Department.

5. Related decisions may be based on prevailing laws and/or regulations and on reasonable medical judgments as to the nature, duration, and severity of any risks and/or the probability of harm or disease transmission.

6. Discrimination against employees or applicants because of physical or mental disabilities is prohibited by the Americans with Disabilities Act and/or Chapter 21 of the Texas Labor Code.

## **GRIEVANCE PROCEDURES**

1. It is the policy of the County, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievance right. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay or harassment, or repeatedly raises unfounded grievances. Implementation of the grievance procedure by an employee does not limit the right of Williamson County to proceed with any disciplinary action, which is not in retaliation for the use of the grievance procedure. Information concerning an employee grievance is held in confidence.
2. A grievance (informal or formal) may be filed on one or more of the following grounds:
  - a. Improper application of rules, regulations and procedures (but not the grievance rules, regulations and procedures themselves);
  - b. Unfair treatment
  - c. Unlawful discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin or other legally protected status;
  - d. Improper application of fringe benefits; or
  - e. Improper working conditions.

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

### Informal Grievances

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

### Formal Grievances

1. Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 business days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance. In the event that it would be inappropriate to address the grievance with the supervisor when the supervisor is the wrongdoer, the employee should go to the department head or elected official. If the department head or elected official is the wrongdoer in instances of harassment, retaliation or potential whistle blower activity, the employee should go to the Senior Director of Human Resources.
2. An employee may be represented throughout the grievance process by another County employee of his or her choosing provided that the employee chosen has not been an employee representative in any other grievance proceeding within the previous 12-month period.

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

4. If an employee whose supervisor is not a department head, receives no written resolution from the supervisor within 10 business days from the date the grievance was filed, or is not satisfied with the proposed resolution, he/she must file a written appeal within 10 business days with the department head along with an information copy to the Senior Director of Human Resources. The department head will review the facts and the file, and will investigate the charges personally or through a designee. The person(s) conducting the investigation will meet with the parties involved. The department head will respond in writing to the employee within 10 business days of the date the appeal was received in the elected official's/department head's office.

5. If the department head is appointed by the Commissioners' Court, Juvenile Probation Board, or District Judges, and the employee either receives no written resolution from the department head within 10 business days from the date the grievance was appealed to the appointed department head, or if the employee is not satisfied with the appointed department head's proposed resolution of the matter, the employee must file a written appeal within 10 business days with the appropriate appointing authority (i.e., Commissioners' Court, Juvenile Probation Board, or District Judges through the Senior Director of Human Resources). The appropriate appointing authority will then review the facts and the file and conduct an investigation if deemed appropriate before rendering a decision in the matter. The appropriate appointing authority's decision is final. Longer intervals to facilitate investigation or fact finding on behalf of the County may be appropriate depending upon the grievance.

#### Summary of Grievance Procedure

1. Elected officials are the final appeal level for their respective departments. If the department head is hired by one of the appointing authorities above, the matter may be appealed to the appropriate appointing authority, through the Senior Director of Human Resources for processing. A decision by the proper appointing authority is final. Grievances are to be processed until the employee is satisfied, does not file a timely appeal (ten business days), or exhausts the right of appeal. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists. Williamson County, may at its discretion, refuse to proceed with any complaint it determines is improper under this policy.

2. This guidance does not alter the employment-at-will relationship in any way. Final decisions on grievances will not be precedent setting or binding on future grievances, unless they are officially stated as County policy. When appropriate, the decisions will be retroactive to the date of the employee's original grievance.

## LEAVE AND TRAVEL POLICIES

### Notification of Absences

1. Regular attendance is important to the overall operation of a department or office. If for any reason an employee is unable to report for work, he or she shall notify the immediate supervisor on the morning of the same day, unless extraordinary circumstances make notification impossible. If the supervisor is unavailable, then someone else in the office shall be notified. Notification does not necessarily excuse the absence. Failure to provide proper notification may result in suspension or other disciplinary action, up to and including dismissal.
2. If a department has a specific policy for notification of absences, that policy supersedes this statement.
3. Employees who are absent from work for three consecutive regular shifts without giving proper notice will be considered as having abandoned their jobs and voluntarily quit.

### Reporting Responsibility

Each official or department head shall be responsible for the accurate reporting of all time worked by each employee and of all holidays, vacation leave, sick leave, jury service, and other leave.

### Vacation Leave

Any elected official's employees, and non-elected departments heads and employees, shall accrue vacation hours as follows:

	<u>Years of Service</u>	<u>Accrual per Pay Period</u>	<u>Annual Vacation Accrual</u>	<u>Maximum Accrual Allowed</u>
	0-5	3 hours 5 minutes	80 hours (10days)	80 hours
	5-9	4 hours 37 minutes	120 hours (15 days)	120 hours
	10+	6 hours 10 minutes	160 hours (20 days)	160 hours
<b>EMS ONLY</b>	0-10	5 hours 32 minutes	144 hours (6 shifts)	144 hours
	10+	6 hours 27 minutes	168 hours (7 shifts)	168 hours

1. Vacation accrual will continue only as long as the employee is on paid leave; once the employee has expended all paid leave (vacation, sick leave, comp time), accrual will cease until the employee returns to work.
2. Employees on shift work may take vacation one shift at a time instead of consecutively with approval of the official or department head.

3. Vacation leave can only be taken with the prior approval of the official, department head, or supervisor, as appropriate.
4. Part-time  $\geq 20$  hour employees may accrue vacation equivalent to HALF the accrual for full-time employees. For example, anyone working greater than 20 hours but less than 30 hours per week will accrue vacation at 1.54 hours per pay period, no more and no less.
5. Part-Time  $\geq 30$  hour employees may accrue vacation equivalent to THREE-FOURTHS accrual for full-time employees. For example, anyone working greater than 30 hours but less than 40 hours per week will accrue vacation at 2.31 hours per pay period, no more and no less.
6. Part-time employees who are regularly scheduled for less than 20 hours per week (including seasonal staff) shall not accrue any vacation hours.
7. Temporary employees shall not accrue any vacation hours.
8. Vacation will be accrued on the payroll system. Employees may carry-over their accrued vacation balances as follows:

Employees with less than 5 years of employment	80 hours
Employees with 5-10 years of employment	120 hours
Employees with 10 or more years of employment	160 hours
<b>EMS</b> employees with less than 10 years of employment	144 hours
<b>EMS</b> employees with 10 or more years of employment	168 hours

If an employee reaches maximum accrual, no further vacation will be accrued until the employee has taken vacation hours.

9. No vacation time may be "bought" without prior approval of the Commissioner's Court. However, to encourage employees to give advance notice of their separation, employees who leave County employment will be paid for their accrued untaken vacation as of the date of termination. Vacation paid upon termination shall be computed at the rate of pay earned at the date of termination of employment. Employees who transfer to/from Williamson County, the Williamson County and Cities Health District (WCCHD) and the Community Supervision and Corrections Department (CSCD/Adult Probation), will be paid for their accrued untaken vacation as of the date of transfer so their balance does not become a liability of the new department.
10. All vacation accruals will be pro-rated based on an employee's hire date and an employee's termination date. For example, if a new employee only works one week during the normal two week pay period, they will accrue  $\frac{1}{2}$  or 3.08/2 or 1.54 hours of vacation the last pay period worked.
11. An individual who terminates employment with Williamson County is rehired within one year of termination will have their vacation accrual rate reinstated at the rate they were receiving upon termination. This excludes any individual being paid under the tenure plan upon termination. Vacation balances at time of termination for those individuals will not be reinstated.

12. Exempt employees may be required to use accrued leave for vacation leave, even if the leave is for less than one day. Leave will not be charged or pay reduced if the employee has worked at least eighty hours in the current pay period.
13. EMS employees taking one shift off for vacation and requiring the use of vacation time will be guaranteed the following pay: those employees on a 48 hour shift, taking one shift off for vacation, will be guaranteed 48 hours of pay. Employees on a 56 hour shift, taking off one shift for vacation, will be guaranteed 56 hours of pay. Employees on a 64 hour shift, taking one shift off for vacation, will be guaranteed 56 hours of pay.
14. Employees on shift work must take vacation leave at a rate commensurate with their assigned shift; they may take one shift at a time instead of taking multiple shifts consecutively, with the approval of their department head.
15. The Texas Constitution prohibits gifts to public employees for hours not worked, or not covered by earned leave, and the Fair Labor Standards Act, in 29 CFR 541.710, allows public employers to make deductions from the pay of exempt employees for partial-day absences, when such employees can no longer be compensated like other employees from approved leave banks. Therefore, payments to exempt employees who no longer have accrued leave would be a "gift" and in the interest of public accountability, Williamson County will reduce the pay of an exempt employee for partial-day and other absences when an exempt employee has no accrued leave from which to be compensated.

#### **Sick Leave**

Any elected official's employees, and non-elected department heads and employees, shall accrue thirteen (13) days of sick leave per fiscal year.

1. With the exception of EMS employees on a 56 hour work week, employees will accrue at the rate of 4 hours sick leave per pay period. EMS employees on a 56 hour work week will accrue 6 hours sick leave per pay period. Sick leave hours will be accrued on the payroll system.
2. With the exception of EMS employees on a 56 hour work week, paid sick leave is cumulative up to sixty days (480 hours). EMS employees on a 56 hour work week, paid sick leave is cumulative up to twenty-eight, twenty-four hour shifts (672 hours).
3. Part-time  $\geq 20$  hour employees may accrue sick leave equivalent to HALF the accrual for full time employees. For example, those employees working greater than 20 hours but less than 30 hours per week are entitled to an accrual of 2.0 hours per pay period of sick leave, no more and no less.
4. Part-time  $\geq 30$  hour employees may accrue sick leave equivalent to THREE-FOURTHS the accrual for full time employees. For example, those employees working greater than 30 hours but less than 40 hours per week are entitled to an accrual of 3.0 hours per pay period of sick leave, no more and no less.
5. Part-time employees who are regularly scheduled for less than 20 hours per week (including seasonal staff) shall not accrue any sick leave.

6. Temporary employees shall not accrue any sick leave.
7. No sick leave may be “bought”. Employees who leave County employment will not be paid for unused accrued sick leave. Employees who transfer to/from Williamson County, the Williamson County and Cities Health District (WCCHD) and the Community Supervision and Corrections Department (CSCD/Adult Probation), will also not be paid for their unused accrued sick leave. Their sick leave balance will be reset to zero and all accrued sick leave will be forfeited upon transfer so their balance does not become a liability of the new department.
8. Sick leave may only be used for sickness and medical and dental appointments of the employee, or for the employee’s immediate family (family members as defined in the Family and Medical leave Act policy adopted by Commissioners Court); or for paid leave under the Family and Medical Leave Act. It is not an alternative form of vacation leave. Sick leave may not be converted to another form of leave to avoid entering unpaid leave status.
9. All sick accruals will be pro-rated based on an employee’s hire date. For example, if a new employee only works one week during the normal two week pay period, they will accrue  $\frac{1}{2}$  or 4.00/2, or 2.00 hours of sick time their last pay period worked.
10. Exempt employees may be required to use accrued leave for sick leave, even if the absence is for less than one day. Leave will not be charged or pay reduced if the employee has worked at least eighty hours in the current pay period.
11. EMS employees taking one shift off due to illness and requiring the use of sick time will be guaranteed the following pay: those employees on a 48 hour shift, taking one shift off for sick, will be guaranteed 48 hours of pay. Employees on a 56 hour shift, taking off one shift for sick, will be guaranteed 56 hours of pay. Employees on a 64 hour shift, taking one shift off for sick, will be guaranteed 56 hours of pay.
12. Employees on shift work must take sick leave at a rate commensurate with their assigned shift; they may take one shift at a time instead of taking multiple shifts consecutively, with the approval of their department head.
13. Employees may be required to provide certification from a health professional that an absence was necessary and/or that the employee is fit to return to work. The County may also request additional medical opinions to verify leave or fitness for work. Employees may continue to be paid from their sick leave during any delays in returning to work that may occur.
14. The Texas Constitution prohibits gifts to public employees for hours not worked, or not covered by earned leave, and the Fair Labor Standards Act, in 29 CFR 541.710, allows public employers to make deductions from the pay of exempt employees for partial-day absences, when such employees can no longer be compensated like other employees from approved leave banks. Therefore, payments to exempt employees who no longer have accrued leave would be a “gift” and in the interest of public accountability, Williamson County will reduce the pay of an exempt employee for partial-day and other absences when an exempt employee has no accrued leave from which to be compensated.



### **Holidays**

1. Holidays for each fiscal year are established by the Commissioners' Court. Past holidays have included Veterans Day; two days for Thanksgiving; two to three days for Christmas; New Year's Day; Martin Luther King Day; President's Day; Good Friday; Memorial Day; Independence Day; and Labor Day. Holidays are subject to change.
2. In departments with regular assigned shifts that take no account of a holiday, so that some employees are normally scheduled for that day and others are not, all employees shall equally be given one shift of paid holiday time with the exception of EMS who shall be granted holiday in 12 hour shifts. (Example: If some deputies are scheduled for Monday, Wednesday, and Friday during the week of Memorial Day, while others are scheduled for Tuesday, Thursday, and Saturday, all of them receive the same amount of paid holiday time, even though only half of them worked on the holiday itself, Monday.) This holiday time should normally be scheduled and taken within the pay period when the regular holiday occurs (and preferably on the holiday itself). All departments are responsible for ensuring that holiday time is accurately reported as taken.
3. Other employees scheduled to work on a paid holiday will be allowed alternative leave as provided in the Overtime Policy. Employees not subject to the "Plan" (see below) on shift work must take holidays at a rate commensurate with their assigned shift; they may take one shift at a time instead of taking multiple shifts consecutively, with the approval of their department head.
4. Only full time, 40 hour per week employees, are entitled to full holiday pay. Those employees defined as being PT $\geq$ 20 hours and PT $\geq$ 30 hours are entitled to holiday pay at half the rate of a full time employee. Those employees defined as PT $<$ 20, or Temporary are not entitled to holiday pay.
5. Unused holiday time will be banked to a maximum of 200 hours. All accrued/banked holiday balances below the maximum will be paid out upon termination/resignation of employment.
6. To receive pay for a holiday an employee must have (1) worked or (2) been on some form of paid leave on the day or shift immediately before and immediately after the holiday.
7. Sick leave cannot be entered on a scheduled holiday even if an employee or eligible family member is sick.

### **Floating Holiday**

Eligible employees may receive 1 floating holiday per fiscal year, with prior approval of their elected official or department head, for personal or business reasons. The floating holiday is non-cumulative and may not be "sold" or "bought". Floating holidays are not paid out upon termination or resignation from Williamson County.

### **Other Leave**

1. Extra holidays, bad weather days, public disasters, official funerals and similar occasions that involve the suspension of all routine County business may only be declared by the County Judge or his designated representative.
2. If the emergency situation is prolonged beyond 7 days, the Commissioners' Court or department head may, at their discretion, place employees whose services are not required on unpaid leave (in which case the employee may use any accrued paid leave).
3. So long as an office is open, its employees are expected to be there unless there are special circumstances, distinct from those affecting other employees that make their travel or attendance unsafe. Whether an individual will be paid under these circumstances or must use some form of authorized paid leave, is left to the discretion of the department head.
4. If an employee has vacation time scheduled and the County has declared bad weather time when all offices are closed, then during the same hours, an employee is allowed to enter bad weather time for those hours and reserve their vacation time for those hours.
5. Upon activation of the EOC or declaration of local, state or federal disaster, Essential Personnel as defined by the Williamson County Workplace Safety and Security Policy, shall be paid or accrue leave as follows:

All Essential Personnel may receive time and one half in lieu of comp time once they have exceeded 40 hours worked in a pay week. Essential personnel who are exempt will be given EP leave to be used at the discretion of the official or department head, as departmental budgets allow. EP leave will be paid in the same amounts as holiday leave but will not carry over to the next fiscal year. In order to provide this EP leave, all hours must be tracked and documented for exempt staff and forwarded to the payroll department.

### **Emergency Leave**

Any official or department head may grant paid emergency leave up to 2 days per fiscal year in addition to vacation or paid sick leave for all full time 40 hour per week employees. Emergency leave may be granted for only one of the following: funeral of relatives or close friend, an employees' auto accident, or emergency repairs of an employees' home or autos. A utility outage disrupting electrical service or water service to an employee's home does not qualify for emergency leave. Another form of paid leave should be taken for these absences. Emergency leave does not carry over from one year to the next and may not be "sold" or "bought". Emergency leave is not paid out upon termination or resignation from Williamson County. Emergency leave may not be converted to any other leave.

### **Time Off To Vote**

Williamson County encourages its employees to participate in the political process by voting in federal, state and local elections. Due to the early voting opportunities afforded citizens, employees should usually not need time off work to vote. However, supervisors may approve time off in unusual circumstances. Verification of need to be off may be required by departments.

Under state law, if the polls are open for two (2) consecutive hours outside of an employee's working hours, an employer is not required to release the employee from work in order to vote. Otherwise, employees may be allowed to leave work to vote. Their time off will be without pay or they may use appropriate accrued leave time or compensatory time.

### **Military Leave**

The first 15 days of military leave in each fiscal year will be paid without "loss of time, vacation time or salary". All military leave after the first 15 days is considered "unpaid leave". Those individuals on military leave may choose to use vacation time accrued, compensatory time accrued, or holiday time accrued to compensate for a portion of this unpaid leave. Those individuals on guaranteed salary will be entitled to a full two weeks pay if they have worked any time during that particular pay period and are put on military leave simultaneously. The Uniformed Services Employment and Re-employment Rights Act (USERRA) grants up to five years of military leave. The Act requires an employer to reinstate a person to his/her previous position if military service has been satisfactory according to the guidelines listed below.

- a. Service of 90 days or less-veteran must be re-employed in the position he/she would have held if he/she had continued in employment without interruption for military service.
- b. Service of 91 days or more-veteran must be re-employed in the same position or in a position of like seniority, status and pay.
- c. For service up to 30 days, veteran must report back to work on the next regularly scheduled day after completion of duty.
- d. For service of 31-180 days, veteran must apply for re-employment within 14 days following release from active duty.
- e. For service of more than 180 days, veteran must apply for re-employment within 90 days of release from active duty.

## **WILLIAMSON COUNTY FAMILY AND MEDICAL LEAVE ACT POLICY**

(Approved by Commissioner's Court on January 16, 2009)

**In accordance with the Family and Medical Leave Act of 1993 and as revised January 16, 2009, Williamson County has established the following policy.**

### PURPOSE OF THE ACT

***The Family and Medical Leave Act (FMLA) was established to balance the needs of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity.***

The new law entitles an eligible employee to job-protected, unpaid leave for 1) birth or adoption of a child of the employee, or the placement of a child with the employee for foster care; or 2) when the employee's spouse, child, or parent has a serious health condition and requires care from the employee. The law also gives employees job-protected, unpaid leave for their own serious health conditions.

EFFECTIVE DATE      August 5, 1993, Revised January 16, 2009

### ELIGIBLE EMPLOYEES

There are two basic requirements to be an eligible employee for FMLA purposes:

1. The employee must have been employed by Williamson County for at least 12 months (not consecutively). If an employee has a 7-year break in service, service that is more than 7 years old generally does not need to be counted.

Williamson County will base FMLA leave on a "rolling" 12-month period, measured backward from the date that a County employee first uses FMLA, but not before August 5, 1993.

2. The employee must have worked for Williamson County at least 1250 hours during the previous 12 months.

### LEAVE REQUIREMENTS

*Williamson County is required to grant up to 12 weeks of unpaid leave in any 12-month period for one or more of the following reasons:*

#### Medical Leave

1. *The birth of a child and the care of the child after such birth or the placement of a child for adoption or foster care.*
  - a. Leave for birth or placement must be within 12 months of birth or placement.
  - b. Leave for the birth or placement of a child must be taken all at once.

- c. Leave may begin before the birth, adoption or placement of the child.
- d. If both spouses are employed by Williamson County, the 12 weeks are combined and may be split between the two employees. They are not each entitled to a 12 week leave.
- e. If a spouse (as defined in 2.b below) provides pre-natal care, attends appointments and provides care after birth if spouse has a serious health condition.

2. A serious health condition of a spouse, child, or parent of the employee that involves treatment certified as medically necessary by the Health Care Provider (HCP)

- a. An in-law is not considered a parent and is not included as an eligible person.
- b. A spouse is defined as a husband or wife; a domestic partner is not covered by this act. (Common-law marriages will need to meet state regulations).
- c. A child must be under the age of 18 or age 18 or older and incapable of self-care because of a mental or physical disability as referenced below:

An individual is "incapable of self-care" if the individual requires active assistance or supervision to provide daily self-care in any of three of the following:

Grooming	Hygiene
Bathing	Dressing
Eating	Cooking
Cleaning	Shopping
Taking Public Transportation	Paying Bills
Maintaining a Residence	Using the Post Office
Using a Telephone and Directories	

- d. Intermittent leave may be taken for care of a spouse, child or parent of the employee for a serious health condition.

3. A serious health condition of an employee where an employee is unable to perform their job duties:

- a. For a definite period of time; or,
- b. on an intermittent basis.

A "serious health condition" is defined as a physical or mental condition that involves:

- 1. Inpatient care (overnight stay) in a hospital, hospice, or residential medical facility
- 2. Continuing treatment as defined below:

- a. If a “medical necessity” exists. Medical need for leave versus voluntary treatments and procedures. If leave is intermittent or reduced schedule, employee’s health care provider must state that such leave is medically necessary and explain why.
- b. If a “period of incapacity” exists.
  - i. duration of incapacity lasting more than 3 full consecutive calendar days;
  - ii. is an in-person treatment at least once within 7 days of first day of incapacity; and
  - iii. either is a regimen of continuing treatment initiated by HCP during first treatment or is an second in-person visit for treatment (necessity of which determined by HCP) within 30 days of first day of incapacity.

#### USE OF PAID LEAVE/UNPAID LEAVE

Williamson County will require that an employee use all their available accrued paid leave in the following sequence; sick, vacation, essential pay, compensatory and holiday earned time at the beginning of their designated FMLA leave period. Emergency leave or floating holiday leave cannot be used while on FMLA. After all available paid leave has been taken; the employee will be placed on unpaid leave for the remainder of their FMLA leave period. However, if employees on leave are receiving workers’ compensation income benefits, they will receive that as their sole compensation and will neither receive County pay (unless law enforcement or guaranteed salary) nor expend previously accrued leave.

1. FMLA leave can run concurrently with an employee’s lost work time under workers’ compensation and may provide for medical insurance continuation if the employee is receiving workers’ compensation income benefits.

As long as an employee is on FMLA leave allowable paid leave or FMLA leave without pay, the employing official or department head may not hire another regular, full-time employee to fill that position, unless expressly authorized to do so by the Commissioners Court. Requests for intermittent leave will be strictly scrutinized to ensure both compliance with FMLA and minimum disruption to the workplace.

While on unpaid FMLA leave, or any other form of unpaid leave, the employee shall not accrue any vacation or sick leave hours or receive pay for scheduled county holidays.

2. Employees on FMLA leave who have “exempt” pay status under FLSA regulations will be required to use paid accrued leave to cover the hours they are not at work. When paid accrued leave is exhausted and employee is placed on unpaid FMLA leave status, exempt employees will not receive pay.

Employees who are placed on unpaid leave may be eligible for additional paid time if they are a member of the sick leave pool and are granted additional sick leave time based on the provisions of the sick leave pool program.

### INITIAL NOTIFICATION REQUIREMENTS

The employee must provide the employer at least 30 days' notice before FMLA leave may begin as a foreseeable event.

In case of an emergency, notice is required as soon as practicable, generally within 1-2 business days.

When requesting leave for the first time for a particular FMLA-qualifying reason, sufficient information must be provided, dependent on the situation (qualifying reason, explanation for need of leave, provide anticipated timing and duration of leave if foreseeable) to allow the county to reasonably determine whether FMLA will apply. Calling in "sick" will not be sufficient.

When subsequently requesting leave for the same FMLA qualifying reason for which leave has previously been provided the employee need only reference the qualifying reason or state "FMLA" leave.

When sufficient notice is provided that time off may be for an FMLA event;

1. the supervisor or department head is required to ask the employee for any additional necessary information;
2. the employee must respond to same;
3. the employee must consult with the supervisor or department head in advance to make a "reasonable effort" to schedule planned treatment so as not to unduly disrupt work operations;
4. the employee must advise the supervisor or department head as soon as practicable when dates of leave change or become known.

If FMLA will be on an intermittent or reduced schedule, Williamson County reserves the right to transfer an employee to an alternate position, at the same rate of pay, which will more easily accommodate the intermittent/reduced leave schedule.

Williamson County may require an employee to periodically report on their intent to return to work.

This leave is not intended to cover any short term conditions, such as minor illnesses that last only a few days or surgical procedures that typically do not involve hospitalization and require only a brief recovery period. If complications arise out of such procedures and they develop into a serious health condition, the employee is required to notify Williamson County of their intent to go on FMLA leave.

Williamson County will notify an employee when leave is being counted against the FMLA leave entitlement.

## CERTIFICATION AND RECERTIFICATION REQUIREMENTS

Williamson County requires certification issued by a health care provider to support the employee's request for leave due to serious health conditions. For intermittent FMLA leave, an employee will be contacted periodically by the Human Resources Department to provide an updated recertification. After being informed in writing, the employee must provide this certification or recertification within 15 calendar days from the post-marked date of the request. If certification or recertification is not returned at all within 15 days and employee has not provided information about their diligent, good faith efforts to provide certification, leave can be denied. Employee will be provided with a form to complete for certification purposes.

If certification or recertification is not returned at all within any required 7-day cure period (and employee has not provided information about their diligent, good faith efforts), or is timely returned but does not cure the deficiencies, leave can be denied.

Williamson County has no obligation to notify an employee that a certification or recertification has not been received in the 15-day or 7-day periods.

Williamson County also reserves the right to request certification for the return to work and the certification that an employee who is unable to return to work after the expiration of the leave is absent due to a serious health condition.

Should Williamson County have a need to authenticate, verify and/or clarify the validity of an eligible employee's certification, the County may require the employee to obtain the opinion of a second health care provider designated or approved by the County. The County will pay for the second opinion. In the event of a conflict between the first and second opinions, the County may, at its expense, obtain a third opinion from a health care provider approved jointly by the County and the employee. The third opinion will be final and binding.

"Authentication" means providing the HCP with a copy of the certification or recertification and requesting verification that the information contained on the form was completed and/or authorized by the HCP.

"Clarification" means contacting the HCP to understand the handwriting on the form or to understand the meaning of a response, but does not include asking for information beyond that required by the form.

A "significant change" includes a pattern of absences before/after scheduled days off, or longer duration of absences than specified on certification for most recent two or more episodes of incapacity and if the County receives information casting doubt upon employee's stated reason for absence ("doubt" could include reliable information that employee's off-duty activities are inconsistent with need for FMLA leave).

Williamson County may also provide the employee's doctor with a record of employee's absence pattern and ask doctor if the condition and need for leave are consistent with such a pattern.

The County may require that the eligible employee obtain subsequent recertification every 6 months.



### INTERMITTENT LEAVE

When intermittent leave or a leave on a reduced schedule is requested, Williamson County may also request:

1. For a planned medical treatment, certification that includes the dates on which treatment will be required and the duration of the treatment.
2. For an employee's own serious health condition, certification must also include a statement of the medical necessity for such leave and its expected duration.
3. For care of an eligible family member, certification must also include a statement that such leave is necessary for the care of the family member who has a serious health condition, or that the employee will assist in that member's recovery, or be with the family member for psychological support, and the expected duration and schedule of leave.

### HEALTH INSURANCE CONTINUATION

Williamson County will continue group health plan coverage during FMLA leave periods, including medical, dental, life insurance and long-term disability policies.

Vacation and sick leave accrual will continue only as long as the employee is on paid leave; once the employee has expended all paid leave, accrual will cease until the employee returns to work.

An employee on paid leave will continue to have their medical premiums deducted from their paycheck. An employee on unpaid leave will be responsible for payment of their insurance premiums. The employee may choose one of the following payment options:

1. Make premium payments directly to the Benefits Section of the Human Resources Department after the employee has stopped making premiums through payroll deductions; or,
2. Have the outstanding premiums automatically deducted through payroll deduction (per the Human Resources Department's defined repayment schedule) upon the employee's return to work immediately following FMLA leave. All outstanding premiums will be repaid within a maximum of six months from the date when an employee returns to paid status.

The employee will be responsible for requesting the amount due by contacting the FMLA Administrator in the Human Resources Department prior to beginning their FMLA leave period.

An employee on unpaid leave will be allowed to choose not to retain their health care coverage during FMLA leave. The employee will be reinstated as to such coverage on the same terms as prior to the leave, without any new qualifying period.

**Williamson County may discontinue an employee's health care coverage if the employee's required premium is more than 30 days late.**

#### RIGHT OF RECOVERY

Williamson County may recover its share of the health care premiums paid for the employee's insurance during any unpaid FMLA leave pay periods, if the employee fails to return to work for a reason other than 1) the continuation, recurrence, or onset of a serious health condition that would entitle the employee to FMLA leave, or 2) other circumstances that are beyond the control of the employee.

#### WORKERS' COMPENSATION LEAVE COORDINATION WITH FMLA

An employee who suffers a compensable on-the-job injury and begins losing time may be placed on FMLA leave to run concurrently with the employee's inability to perform their job functions as certified by a workers' compensation health care provider. Some county departments offer modified or light duty dependent on light duty requirements.

#### RETURN TO WORK (REGULAR POSITION)

An employee on FML due to their own serious health condition may return to work only if the County receives a complete and sufficient written assessment by the employee's health care professional certifying that the employee is fit to perform the essential duties of the employee's position.

The written assessment must be submitted at the time the employee returns to work or within 15-days after the employee would have returned to work unless it is not practicable to do so despite employee's diligent, good faith efforts.

If the leave is continuous, the County may delay reinstatement.

If the leave is intermittent or reduced schedule, the County may not delay reinstatement.

If the written assessment is not returned at all within the 15-days and the employee has not provided information about their diligent and good faith efforts and if the employee doesn't provide a new medical certification, leave can be denied and the employee terminated.

If the written assessment is not returned at all within a required 7-day cure period and the employee has not provided information about their diligent and good faith efforts and doesn't provide a new medical certification, or the written assessment is timely returned but does not cure the deficiencies, the leave can be denied and the employee terminated.

#### JOB REINSTATEMENT

A Williamson County employee returning from FMLA leave must be reinstated to the same or "equivalent position."

1. The job or position will provide the same pay and benefits.

2. The employee is entitled to return to the same or equivalent shift and schedule and the employee will have the same opportunity for advancement as before the leave.
3. Benefits accrued at the time of the leave will be available to the employee upon return from the leave (except paid leave used during the FMLA leave).
4. The employee is entitled to unconditional pay increases that occurred during the time of their leave (i.e. any countywide salary increases).

Reinstatement to a County department or office that has implemented employee re-organization changes may be an exception to an “equivalent position”.

Other exceptions to job reinstatement granted by FMLA:

Williamson County will attempt to reinstate all employees; however, the County (as allowed by the Federal FMLA law) does not have to reinstate any exempt, salaried employee who is among the highest paid 10% of County employees. Job restoration will be denied to the exempt employee if the employee’s restoration will cause “substantial and grievous economic injury” to the county. Any exempt employee affected will be notified, in writing, of the intent to deny restoration to their position. The employee will be given notice of the non-restoration status prior to the beginning of a leave or, if notice is given after the leave has begun, the employee will be given the option of returning immediately to work.

#### RECORD KEEPING REQUIREMENTS

Williamson County will maintain and preserve records pertaining to the FMLA through the Human Resources Department. The Williamson County FMLA Administrator will be notified of all employees who meet the criteria for going on FMLA leave and will coordinate all certification documents. These records will be maintained in accordance with the FMLA and will be upheld in the strictest confidentiality.

As mandated by the FMLA, all medical records, including doctor certifications and fitness for duty certifications; any correspondence relating to FMLA leave designations; and, all copies of employee’s timesheets depicting FMLA usage will be kept separate from personnel records in each county department or office.

#### MILITARY EXIGENCY LEAVE - PURPOSE OF EXIGENCY LEAVE

To allow an employee who has a spouse, son or daughter, or parent in the National Guard or Reserves to take FMLA leave due to a qualifying exigency resulting from the covered family member’s active military duty (or call to active duty status) in support of a contingency operation.

#### Definition of “Eligible Active Duty or Call to Active Duty Status”

The military member must be a member of the National Guard or Reserves; employees may not take leave if the family member is in the Regular Armed Forces except certain retired members of the Regular Armed Services.

Must be a "Federal" (not State) call to active duty.

Definition of "Covered Military Member"

A member of the military who:

1. Is "on active duty or call to active duty status;" and
2. Is an employee's spouse, son, daughter, or parent.

Definition of "Son or Daughter on Active Duty or Call to Active Duty Status"

A member of the military who:

1. Is "on active duty or call to active duty status;"
2. Is an employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis; and
3. Is of any age.

Definition of "Parent"

An employee's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter (as the term "son or daughter" is defined in the regulations), but does not include "parents in-law".

By implication under the regulations, the term "son or daughter" means when the employee was under age 18 or was age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA begins.

Definition of "Qualifying Exigency"

Includes any one or more of the following non-medical, non-routine activities and no others:

1. Short-notice deployment activities;
2. Military events and related activities;
3. Childcare and school activities;
4. Financial and legal arrangements;
5. Counseling activities;
6. Rest and recuperation activities;
7. Post-deployment activities; and/or
8. Additional activities.

EMPLOYEE NOTICE REQUIREMENTS

Timing

An employee must give notice of the need for exigency leave as soon as practicable, depending on the facts and circumstances, regardless of how far in advance such leave is foreseeable.

Method

Same as regular FMLA leave.

Content

Same as regular FMLA leave.

Certification (Employer Requirements)

An employer may require certain types of certification to support a request for exigency leave, and if required, employer:

1. Must request certification:
  - a. within 5 business days after foreseeable leave is requested;
  - b. within 5 business days after unforeseeable leave commences; or
  - c. at a later date if employer has reason to question the appropriateness or duration of the leave;
2. Must request it in writing;
3. Must request it whenever a rights and responsibilities notice is required (and with the rights and responsibilities notice);
4. Must include:
  - a. the actual certification form or otherwise what information is required;
  - b. time period for returning (which must be at least 15 days); and
  - c. consequences for not returning on time.

TYPES AND FREQUENCY OF CERTIFICATIONSCertification of Active Duty:

For first request for exigency leave related to a particular military member and a particular active duty/call to active duty status, employer may require proof of the military member's active duty (but may not request the same information again for the same active duty/call to active duty for the same military member).

For subsequent requests for leave arising out of different active duty/call to active duty status or for different military member, employer may require proof of such military status.

Certification of Qualifying Exigency:

For first request for leave due to a particular qualifying exigency related to a particular military member, employer may require proof of the exigency (i.e., a separate certification may be required for each specific exigency; for example, within the category of childcare/school activities, one certification can be required for enrolling a child in school and another for arranging alternative childcare, but only one could be required for a series of related parent-teacher conferences).

For subsequent requests for leave arising out of a different qualifying exigency or different active duty/call to active duty status of the same military member, or for a different military member, employer may require proof of the exigency.

## CONTENT OF CERTIFICATIONS

### Certification of Active Duty:

Employer may require employee to provide:

1. A copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on active duty or call to active duty status in support of a contingency operation;
2. Proof of dates of military member's active duty service;
3. Proof of covered family relationship.

### Certification of Qualifying Exigency

Employer may require employee to provide a signed statement or description of facts for each particular exigency (but not an affidavit), which must be sufficient to show that the reason for leave is a qualifying exigency.

### Due Date of Certification

Certification must be returned within 15 days after employer requests it, regardless of whether leave is foreseeable/unforeseeable, unless not practicable to do so despite employee's diligent, good faith efforts.

### Duration of Certification

Presumably:

1. A certification of active duty is in effect for the dates of the military member's active duty status for the particular contingency operation.
2. A certification of a particular exigency related to a particular military member's active duty service is in effect for the duration of that particular exigency.

### Opportunity to Cure

If certification is returned but is incomplete or insufficient, employer must provide written notice of what specific information is still needed and give employee 7 calendar days to cure the deficiencies (unless 7 days is not practicable under the particular circumstances despite the employee's diligent, good faith efforts).

### Consequences for Failure to Return or Cure

1. If certification is not returned at all within 15 days and employee has not provided info about his/her diligent, good faith efforts, leave can be denied.
2. If certification is not returned at all within any required 7-day cure period (and employee has not provided info about his/her diligent, good faith efforts), or is timely returned but does not cure the deficiencies, leave can be denied.

Employer has no obligation to notify employee that a certification has not been received during the 15-day or 7-day periods.

#### MILITARY CAREGIVER LEAVE

##### Purpose of Caregiver Leave

To allow an employee who is the spouse, son or daughter, parent, or next of kin of a service member in the Regular Armed Forces, National Guard or Reserves (who has incurred a serious injury or illness in the line of duty while on active duty) to take FMLA leave to care for the service member.

##### AMOUNT, TIMING AND OTHER TERMS

The maximum amount of leave is 26 weeks in a single 12-month period on a per-covered service member, per-injury/illness basis (aggravation or complication of an earlier injury/illness is still the same injury/illness); measured forward from the date an employee first takes caregiver leave (any unused amount is forfeited).

During that single 12-month period, caregiver leave is combined with regular FMLA leave and the total cannot exceed 26 weeks.

If leave qualifies as both military caregiver leave and FMLA medical leave to care for a family member with a serious health condition, it must be counted as caregiver leave (it may not be counted as both caregiver leave and FMLA medical leave).

An employer can retroactively change the designation from one type to the other if otherwise permitted for retroactive designations in general, but is not required to do so.

##### Definition of "Covered Service Member"

A current member (including a former member on the temporary disability retired list, but excluding a member on the permanent disability retired list and other retired/discharged members) of the Regular Armed Forces, National Guard, or Reserves:

1. Who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list (TDRL), all of which can be determined by the service member's authorized health care provider;
2. For a serious injury or illness incurred in the line of duty on active duty, which can be determined by the service member's authorized health care provider.

##### Definition of "Serious Injury or Illness"

An injury or illness incurred by a covered service member:

1. In the line of duty on active duty; and
2. That may render the service member medically unfit to perform the duties of the service member's office, grade, rank, or rating

Note: The above determination is to be made by the service member's authorized health care provider, but if said health care provider cannot make such a determination, he/she may rely on information from an authorized DOD representative. Every injured/ill service member has an assigned DOD representative (such as a Federal Recovery Coordinator or Recovery Care Coordinator in the case of injuries classified by DOD as catastrophic or severe) who serves as a point of contact for the service member's authorized health care provider.

#### Definition of "Outpatient Status"

The status of a covered service member who is assigned to:

1. A military medical treatment facility as an outpatient; or
2. A unit established for the purpose of providing command and control of members of the military receiving medical care as outpatients.

#### Definition of "Health Care Provider"

Same definition as regular FMLA leave, with the additional requirement that the health care provider for the purpose of providing any certification required by the employer must be:

1. A DOD health care provider;
2. A Veterans Affairs (VA) health care provider;
3. A DOD TRICARE network authorized private HCP; or
4. A DOD non-network TRICARE authorized private HCP

Note: TRICARE is the DOD's military health system and includes network and non-network health care providers. Military members usually receive medical care from a DOD, TRICARE or VA health care provider, but members of the National Guard and Reserves or on TDRL could receive care from a non-network TRICARE provider.

#### Definition of "Needed to Care For"

The definition is the same as that for regular FMLA leave.

#### Definition of "Medical Necessity"

The definition is the same as for regular FMLA leave, that is, "medical necessity" means medical need for leave versus voluntary treatments and procedures; if leave is intermittent or reduced schedule, doctor must certify that such leave is medically necessary and explain why.

#### Definition of "Son or Daughter of Covered Service Member"

A covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age, meets the definition.

#### Definition of "Parent of a Covered Service Member"

A covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member, but does not include "parent's in-law."



Definition of "Next of Kin of a Covered Service Member"

The nearest blood relative of a covered service member (other than his/her spouse, parent, son, daughter), in the following priority order:

1. A blood relative designated in writing by the service member as his/her nearest blood relative for purposes of caregiver leave;
2. Blood relatives who have been granted legal custody of the service member by court decree or statutory provisions;
3. Brothers and sisters;
4. Grandparents;
5. Aunts and uncles; and
6. First cousins.

Note: If there are multiple family members within same level of relationship, all are "next of kin" and each can take caregiver leave; if there is a designated next of kin, he/she is the only next of kin.

EMPLOYEE NOTICE REQUIREMENTSTiming

If foreseeable, same as regular FMLA leave, that is, at least 30 days' advance notice or as soon as practicable, normally the same business day or next business day if off work when learns of need for leave; if less than 30 days given, employer may require explanation of why 30 days' advance notice was not practicable; if timely notice not given, the period of delay counts as non-FMLA absence.

If unforeseeable, same as regular FMLA leave, that is, as soon as practicable or, if the employer has a usual and customary leave or absence notification policy, within such reasonable time frame as is established in the employer's policy; if timely notice not given, the period of delay counts as non-FMLA absence.

Method

Same as for regular FMLA leave.

Content

Same as for regular FMLA leave.

Certification (Employer Requirements)

An employer may require certain types of certification to support a request for caregiver leave, and if required, employer:

1. must request certification:
  - within 5 business days after foreseeable leave is requested;
  - within 5 business days after unforeseeable leave commences; or
  - at a later date if employer has reason to question the appropriateness or duration of the leave;

2. must request it in writing;
3. must request it whenever a rights & responsibilities notice is required (and with the rights & responsibilities notice);
4. must include:
  - a. the actual certification form or otherwise what information is required;
  - b. time period for returning (which must be at least 15 days); and
  - c. consequences for not returning on time.

#### TYPES AND FREQUENCY OF CERTIFICATIONS

##### Certification of Military Status

For first request for caregiver leave related to a particular serious injury/illness of a particular service member, employer may require proof of the service member's military status (but may not request the same information again for the same serious injury/illness of the same service member);

For subsequent requests for leave arising out of different serious injury/illness of the same service member or a serious injury/illness of a different service member, employer may require proof of such military status.

##### Certification of Serious Injury/Illness

For first request for leave due to a particular serious injury/illness of a particular service member, employer may require proof of the serious injury/illness (aggravation of or complications arising out of a particular serious injury/illness are considered to be the same serious injury/illness);

For subsequent requests for leave arising out of a different serious injury/illness of the same service member or a serious injury/illness of a different service member, employer may require proof of the serious injury/illness.

#### CONTENT OF CERTIFICATIONS

##### Certification of Military Status

Employer may require employee to provide a written statement with:

1. Name of the service member;
2. Relationship of employee to service member (and employer may request proof of it);
3. Whether the service member is a current member of the Regular Armed Forces, National Guard, or Reserves, and if so, service member's military branch, rank, and current unit assignment;
4. Whether the service member is assigned to a military medical facility as an outpatient or to a unit established for the purpose of providing command and control of members of the armed forces receiving medical care as outpatients (such as a medical hold or warrior transition unit), and if so, name of the medical facility or unit;
5. Whether the service member is on the temporary disability retired list;

6. Description of the care to be provided to the service member; and
7. Estimate of leave needed.

#### Certification of Serious Injury or Illness

Employer may require medical certification of a serious injury or illness, which may include:

1. Contact info for health care provider (name, address, phone, fax, e-mail);
2. Whether the HCP is a DOD HCP, VA HCP, DOD TRICARE network authorized private HCP, or DOD non-network TRICARE authorized private HCP;
3. Whether the serious injury/illness was incurred in line of duty on active duty;
4. Approximate date on which it commenced and its probable duration;
5. Statement or description of appropriate medical facts sufficient to support need for leave, to verify service member is medically unfit to perform the duties of his/her military job (office, grade, rank, or rating), and whether receiving medical treatment, recuperation or therapy;
6. Information sufficient to establish that service member is in need of care;
7. Beginning and ending dates for period care is needed including treatment and recovery (if continuous leave), medical necessity of periodic care and estimate of treatment schedule and appointments (if intermittent or reduced schedule leave for planned medical treatment), medical necessity of periodic care and estimate of frequency and duration of periodic care (if intermittent or reduced schedule leave other than for planned medical treatment).

#### Special Automatic Certification

DOD may issue a special invitation to any member(s) of a service member's family when a DOD HCP has determined that the injury/illness is serious enough to warrant the immediate presence of a family member at service member's bedside.

If DOD issues an invitational travel order (ITO) or invitational travel authorization (ITA) for "medical purposes" to any member(s) of the service member's family (even if the employee's own name is not on it), the ITO or ITA constitutes automatic certification of military status and serious injury/illness (although employer may require proof of a covered family relationship between the employee and service member).

#### Duration of Certifications

ITO/ITA Certification: An ITO or ITA is in effect for the duration specified on it; once it expires, the employer may require certification of military status and serious injury/illness pursuant to the normal rules already discussed.

Normal Certification: Medical certification is in effect for duration of the condition and period leave is needed as specified on the certification, up to a maximum period of 12-months beginning on the date employee first takes caregiver leave for a particular serious injury/illness of a particular

service member (once the single 12-month period expires, any unused caregiver leave entitlement is forfeited, but employee may qualify for regular FMLA leave to care for a family member with a “serious health condition,” and if so, can be required to submit a regular medical certification for it).

#### Due Date of Certification

Certification must be returned within 15 days after employer requests it, regardless of whether leave is foreseeable/unforeseeable, unless not practicable to do so despite employee’s diligent, good faith efforts.

A complete and sufficient certification or recertification is required:

1. “Incomplete” means one or more of the applicable entries have not been complete.
2. “Insufficient” means the info provided is vague, ambiguous, or nonresponsive (It may be insufficient if any answer to a question is “lifetime,” “unknown,” or indeterminate”).

#### Opportunity to Cure

If certification is returned but is incomplete or insufficient, employer must provide written notice of what specific information is still needed and give employee 7 calendar days to cure the deficiencies (unless 7 days is not practicable under the particular circumstances despite the employee’s diligent, good faith efforts).

#### Consequences for Failure to Return or Cure

1. If certification is not returned at all within 15 days and employee has not provided info about his/her diligent, good faith efforts leave can be denied.
2. If certification is not returned at all within any required 7-day cure period (and employee has not provided info about his/her diligent, good faith efforts), or is timely returned but does not cure the deficiencies, leave can be denied.

Employer has no obligation to notify employee that a certification has not been received during the 15-day and 7-day periods.

#### Authentication and Clarification

1. If certification (or ITO/ITA) is complete/sufficient, employer’s HR professional, leave administrator, a management official, or HCP (but not the employee’s immediate supervisor) may contact the service member’s HCP (or DOD representative) directly to authenticate and/or clarify the certification (or ITO/ITA)
2. “Authentication means providing HCP (or DOD rep) with a copy of the certification (or ITO/ITA) requesting verification that the info contained on the form was completed and/or authorized by the HCP (or DOD rep); no service member HIPAA consent required.
3. “Clarification” means contacting the HCP (or DOD rep) to understand the handwriting on the form or to understand the meaning of a response, but does not include asking for information

beyond that permitted by the regulations; HIPAA consent from the service member may be required by service member's HCP.

4. Employee is responsible for ensuring that the service member provides HCP with any required HIPAA consent for employer to communicate with HCP, but if employee or service member fails or refuses to do so, leave can be denied (employer may not require a HIPAA consent at any time, such as at time leave is requested).

#### Second and Third Opinions

Second and third opinion certifications of a serious injury/illness are not permitted.

#### Re-certifications

Re-certifications of a serious injury/illness are not permitted.

## **SICK LEAVE POOL**

(Effective 10/1/2009, Approved by Commissioner's Court on September 15, 2009)

### **AUTHORITY**

LOCAL GOVERNMENT CODE:

CHAPTER 157. ASSISTANCE, BENEFITS, AND WORKING CONDITIONS OF COUNTY OFFICERS AND EMPLOYEES

SUBCHAPTER E. POOLING OF SICK LEAVE BY COUNTY EMPLOYEES

### **PURPOSE**

The purpose of the Williamson County Sick Leave Pool (SLP) is to provide additional sick leave time to Williamson County (County) Employees in the event of a Catastrophic Illness or Injury that prevents an employee from active employment. Time may be granted from the SLP only after the employee has exhausted all accrued sick, vacation or other compensatory time (if applicable).

### **DEFINITIONS**

#### 1. Administrator

The Administrator shall mean the person designated by the Williamson County Commissioners Court to serve as the administrator of the SLP program.

#### 2. Catastrophic Illness or Injury

A Catastrophic Illness or Injury means an illness, injury, impairment or physical or mental condition of an Employee or a member of the employee's immediate family that (i) forces the employee to exhaust all accrued leave time (sick leave, vacation, and compensatory time (if applicable)); (ii) to lose compensation with the County; and (iii) which involves, at a minimum, **one of the following**:

##### a. Hospital Care

i. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of Incapacity or subsequent treatment in connection with or consequent to such inpatient care.

ii. Inpatient care is at least one overnight stay.

Examples: surgery, pneumonia

##### b. Absence Plus Treatment

A period of Incapacity of more than three (3) consecutive calendars days which also involves:

i. Treatment two or more times by a Licensed Health Practitioner, by a nurse or physician's assistant under direct supervision of a Licensed Health

Practitioner, or by a provider of health care services under orders of, or on referral by a Licensed Health Practitioner; or

ii. Treatment by a Licensed Health Practitioner on at least one occasion which results in a regimen of continuing treatment under the supervision of the Licensed Health Practitioner. Treatment includes examinations to determine if a Catastrophic Illness or Injury exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

Examples: physical therapy.

c. Chronic Conditions Requiring Treatments

A chronic condition which:

i. Requires periodic visits for treatment by a Licensed Health Practitioner, or by a nurse or physician's assistant under direct supervision of a Licensed Health Practitioner

ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and

iii. May cause episodic rather than a continuing period of Incapacity

Examples: asthma, diabetes, epilepsy

d. Permanent/Long-Term Conditions Requiring Supervision

A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a Licensed Health Practitioner.

Examples: Alzheimer's, severe stroke, or terminal stages of a disease

e. Multiple Treatments (Non-Chronic Conditions)

i. Any period of absence to receive multiple treatments (including period of recovery) by a Licensed Health Practitioner either for restorative surgery after an accident or other injury; or

ii. A condition that would likely result in a period of incapacity of more than three (3) consecutive calendar days in the absence of medical intervention or treatment.

Examples: chemotherapy, kidney dialysis, physical therapy for severe arthritis.

Other examples of Catastrophic Illnesses or Injuries which meet one of the six criteria:

- i. Back conditions requiring extensive therapy or surgery
- ii. Heart conditions
- iii. Most types of cancers
- iv. Severe respiratory conditions
- v. Severe arthritis
- vi. Severe nervous disorders
- vii. Injuries caused by serious accidents
- viii. Miscarriage
- ix. Complications related to pregnancy
- x. Kidney disease

Conditions which normally do not meet one of the six criteria and are not normally considered Catastrophic Illnesses or Injuries\*

- i. Migraines/ Headaches
- ii. Common cold
- iii. Flu
- iv. Earaches
- v. Upset stomach
- vi. Minor ulcers
- vii. Childbirth (without complications)
- viii. Normal recovery from childbirth (without complications)
- ix. Routine dental or orthodontic problems
- x. Absence due to substance abuse
- xi. Stress

\*At the complete and absolute discretion of the SLP Committee, these could be considered Catastrophic Illnesses or Injuries if the individual was incapacitated for more



than three (3) consecutive calendar days, he or she visits a Licensed Health Practitioner during the period of Incapacity, and he or she follows a regimen of care prescribed by the Licensed Health Practitioner.

### 3. Employee

Employee shall mean a County employee with twelve (12) or more months of continuous services with the County who is paid from either the general fund of the County, from a special fund of the County or from special grants paid through the County.

### 4. Employee's Immediate Family

The employee's immediate family shall include and be limited to the employee's spouse, child, or parent. For purposes of this policy, spouse, child and parent shall have the following meanings:

Parent – A biological parent of an employee or an individual who stood in the place of a parent to an employee when the employee was less than eighteen (18) years of age.

Child – A child shall mean and include:

- The employee's biological, adopted or foster child.
- The employee's stepchild.
- A child from whom legal guardianship has been awarded to the employee and/or the employee's spouse.
- A spouse's biological, adopted or foster child.

The definition of a child is subject to the following conditions and limitations:

- A child shall include any unmarried dependent child less than 18 years of age.
- A child shall also include any unmarried dependent child who is 18 years or older, but less than 25 years of age only if the employee furnishes evidence to the SLP Administrator, to his or her satisfaction, of all of the following conditions:
  - The child must not be regularly employed on a full time basis;
  - The child must be a full-time student; and
  - The child must be primarily dependent upon the employee for support and maintenance.

Spouse - A spouse shall mean the husband or wife of the employee.

5. FMLA

FMLA means the Family and Medical Leave Act. Leave under FMLA is normally an unpaid leave, up to 12 work weeks/60 work days. In order to be eligible for leave under the FMLA, an Employee must have worked at least 12 months (does not have to be consecutive) with the County and have worked at least 1,250 hours as of the date of the qualifying event (vacation & sick leave hours do not count as hours worked).

6. Incapacity

Incapacity is inability to work or perform other regular daily activities due to a Catastrophic Illness or Injury, treatment therefore, or recovery there from.

7. Intermittent Leave

Intermittent Leave shall mean leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period.

8. Licensed Health Practitioner

A Licensed Health Practitioner shall mean a licensed doctor of medicine or osteopathy, or any licensed professional determined by the SLP Committee to be a legitimate provider capable of providing health care services.

9. Open Enrollment Period

The Open Enrollment Period for the SLP shall be during the month of September of each year, with dates established by the Administrator. The new-year for the SLP begins on October 1st of each year.

10. SLP Committee

The SLP Committee shall be a volunteer committee composed of at least five (5) voting members (County Employees, Department Directors and/or Elected Officials) and two (2) nonvoting members (HR Director and Public Health Nurse), who shall all be appointed by the Commissioners Court.

Administration of The SLP

1. Administrator In addition to the duties and obligations specifically set forth herein below, the SLP Administrator shall be responsible for developing mechanisms to transfer accrued sick leave into and out of the SLP; developing rules and procedures for the operation of the SLP; and developing forms for contributing to, or using leave from, the SLP.

2. SLP Committee. The SLP Committee shall, in addition to the duties and obligations specifically set forth herein below, be responsible for reviewing all employee requests for use of time from the SLP. A simple quorum of the committee members (3 SLP Committee members) will be required to take any action relating to the granting or denying of an Employee's request to use

time from the SLP. The decisions of the SLP Committee shall be based on a simple majority of the quorum. In the event of a tie vote, the SLP Administrator shall vote in order to break the tie. Each member of the SLP Committee shall serve for a one (1) year term. In the event that a member of the SLP Committee resigns prior to the expiration of his or her term, the vacancy left by the resigning member shall be immediately filled by the Commissioners Court. The SLP Committee members shall elect a Chairperson, a Vice-Chairperson and a Secretary at each initial yearly meeting of the SLP Committee.

3. Public Health Nurse On an “as needed” basis, a Public Health Nurse, which is selected by the SLP Committee, shall provide recommendations to the SLP Committee and correspond with any medical authority for clarifications as required.

#### Pool Membership

1. Except as otherwise provided herein and in addition to any other eligibility requirements set forth hereunder, each regular full-time employee shall be eligible to join the SLP program so long as such Employee satisfies one of the two following criteria (1) the employee will have a sick leave balance of at least eighty (80) hours following his or her contribution of accrued sick leave into the SLP; or (2) the employee has accrued at least four hundred eighty (480) hours of sick leave while working for the County within a period of five (5) consecutive years preceding such employees application to join the SLP program.
2. Each employee desiring to join the SLP may contribute not less than eight (8) hours and not more than forty (40) hours of accrued sick leave into the SLP. SLP contributions shall be made only in minimum increments of eight (8) hours each.
3. Employees shall only be able to join the SLP during each Open Enrollment Period.
4. New hires (employees newly hired by the County) may join the SLP no later than thirty (30) days following twelve (12) months of continuous “creditable” service with the County; provided, however, such new hire cannot join the SLP at such time unless he or she will have a sick leave balance of at least eighty (80) hours following his or her contribution of accrued sick leave into the SLP. If the new hire either fails to join within the said time period or if he or she is unable to join due to an inadequate sick leave balance, such new hire will be required to wait until the next annual Open Enrollment Period.
5. In order to join the SLP, an employee must submit a SLP Enrollment and Contribution Form to the Williamson County Human Resources Department prior to the end of each Open Enrollment Period. SLP Enrollment and Contribution Form are available at the Williamson County Human Resources Department. An employee’s membership in the SLP shall be for a period of twelve (12) months beginning on the first day following each annual Open Enrollment Period.

6. In order to maintain enrollment in the SLP from year to year, each employee must renew his or her membership in the SLP by contributing not less than eight (8) hours and not more than forty (40) hours of accrued sick leave into the SLP each year during the Open Enrollment Period. Only one donation each fiscal year is required to maintain membership in the SLP. Except as otherwise specifically set forth herein, an employee's failure to enroll during an Open Enrollment Period will result in the termination of the employee's continued membership in the SLP.

7. Each hour that an employee donates to the SLP will be permanently subtracted from the Employee's accrued sick leave balance that is on file as of closeout of the Open Enrollment Period. No advances on sick leave accruals will be granted to allow an employee to meet the minimum required contribution.

8. An employee's contribution of accrued sick leave hours shall be irrevocable and the employee, by making such contribution, agrees to release any and all rights and interest in and to the contributed sick leave hours.

9. The accrued sick leave hours that an employee contributes to the SLP shall become the property of the SLP and cannot be returned in the event the employee dies, retires, resigns, is terminated, is placed on temporary suspension or otherwise fails to maintain his or her membership in the SLP from year to year.

10. The time contributed to the SLP cannot be designated to be given to any particular employee.

11. There is no guarantee that a contributing employee will receive or be eligible to be reimbursed any time that he or she contributes to the SLP should such employee have a need to make application for SLP time at a later date.

12. Upon the conclusion of twelve (12) months following the Open Enrollment Period, any unused time that remains in the SLP shall be determined and carried forward for the next twelve (12) month period of the SLP.

13. An employee who is terminated, who resigns or who retires may donate not more than eighty (80) hours of their accrued sick leave prior to the time of their departure from County employment.

14. If, at any time, the sick leave available through the SLP falls below the number of days equal to two times (2x) the number of members of the SLP, each employee member may voluntarily contribute eight (8) additional hours of accrued sick leave time to the SLP in order to maintain membership in the SLP. This type of contribution would be considered an emergency

allocation that is necessary to bring the pool up to the amount of hours needed to maintain the continued operation of the SLP.

#### Granting Of Time from SLP

1. The SLP may only be granted to and used by an employee (1) for a Catastrophic Illness or Injury that makes the employee unable to perform the employee's job; or (2) to care for the employee's immediate family member, who has a Catastrophic Illness or Injury. Furthermore, SLP time will not be granted to an employee unless the employee would also qualify for use of sick leave under the County's benefits policies.
2. Intermittent Leave may be granted so long as such leave qualifies as a Catastrophic Illness or Injury hereunder. Such Intermittent Leave grants are normally approved with the intent of providing the member time to come back to work.
3. Pregnancy will not be covered by the SLP, but complications due to pregnancy or delivery that qualify as a Catastrophic Illness or Injury will be considered.
4. SLP time will not be granted to an Employee when he or she is receiving worker's compensation benefits under the Texas Workers Compensation Act. SLP time will also not be granted in cases where the Employee's receipt of SLP time would allow such employee to have paid time past the ending date of their current entitlement to FMLA leave.
5. During each twelve (12) month period following an Open Enrollment Period, the maximum amount of SLP time that may be granted to an eligible Employee shall not exceed one-third (1/3) of the total amount of the SLP, or one hundred twenty (120) hours, whichever is less as of the time of the employee's application.
6. If an employee who has received time from the SLP returns to work and he or she or his or her immediate family member later becomes ill again from the same or different Catastrophic Illness or Injury within the same twelve (12) month period, the employee may apply for additional SLP time; provided, however, such employee shall not be granted any amount of SLP time that would cumulatively exceed the lesser of one-third (1/3) of the total amount of the SLP as of the time of the employee's initial application for SLP time, or one hundred twenty (120) hours.
7. Requests for the granting of additional time from the SLP must be applied for by the employee and shall not be automatically granted.
8. An employee cannot receive time from the SLP if the employee is placed on temporary suspension, is on approved leave of absence or is otherwise terminated.

9. All unused time that was granted to an employee from the SLP shall be returned to the SLP.
10. The grant of time from the SLP to an employee shall terminate upon the earliest occurrence of the following:
  - a. The date the employee returns to work; or
  - b. The exhaustion of the specific amount of time that the SLP Committee granted to the employee, unless the SLP Committee has granted the employee additional SLP time and, in such case, upon the exhaustion of any additional SLP time that was granted to the employee; or
  - c. The effective date of the employee's termination (including termination due to the employee's death), suspension, leave of absence, retirement, or resignation; or
  - d. The employee has used the maximum amount of SLP time allowable under this policy; or
  - e. The SLP Committee determines that the employee is no longer eligible to receive any further or additional time from SLP.

#### Procedure

1. An eligible employee must apply for permission to receive time from the SLP by submitting a SLP Withdrawal Request Form to the SLP Administrator. The SLP Withdrawal Request Forms shall be available at the Williamson County Human Resources Department. Each SLP Withdrawal Request Form must be completely filled out and include the following:
  - a. The date on which the Catastrophic Illness or Injury commenced;
  - b. The probable duration of the Catastrophic Illness or Injury;
  - c. The appropriate medical factors within the knowledge of the Employee's Licensed Health Practitioner regarding the Catastrophic Illness or Injury;
  - d. A statement from the Licensed Health Practitioner that the employee is unable to perform the functions of his or her position;
  - e. The anticipated date the employee will be eligible to return to work;
  - f. The amount of time requested from the SLP;
  - g. If the employee is applying for SLP time in order to care for an immediate family member, the employee must include a statement from the immediate family member's Licensed Health Practitioner that the eligible employee is needed to care for his or her immediate family member, along with an estimate of the

amount of time that the employee is needed to care for his or her immediate family member; and

- h. Any other information that the Administrator or the SLP Committee deems necessary.

2. The completed SLP Withdrawal Request Form, along with all of the required documentation and information must be submitted no more than ten (10) days prior to the exhaustion of all of the employee's accrued sick leave, vacation and compensatory time. The obligation to submit said form and required documentation and information shall be the employee's responsibility. The employee's failure to complete the said form and provide the required documentation and information may result in the denial or delay of any grant of time from the SLP. If an employee is critically ill and unable to file the SLP Withdrawal Request Form and required documentation and information, the employee's supervisor or department head may, at the request of the employee's family, submit the request form and required documentation and information; provided, however, the department head or supervisor must obtain a written consent form for the applicable HIPAA and FMLA privacy laws in order to take such action.

3. Upon receipt of an employee's completed SLP Withdrawal Request Form (along with all required documentation and information); the SLP Administrator shall review the request and provide a recommendation to the SLP Committee.

4. The SLP Committee shall call a meeting in order to review both the employee's completed SLP Withdrawal Request Form (along with all required documentation and information) and the Administrator's recommendation. At such called meeting, the SLP Committee shall vote based on the terms and conditions of this policy to approve, deny or modify the amount of time that an Employee is requesting from the SLP. **The SLP Committee's decision to approve, deny or modify the amount of time that an Employee is requesting from the SLP shall be final.** The requesting employee or a member of his or her family may be required to appear at a called meeting before the SLP Committee in order to substantiate the request. The SLP Committee may, at its sole discretion, require that the supervisor, department head and/or elected official under which the requesting employee works appear and/or provide any information and testimony that the SLP Committee deems necessary for its deliberation of whether or not to approve, deny or modify the amount of time that an Employee is requesting from the SLP.

5. In the event the SLP Committee votes in favor of granting time from the SLP to a requesting Employee, the SLP Committee shall notify the Administrator of the amount of SLP time that has been granted. The Administrator shall then approve the transfer of that amount of time from the SLP to the employee. The amount of SLP time granted to an employee shall be credited to the employee and shall be used in the same manner as accrued sick leave.

Furthermore, in accordance with state law, an employee absent on sick leave assigned from the SLP is treated for all purposes as if the employee were absent on earned sick leave.

6. The SLP Committee may require an employee, who has been granted time from the SLP, to undergo periodic return visits to his or her Licensed Health Practitioner to assess progress and make continuing reports to the Committee. If the SLP Committee determines that the employee is no longer eligible to receive time from the SLP, the SLP Committee can withdraw its existing grant of SLP time to the employee and discontinue any further transfers of SLP time to such employee.

7. The SLP Committee reserves the right to modify or waive any requirement or condition listed herein, with the approval of the Commissioners Court, to address any special or unusual circumstances that may arise.

8. Sick leave granted from the SLP may not be used to pay for holidays and shall only be used for approved workdays. An employee that is on shift work (i.e., other than normal forty [40] hour work weeks) must provide a copy of his or her shift schedule for the entire duration of the requested SLP grant. In the event this type of employee is granted time from the SLP, he or she will be charged the corresponding hours of their respective duty shifts (i.e., 12 or 24 hours vs. an 8 hour shift).

9. Each employee that receives a grant of time from the SLP must return to work after he or she has been released by his or her Licensed Health Practitioner. A Fitness for Duty Form must be completed by a Licensed Health Practitioner and be returned to the Williamson County Human Resources Department before an Employee on a SLP grant may return to work. The Fitness for Duty Form shall advise if the employee is fit for duty and list any and all restrictions relating to the employee's return to work.

10. FMLA leave shall run concurrently with leave granted from the SLP.

11. The estate of a deceased employee shall not be entitled to payment for unused sick leave acquired by the employee from the SLP.

12. An employee shall not earn sick leave, annual leave, vacation time or any other type of paid leave when receiving time from the SLP. However, allocated time from the SLP shall be included in computing an employee's length of service with the County.

#### Miscellaneous Provisions

1. The County may discontinue and/or terminate the SLP program without cause or legal repercussions or ramifications upon one hundred twenty (120) days written notice to all employees that are participating in the SLP program as of the date of its termination.



2. If any provision of this SLP shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, but rather this entire SLP will be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligation of the parties shall be construed and enforced in accordance therewith. If any provision of this SLP is determined to be invalid or unenforceable, it is the desire and intention of the County that such provision be reformed and construed in such a manner that it will, to the maximum extent practicable, give effect to the intent of this SLP.

3. The guidelines, terms and conditions of this SLP program may be amended at any time upon the recommendation of the SLP Committee. Any recommended amendments must be approved by the Commissioners Court.

#### SLP Required Forms

The following forms may be obtained from the Williamson County Human Resources Department:

- A. SLP Enrollment and Contribution Form
- B. SLP Withdrawal Request Form
- C. Fitness for Duty Form

**NOTE: The above referenced forms may be revised periodically. It is the Employee's obligation and responsibility to check with the Williamson County Human Resources Department to ensure correct forms are used.**

#### Civil Leave

1. **JURY DUTY:** Williamson County encourages employees to serve on jury duty when required. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the absence. Of course, employees are expected to report for work whenever the court schedule permits. Any questions regarding work schedule should be directed to the employee's supervisor. Either Williamson County or the employee may request an excuse from jury duty if, in Williamson County's judgment, the employee's absence would create serious operational difficulties. Williamson County will continue to provide health insurance benefits, vacation, sick leave, and holiday benefits for eligible employees. County employees are also eligible for juror checks and may keep such remuneration in addition to the County pay.

2. **WITNESS DUTY:** Williamson County encourages employees to appear in court for witness duty when subpoenaed. If an employee has been subpoenaed or requested to testify as a witness for Williamson County, they will receive paid time off for the entire period of witness duty. Employees will be granted a maximum of 36 hours of paid time off to appear in court as a witness at the request of a party other than Williamson County or the State of Texas. Employees will be paid at their base rate and are free to use any remaining paid leave benefits (vacation leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid. The subpoena should be shown to the employee's supervisor immediately after it is received so

that operating requirements can be adjusted, when necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

3. PRIVATE LITIGATION: If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time off will be charged to vacation or leave without pay.

#### **Leave Without Pay**

1. The Human Resources Department discourages allowing an employee to be granted unpaid leave time. However, in cases other than Family and Medical Leave, any official or department head may grant leave without pay to any employee so long as the official or department head can discharge the responsibilities of the office or department without the presence of the employee. As long as the employee is on leave without pay, the employing official or department head may not hire another regular, full-time employee to fill the position, unless expressly authorized to do so by the Commissioner's Court.
2. Vacation and sick leave accrual will continue only as long as the employee is on paid leave; once the employee has expended all paid leave, accrual will cease until the employee returns to work.
3. Employees who are on leave without pay should contact the Human Resources Department for details concerning continued health insurance coverage during their leave without pay.

#### **Workers' Compensation**

1. The County carries insurance to cover approved costs for work-incurred injury or illness. Workers comp benefits, if approved, help pay for the employee's medical treatment, if any, and part of any income that may be lost. Specific benefits are prescribed by law, depending on the circumstances of each case.
2. In compliance with the Texas Workers' Compensation Insurance Act, all Williamson County employees are provided workers' compensation coverage. Newly hired employees may elect to "opt out" of our workers compensation coverage if they provide written notice to the Human Resources Department within 5 days of their hire date.
3. The Williamson County Human Resources Department will report all injuries to the County's workers compensation provider as they are reported. Claims for lost time are forwarded to the Texas Department of Insurance – Division of Workers' Compensation (TDI-DWC). More information about workers compensation rights may be obtained from TDI-DWC, by calling 512-804-4000.
4. To assist in obtaining coverage, employees shall report all work-related accidents to the appropriate supervisor immediately. The supervisor must then notify the Human Resources Department as soon as possible. The Human Resources Department must notify the workers'

compensation carrier within 8 days from the date of injury. Along with the report of injury, an accident investigation report should also be submitted.

5. More information about workers' compensation rights may be obtained from the Texas Department of Insurance – Division of Workers' Compensation (TDI-DWC), or by calling 512-804-4000, or by contacting the Human Resources Department at 512-943-1533. The Human Resources Department will report all injuries to the County's workers compensation provider as they are reported.

### **Teleconferencing**

The County has multiple teleconferencing phone lines available for use. Where possible, teleconferencing should be used in lieu of face to face meetings that would otherwise require travel. Access to the teleconferencing phone lines can be obtained through the Technology Services Department help desk at [HelpDesk@wilco.org](mailto:HelpDesk@wilco.org) 943-1456.

### **Travel Policies**

1. The employee shall be responsible for all excess cost and additional travel expense resulting from taking an indirect route or a delayed return trip for personal preference or convenience.
2. No advance travel expenditure will be paid directly to the employee. If an employee pays for an expense in advance, reimbursement will **not** be made until after the trip is taken.
3. Reimbursement for transportation costs will be at the most reasonable means of transport. (i.e.: airline cost will be reimbursed at coach rate)
4. The County will not be responsible for, nor reimburse for additional charges due to personal preference or personal convenience of the individual traveling.
5. The County will not reimburse airfare prices if higher than the cost of mileage reimbursement. County employees may use Lovoi Travel or Accent Travel and charge airfare purchases on the County's air travel account.
6. Additional expenses associated with travel that is extended to save costs (i.e.: a Saturday night stay) may be reimbursed when the cost of airfare would be less than the cost of additional expenses (lodging, meals) if the trip had not been extended. Documentation will be required to justify the expense.
7. Per Code of Federal Regulations, Title 26, Subtitle A, Chapter 1, Subchapter B, Part IX, Section 274 (d) all expense reimbursement requests must include the following:
  - a) Date
  - b) Destination
  - c) Purpose
  - d) Name of traveler(s)

- e) Conference/seminar agenda, or any correspondence that verifies the business purpose of the expense.

8. Each expense reimbursement must have an original signature of the person requesting the reimbursement and the department head approval. The person approving an expense reimbursement should verify the correct budget line item is being charged.

9. A secondary authorization signature on a reimbursement is required if the individual is not an elected official.

10. All expense reimbursements must be **received in the Auditor's office** no more than 60 days after the incurrence of the expense. Any items over the 60 days will be denied reimbursement. The County Judge has the authority to approve requests over 60 days old.

11. The County will not reimburse travel expenses incurred by a spouse or other individual accompanying an employee on business.

12. All expenses except mileage and meals must have a paid receipt. If a receipt cannot be obtained, a written statement of the expense from the employee may be substituted for the receipt.

13. The Supreme Court has ruled that the Internal Revenue's ruling that "traveling expenses" incurred "while away from home" which are deductible under Section 162 (a) (2) of the Internal Revenue Code include the cost of meals only if the trip requires sleep or rest. Therefore, all meals not associated with an overnight stay are taxable to employees.

14. All credit card bills paid through Account Payable (i.e.: American Express; JP Morgan) must have detailed receipts attached, excluding meal receipts. Meals for day travel should NOT be charged on a County credit card. (See item 13 above) County credit card statements must be approved by someone other than the card holder unless the card holder is an elected official.

15. Sales tax on goods purchased will not be reimbursed. Sales tax for meals and hotel stays are the only sales taxes that will be reimbursed. The sales tax exemption form is available in the Financial Center.

16. An employee who loses a required receipt should seek a duplicate. When an acceptable duplicate is unobtainable, the employee should submit a signed affidavit itemizing the expenditure with the expense report.

17. The County will not pay for any late charges incurred on County credit cards. It is the card holder's obligation to make sure the bill is submitted in a timely manner.

18. The County will hold the individual(s) who made the charges responsible for finance charges and/or late payments due on invoices or credit card payments that are turned in to Accounts Payable late or because the department budget did not have enough funds to process the payment in a timely manner.

19. Employees shall be responsible for repayment of inappropriately reimbursed expenses whenever an audit or subsequent review of the travel expense reimbursement documentation finds that such expenses were reimbursed contrary to these guidelines.

20. Any personal expense incurred by employees should be reimbursed to the County. Please attach your check made payable to Williamson County for these charges with your expense reimbursement.

21. Expenses incurred due to an employee or elected official serving on a board or committee of an association related to their County employment will only be reimbursed to the extent that the association does not reimburse the employee. The employee needs to provide documentation of their request for reimbursement from the association and the association's denial of the request.

#### **Seminars/Conferences**

1. A copy of a check in lieu of a paid receipt may be used as the receipt for registration fee reimbursement.

2. The check must be made payable to the seminar/conference and a copy of the check is required. In addition, a brochure or similar document of the conference indicating the amount of registration fee and the conference agenda must accompany the copy of the check supporting the reimbursement claim.

3. You can request payment directly to the seminar/conference by submitting a check requisition form to the Accounts Payable Department with proper backup documentation. Please note that a check request will take 13-20 days to process once it is received in the Accounts Payable Department.

4. Registration fees, if paid by the employee will not be reimbursed until after the conference or training date.

#### **Tuition Reimbursement**

The County may pay for training, including class work, related to obtaining certification directly relevant to County business, as defined by the office or department involved and **pre-approved** by the County Auditor for full time employees. The training/class work must provide the employee with skills and/or knowledge that is specifically applicable to the employee's job description. A copy of the employee's job description and the course description should be submitted with the approval request. The funds for these courses must be available in the appropriate departments training budget. The County will reimburse only the actual number of credits per each course up to a total of 6 credit hours per fiscal year. After completing the course(s) and achieving minimum established grades (C for undergraduate and B for graduate), employees may apply for reimbursement of 100% tuition not to exceed that which would be payable at a state supported college or university located within a 50 mile radius of Williamson County.

### **Off Site Staff Development**

Off site staff development is a period away from normal activities for study and instruction under a **professional trainer**. These periods away from the office provide a forum to discuss issues and ideas that will aid in running your department.

1. Off site staff development is limited to once a year per department.
2. The total cost for off-site staff development should not exceed (per employee) the normal and/or customary cost for an individual employee training expense.
3. Any expense incurred due to attendance at an off-site staff development must follow the guidelines in the Employee Manual (i.e.: meals, lodging, mileage, etc).
4. A list of attendees must be submitted for documentation as required by IRS Publication #463.

### **Meals**

1. Reimbursement for meal costs in travel of less than one day is provided solely to offset actual expenses where restaurant meal costs are incurred.
2. Each employee is on their honor to request reimbursement for actual expenses incurred.
3. Meals are reimbursable only for County business trips that are **outside** the County. Exception may be made for Commissioners' Court meetings that extend beyond 1:00 p.m.
4. Meal reimbursements are limited to a maximum of \$40.00 per day. An employee may claim up to \$20.00 for meals when traveling outside the County for day trips. An employee may claim up to \$40.00 for meals when traveling outside the County and an overnight stay is necessary or when the employee's work hours extends at least three hours beyond their normal scheduled workday. You will be required to provide documentation of extended work hours.
5. If an overnight stay is **required**, but the stay does not exceed a 50-mile radius outside the County, you may claim an amount up to the \$40.00 overnight allowance for your meals, but lodging will not be reimbursed.
6. Meal receipts are not required unless requested by your supervisor or department head or the meal is charged on a County credit card. Meal receipts that are turned in to Accounts Payable will be reimbursed for the actual meal costs.
7. No reimbursement will be made for alcoholic beverages.
8. The IRS has ruled that certain amounts paid to employees for meal expense may be taxable income to the employee. Meals associated with **day travel** are taxable to the employee. These reimbursements will be forwarded to the payroll department to process the expense. Do not charge day travel meals on your County procurement card. You will be required to reimburse the County for these expenses and submit an expense reimbursement request.

9. Employees should only request reimbursement for their own expenses. Any employee who requests reimbursement for a day travel meal for another employee will be charged taxes on the amount requested for both employees.
10. Tips should be reasonable and should be included in the \$20.00 or \$40.00 meal allowance.
11. Employees whose duties take them to alternate work locations within the County are not reimbursed the lunch meal. It is the employee's own responsibility to make provisions for lunches that are incurred within the County.
12. No meals purchased for entertainment/business purposes will be allowed.
13. Meal reimbursements will be paid for County employees only.
14. Meal reimbursements for an overnight stay must be substantiated with a hotel receipt or a written statement from the employee if non-commercial lodging was obtained.

#### **Lodging**

1. Lodging expenses will be reimbursed only if traveling **beyond** a 50-mile radius of Williamson County. (This means 50 miles beyond the County line. Lodging in Austin will not be reimbursed.)
2. Hotel accommodations require an original itemized hotel folio as a receipt. The lodging receipt should include the name of the motel/hotel, number of occupants and the goods or services for each individual charge such as room rental, food, tax, etc. Credit card receipts by themselves are not acceptable.
3. Individuals will only be reimbursed for a single room rate charge plus any applicable tax. If a single room is not available you must provide documentation to justify the expense. You may also be required to provide additional documentation if the room rate appears to be excessive.
4. When lodging is shared by two or more employees the names of the authorized travelers should be noted on the receipt.
5. Each employee should review the room invoice carefully for accuracy upon checking out.
6. Personal telephone charges, whether local or long distance, are not reimbursed. If you incur telephone charges that are County related, please identify them on your hotel receipt.
7. Government rates, when available should be requested at all times.

#### **Airfare**

1. The County will only incur up to a coach price fare for air travel when required.

2. The County will not be responsible for, nor reimburse for additional charges due to the personal preference or personal convenience of the individual traveling.
3. Airfare may be charged to the County's air travel account that has been established with Lovoi Travel and Accent Travel.
4. Airfare reimbursement will be paid directly to the travel agency, airlines or your County travel card. (i.e.: JP Morgan)
5. Employees who pay for their own airfare tickets will be reimbursed **upon return** from their business trip.
6. Air travel expenses must be supported with the receipt copy of your airline ticket or an itinerary. If tickets are purchased through a web site, please submit a copy of the web page showing the ticket price if no paper ticket is issued.
7. Cancellation penalties may be levied by airlines when a ticket cannot be used. The County could reimburse the employee this cost if the change in travel plan was due to a business related change or a personal emergency. Documentation for the change must be submitted to the County Judge for consideration of payment and is subject to review by the County Auditor per Local Government Code 113.064.
8. Should an airline delay necessitate an overnight stay, the employee must first attempt to secure complimentary lodging from the airline. If unsuccessful, the employee should obtain lodging at the most reasonable available rates and the County will reimburse this expense. Documentation for the delay must be submitted.
9. The County will not reimburse employees for tickets purchased with frequent flyer miles.

#### **Car Rental**

1. Travelers may rent a car at their destination when:
  - a. It is less expensive than other transportation modes such as taxis, airport shuttles or public transportation such as buses or subways.
  - b. Cars rented should be economy or mid size. Luxury vehicle rentals will not be reimbursed.
2. Rental cars will not be allowed for travel within the County.
3. Employees may rent a car to travel to their business destination outside the County only if the total cost of the rental is less than the mileage reimbursement cost. (Check with Accounts Payable for current rates) Documentation showing the cost comparison between the rental cost and mileage may be required.



4. Many car rental companies charge an exorbitant cost for gasoline if the car is not returned with a full tank. Employees should avoid such unnecessary charges by returning the car with a full tank.
5. The rental agreement and the charge card receipt (if applicable) must be turned in with the expense request.
6. Insurance purchased when renting a vehicle may also be reimbursed.

#### **Personal Car Usage**

1. Any County official or employee who is authorized to use their personal vehicle when required to travel on official County business may be entitled to receive a reimbursement equal to the standard mileage rate allowed by the IRS. Check with the Accounts Payable department for current rates.
2. Mileage will be reimbursed on the basis of the commonly used route.
3. Reimbursement for mileage shall not exceed the cost of a round trip coach airfare. You may be required to provide a cost comparison between mileage and airfare.
4. Reimbursement for mileage shall be prohibited between place of residence and usual place of work.
5. Mileage should be calculated from the employee's regular place of work or their residence, whichever is the **shorter** distance when traveling to a meeting, conference or seminar.
6. When more than one employee travels in the same vehicle, only one person may claim mileage reimbursement.
7. To be reimbursed for the use of a personal vehicle, travelers must provide the following information on their expense report per IRS guidelines:
  - a. The purpose of the trip
  - b. Date
  - c. Location traveled to and from
  - d. Number of miles traveled
8. Tolls and parking fees, if reasonable, are reimbursable. Receipts are required for reimbursement. If a receipt is not obtainable, then written documentation of the expense must be submitted for reimbursement.
9. Toll Tags will be purchased for County vehicles as approved by the County Judge. Some examples of this are for the haul trucks in Department of Infrastructure and transportation vehicles in Juvenile Services. Contact the County Auditor's Office to assist in setting up these accounts and getting approval of the County Judge. County vehicles with toll tags and those that are exempt may access the toll roads for County business only and not for personal commuting.

10. It is the responsibility of employees to keep track of their own mileage.
11. The officials and employees who are listed in the section entitled "County Vehicles" below are to be provided with a County vehicle in lieu of mileage.
12. Operating and maintenance expenses as well as other personal expenses, such as parking tickets, traffic violations, car repairs and collision damage are not reimbursable.
13. Officials using personal vehicles on County business will be subject to a Vehicle use Policy adopted by the Commissioner's Court.

**Other Expenses, Etc.**

1. Taxi fare, bus tickets, conference registrations, parking, etc. must have a proper original receipt. If a receipt is unobtainable or is lost, a written statement must be submitted for the expense.
2. Expenses other than meals or mileage require a receipt for reimbursement.
3. Only paid receipts will be reimbursed.
4. A department may purchase small appliances (i.e.; microwaves, refrigerators) for the convenience of their employees.
5. The County will pay for uniforms, per IRS Guidelines; only if the below is adhered to.

**Uniform Policy**

Uniforms for law enforcement and corrections personnel shall be issued subject to policies issued by the relevant elected official.

Uniforms for all other County personnel shall be subject to the following County-wide policy:

1. No uniforms shall be issued to any County employee unless the department head has determined that the wearing of a uniform by that employee is a reasonable job requirement. In the case of a department head, the County Judge must make this determination.
2. All uniforms shall be so distinctive as not to be readily adaptable for personal use.
3. The uniform must be worn while on duty at all times required by management as a condition of employment. The uniform may also be worn while traveling directly to or from a location where the uniform is required, or while on an authorized meal or other break during a work period when the uniform is required. The uniform may not be worn at any other time.
4. All uniforms and other County property shall be promptly returned if the person leaves County employment.

5. No uniform shall be issued to an employee unless they have acknowledged this policy in writing.
6. No funds from the current county budget may be expended for uniforms except in compliance with this policy.

***For any official, their employee, or the employees or reserve deputies of other departments to receive expense allowances for the above referenced expenses, the funds to be used to pay the reimbursement must have been appropriated by the Commissioner's Court prior to the expense being incurred.***

#### **Employee Recognition Expenses**

Employee Recognition Expenses should be nominal in nature. These items can be taxable to the employee. In order to avoid an item being taxable, the following purchases will be allowable for Employee Recognition. Plaques or Certificates of recognition for service, etc. Plaques or Certificates of recognition for Retirement. The purchase of gift cards or meals is not allowable as they are taxable items. Please refer any questions to the Auditor's Office for clarification of your purchases in this area prior to incurring expenses.

#### **Non-Reimbursable Expenses**

1. The County does not reimburse expenses related to the County Government Week or holiday decorations.
2. Coffee, tea and other related items used by employees are not reimbursable expenses.
3. Mileage to and from County functions such as the Christmas party or Employee Appreciation luncheon is not reimbursable.
4. Other non-reimbursable expenses:
  - a. alcoholic beverages/tobacco products
  - b. personal phone calls
  - c. laundry service
  - d. valet service
  - e. movie rentals
  - f. damage to personal clothing
  - g. flowers/plants
  - h. greeting cards
  - i. fines and/or penalties
  - j. entertainment, personal clothing, personal sundries and services
  - k. transportation to places of entertainment or similar personal activities
  - l. up-grades, air, hotel or car rental
  - m. auto repairs
  - n. baby-sitter fees, kennel costs, pet or house-sitting fees
  - o. saunas, massages or exercise facilities
  - p. credit card delinquency fees
  - q. doctor bills, prescriptions and other medical services

- r. lifetime memberships to any association for any employee or elected official

**Administrative Leave**

For disciplinary or other reasons, an employee may be placed on paid or unpaid administrative leave.

## EMPLOYEE BENEFITS

### Health Benefits

1. All eligible County and Precinct officials, employees and retirees will have the opportunity to enroll in the health benefit plans under the Self-Funded Williamson County Benefits Program. Retirees who opt out of the opportunity to enroll in Medical benefits at time of Retirement will not be eligible to enroll at a later date. The Self Funded Benefits Program has an annual budget that is reviewed and approved during the budget process each year. This budget includes all claims, administrative and operating expenses associated with the program.
2. A Benefits Committee composed of the County Judge, one County Commissioner and five (5) other persons selected from department heads and employees will serve as voting trustees of the Williamson County Benefits Program. The committee will act in compliance with the Texas Local Government Code, Chapter 172, sec. 172.001-172.015, Texas Political Subdivisions Uniform Group Benefits Program. Non-voting staff members from the Human Resources Department, County Attorney's office and County Auditor's office also attend and participate in these meeting. Regular Benefits Committee meetings are scheduled in advance for each fiscal year. These meetings are held in compliance with the Texas Open Meetings Act and are open to the public. The meeting dates can be found on the Human Resources Intranet site calendar.
3. All employee health premium rates will be paid on a pretax basis through payroll deduction. The employee health premium rates will be determined each year by the Williamson County Benefits Committee and approved by the Commissioners' Court. Annual estimated minimum increases are the equivalent of current medical trend (inflation) rates. The County will fund the balance of the total health premium that is over and above the portion paid by the employee.
4. County and Precinct officials, employees and retirees may also cover their eligible dependents under the same health benefit plan that they elect. The appropriate additional premium for dependent coverage will also be deducted through payroll on a pretax basis. (Except for retirees)
5. The eligible retiree will be provided health benefits for a specified premium rate, with the County funding the balance of the total health premium. The retiree may also cover their eligible dependents for an additional specified premium rate. A retiree is defined as someone who retires directly from active duty with Williamson County and is receiving lifetime monthly Texas County and District Retirement System (TCDRS) pension benefit payments. The County will stop insurance coverage on the retiree when: a) the retiree becomes eligible for Medicare or b) the retiree fails to submit the required set premium. The County will stop insurance coverage on the retiree dependent when the retiree dependent becomes eligible for Medicare. Anyone that retired before April 1, 1994, will have health insurance coverage until age seventy (70). All other retirees and retiree's eligible dependents will have health insurance coverage until age sixty-five (65) at which time coverage will cease.

6. The County's funding for the health plan will be calculated and paid based on the total budgeted full-time positions (whether vacant or filled) for the fiscal year multiplies by the Court's approved employer health plan contribution rate. *Payment from all funds that are budgeted for staff will be processed and paid to the Self-Funded Williamson County Benefits Program. This does not apply to any staff positions fully funded from federal, state, or local grants. The County's health plan funding for staff positions fully funded from federal, state or local grants will be processed as part of semi-monthly payroll processes. The monthly payment amount would remain constant barring any mid-year staff additions or reductions.*

7. Information regarding the specific benefit plans and programs currently being offered to employees can be found on the Human Resources Intranet site.

Newly Hired employees are eligible for Williamson County Benefits after a 60 day waiting period. Benefits shall become effective on the first day of the month following the employee's eligibility date. Payroll deductions for elected benefits shall begin in the first pay period in which the coverage becomes effective.

#### Open enrollment

An open enrollment process is offered to employees, retirees and their eligible dependents each year, usually in the Fall. During open enrollment, employees, retirees and eligible dependents may elect to change their benefit package. Changes may include first time enrollment, termination of coverage or changing elections for medical, dental and vision coverage, and flexible spending accounts. Open enrollment changes will be effective November 1<sup>st</sup>.

#### Changing Your Benefit Elections

The benefit choices you make during the new employee enrollment period or the annual open enrollment period remain in effect for the benefit plan year. You may not change your elections during the year just because you change your mind or don't use your benefits. However, you may change your level of coverage (employee only, employee plus spouse, etc.) if you have a change in family status.

Examples of Family Status change:

- Marriage, divorce or legal separation
- Adding a child through birth or adoption
- Spouse dies
- Child dies or is no longer an eligible dependent under the terms of the specific plan
- Spouse starts or ends employment
- Spouse moves from full-time to part-time (or vice versa)
- Spouse takes an unpaid leave of absence
- You or your spouse takes an unpaid leave of absence
- You or your spouse have a significant change in eligibility for your spouse's employer's group health coverage attributable to your spouse's employment, or
- You meet the requirement under a Qualified Medical Child Support Order (QMCSO)

**You must notify the Human Resources Department of a change in family status within 31 days from the date of the event.** Additionally, you may be required to provide proof of status change. Otherwise, you may not be allowed to change your coverage. To be approved, your new benefit election must be consistent with the change in family status.

### **Retirement**

Currently all officials, their employees and employees of other departments are required to participate in the Texas County and District Retirement System as a condition of employment. Effective January 1, 2007, all part-time employees (as distinct from "Temporary" as defined in Section III, Payroll), will be required to participate in the Texas County and District Retirement System, regardless of the number of hours worked per week or year. The Payroll Department shall deduct the required amount from the employee's salary and the County shall make the required County contribution. The Commissioner's Court has appointed the Senior Director of Human Resources as custodian of the County Retirement System. Temporary workers may be exempt from participation as provided by Retirement System regulations.

### **TCDRS Procedures**

1. The County will not rehire a person with a TCDRS service retirement annuity from the County or another TCDRS-participating subdivision into a non-temporary position unless the person has a bona fide termination from the County or other participating subdivision and a break in service of at least 60 days.
2. Williamson County elected officials, department heads, or other agents of the County shall not make any prior commitments, agreements, or arrangements to rehire a Williamson County TCDRS retiree into a non-temporary position in anticipation of his or her retirement.
3. After a bona fide termination and a 60-day break in service, a Williamson County TCDRS retiree cannot be rehired into a non-temporary position unless the retiree and the hiring authority sign a statement affirming that there were no prior commitments, agreements, or arrangements to rehire the retiree.
4. A TCDRS retiree rehired into a non-temporary position will establish an account separate from the account from which the employee is receiving a service retirement annuity.
5. In emergency situations, or when it is in the best interest of the County, a TCDRS retiree may be rehired, without a waiting period, as a temporary employee for a period not to exceed 130 calendar days. A retiree working as a temporary employee cannot be moved to a non-temporary position unless (a) the retiree and the hiring authority sign a statement affirming that there were no commitments, agreements, or arrangements to rehire the retiree into a non-temporary position prior to the retiree's original termination, and (b) the retiree had at least a 60 day break in service before being hired as a temporary employee.

## APPENDIX A — PUBLIC SERVANTS, BRIBERY, HONORARIA, GIFTS

### Public Servant, Section 1.07(a) (41), Texas Penal Code

“Public servant” means a person elected, selected, appointed, employed, or otherwise designated as one of the following, even if he has not yet qualified for office or assumed his duties:

- (A) an officer, employee, or agent of government;
- (B) a juror or grand juror;
- (C) an arbitrator, referee, or other person who is authorized by law or private written agreement to hear or determine a cause or controversy; or
- (D) an attorney at law or notary public when participating in the performance of a government function; or
- (E) a candidate for nomination or election to public office;
- (F) a person who is performing a governmental function under a claim of right although he is not legally qualified to do so.

### “Benefit” Defined, Section 1.07(a) (7), Texas Penal Code

“Benefit” means anything reasonably regarded as pecuniary gain or pecuniary advantage, including benefit to any other person in whose welfare the beneficiary has a direct and substantial interest.

### Bribery--Section 36.02, Texas Penal Code

(a) A person commits an offense if he intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another:

- (1) any benefit as consideration for the recipient’s decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, party official, or voter;
- (2) any benefit as consideration for the recipient’s decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding;
- (3) any benefit as consideration for a violation of a duty imposed by law on a public servant or party official; or
- (4) any benefit that is a political contribution as defined by Title 15, Election Code, or that is an expenditure made and reported in accordance with Chapter 305, Government Code, if the benefit was offered, conferred, solicited, accepted, or agreed to pursuant to an express agreement to take or withhold a specific exercise of official discretion if such exercise of official discretion would not have been taken or withheld but for the benefit; notwithstanding any rule of evidence or jury instruction allowing factual inferences in the absence of certain evidence, direct evidence of the express agreement shall be required in any prosecution under this subdivision.

(b) It is no defense to prosecution under this section that a person whom the actor sought to influence was not qualified to act in the desired way whether because he had not yet assume office or he lacked jurisdiction or for any other reason.



(c) It is no defense to prosecution under this section that the benefit is not offered or conferred or that the benefit is not solicited or accepted until after:

- (1) the decision, opinion, recommendation, vote, or other exercise of discretion has occurred; or
- (2) the public servant ceases to be a public servant.

(d) It is an exception to the application of Subdivisions (1), (2), and (3) of Subsection (a) that the benefit is a political contribution as defined by Title 15, Election Code, or an expenditure made and reported in accordance with Chapter 305, Government Code.

(e) An offense under this section is a felony of the second degree.

Acceptance of Honorarium—Section 36.07, Texas Penal Code

(a) A public servant commits an offense if the public servant solicits, accepts, or agrees to accept an honorarium in consideration for services that the public servant would not have been requested to provide but for the public servant's official position or duties.

(b) This section does not prohibit a public servant from accepting transportation and lodging expenses in connection with a conference or similar event in which the public servant renders services, such as addressing an audience or engaging in a seminar, to the extent that those services are more than merely perfunctory, or from accepting meals in connection with such an event.

(c) An offense under this section is a Class A misdemeanor.

Gift to Public Servant by Person Subject to his Jurisdiction,  
Section 36.08, Texas Penal Code

(a) A public servant in an agency performing regulatory functions or conducting inspections or investigations commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be subject to regulation, inspection, or investigation by the public servant or his agency.

(b) A public servant in an agency having custody of prisoners commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows to be in his custody or the custody of his agency.

(c) A public servant in an agency carrying on civil or criminal litigation on behalf of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person against whom the public servant knows litigation is pending or contemplated by the public servant or his agency.

(d) A public servant who exercises discretion in connection with contracts, purchases, payments, claims, or other pecuniary transactions of government commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of his discretion.

(e) A public servant who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of a tribunal's decision, commits an offense if he solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in or likely to become interested in any matter before the servant or tribunal.

(f) and (g) not included in this Appendix

(h) An offense under this section is a Class A misdemeanor.

(i) A public servant who receives an unsolicited benefit that the public servant is prohibited from accepting under this section may donate the benefit to a governmental entity that has the authority to accept the gift or may donate the benefit to a recognized tax-exempt charitable organization formed for educational, religious, or scientific purposes.

Section 36.10, Texas Penal Code [Exceptions to 36.08]

(a) Sections 36.08 (Gift to Public Servant) and 36.09\* (Offering Gift to Public Servant) do not apply to:

1. a fee prescribed by law to be received by a public servant or any other benefit to which the public servant is lawfully entitled or for which he gives legitimate consideration in a capacity other than as a public servant;
2. a gift or other benefit conferred on account of kinship or a personal, professional, or business relationship independent of the official status of the recipient; or
3. a benefit to a public servant required to file a statement under Chapter 572, Government Code, or a report under Title 15, Election Code that is derived from a function in honor or appreciation of the recipient if:
  - (A) the benefit and the source of any benefit in excess of \$50 are reported in the statement;
  - (B) the benefit is used solely to defray the expenses that accrue in the performance of duties or activities in connection with the office which are non-reimbursable by the state or political subdivision;
4. a political contribution as defined by Title 15, Election Code;
5. not included in this Appendix;
6. an item with a value of less than \$50, excluding cash or a negotiable instrument as described in Section 3.104, Business and Commerce Code; or
7. an item issued by a governmental entity that allows the use of property or facilities owned, leased, or operated by the governmental entity.

(b) Section 36.08 (Gift to Public Servant) does not apply to food, lodging, transportation, or entertainment accepted as a guest and, if the donee is required by law to report those items, reported by the donee in accordance with that law.

\*Section 36.09 not included in this Appendix

## APPENDIX B—ELECTRONIC SYSTEMS USE POLICY

### Introduction

1. All County electronic systems (ES) are County property provided for the conduct of County business. Examples of ES are personal computers, laptops, telephones, electronic mail (email), voice mail, and Internet access software.
2. County officials and employees should be aware that ES communications or records may be subject to examination or review for legal or work-related purposes.

### Confidentiality

1. Access to County systems and software is limited to authorized personnel with appropriate passwords. The Technology Services Department (TSD) may require a list of passwords for use of some County systems.
2. Officials and employees should not share passwords. If a password has been compromised, the official or employee should change it and, if necessary, notify TSD.
3. Officials and employees must be aware that information sent over local networks or the Internet may not be secure and can present confidential, privacy and disclosure issues for personnel and the County.

### User Responsibilities

1. **Officials and employees must assume responsibility** for the content and dissemination of their ES messages. Most County ES communications constitute official records under the Open Records Act and may be available to the public. Officials and employees must be professional and prudent in using ES for sensitive communications.
2. (1) **Software licensing** is a serious legal issue. Improperly licensed software can result in serious legal repercussions or ramifications for the County and for the individual. It is imperative that all software be accounted for, properly licensed, approved by TSD or Commissioners Court, and installed by TSD or under the direction or oversight of TSD. (2) Personal software is not to be installed on County computers. (3) County software, unless specifically authorized by TSD, and only in rare situations, is not to be installed on an employee's personal home computer. (4) Software upgrades are only to be installed on computers containing properly-licensed versions of the original software. (5) All software media and the associated licenses are to be stored under the direction and control of TSD. Any violation of this paragraph must be immediately reported to TSD.
3. **Abusive, harassing, bigoted, obscene, and profane messages are strictly prohibited.** These communications can result in legal repercussions, or ramifications or other penalties for

the individual and the County. The County's Harassment and Discrimination Policies apply to ES communications and use. County officials and employees must immediately report any incidents of the sort listed in this paragraph. The incidents should be reported to the County Attorney or the Senior Director of Human Resources.

4. **Officials and employees shall not read, view, or listen to other employees' ES** communications without a legitimate business need.

5. **Officials and employees shall not send ES communications which exceed limits** set by TSD. An official or employee may request an exception from the PIO or TSD and, if denied, may appeal to the County Judge. Sending multiple ES communications in order to circumvent the limit is a violation of this policy.

6. **Based on the business need to communicate** with all County employees, certain departments have the authority to send ES communications to all email users. Those departments include Human Resources, Payroll, County Judge/PIO, and TSD. Solicitations for non-County business are prohibited and are subject to the Solicitation policy.

7. **Any elected official or department head may designate one or more individuals** within their own department to have authority to send ES communications to all employees within their own department even if the number of employees in that department exceeds the limit set.

8. **Protection and Security of Laptops and Other Portable Equipment** – An employee must receive authorization from their department head or elected official prior to removing any laptop or other equipment from County property. An employee who removes a laptop or other equipment from County property is responsible for such equipment and must keep it secure at all times. Although it is recommended that employees never leave laptops and other equipment unattended, when it is absolutely necessary said equipment must be securely locked. Employees must take all reasonable precautions to protect and secure any equipment in their possession. Laptops and other equipment should never be left unattended, even for a few minutes. An employee may be responsible for the cost of replacing a laptop or other equipment when unreasonably left unattended. If stolen, department head or elected official may request a copy of the police report.

#### Personal Use of Internet

1. Internet access is intended for official County business. Abuse of Internet access includes, but is not limited to, the following:

- a. engaging in any unlawful or malicious activity;
- b. misrepresenting a personal communication as an official communication;
- c. sending a chain letter;
- d. sending, receiving, or accessing pornographic materials;
- e. using objectionable language;
- f. advertising personal items.
- g. using audio- or video-streaming to listen to the radio or watch television or videos over the internet.
8. using county computers to make money or personal profit.

2. Proper use of Internet access includes the following:
  - a. downloading job-related information;
  - b. sending and receiving job-related e-mail messages and file attachments;
  - c. making business arrangements;
  - d. searching job-related databases;
  - e. using the Internet for occasional, brief personal communications, where those do not violate any other provisions of this section or, in the view of officials and department heads, do not interfere with County business.

#### Legal and Disciplinary Action

1. A violation of this policy may result in legal action and/or disciplinary action up to and including dismissal from employment.
2. Misuse of County ES may also result in limiting and/or revocation of the user's access to e-mail, Internet, voice mail systems and other ES.