

ERATH COUNTY

EMPLOYEE

HANDBOOK

ERATH COUNTY
EMPLOYEE HANDBOOK

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EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Erath County Employee Handbook that outlines my benefits and obligations as a County employee. I understand that I am responsible for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this manual, I will contact my immediate supervisor or Treasurer's Office.

I further understand that the Erath County Employee Handbook is not a contract of employment. I understand that I am an at will employee and that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice.

I understand that this employee handbook is intended to provide guidance in understanding Erath County's policies, practices and benefits. I understand that Erath County retains the right to change this handbook at any time, and to modify or cancel any of its employee benefits when the need for change is recognized.

I further understand that as an Erath County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers', to continually make suggestions for improvements, and to display a spirit of team work and cooperation.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing. If I am required to have a Commercial Driver's License (CDL) for my county position, I will be subject to random, reasonable suspicion and post-accident drug and alcohol testing.

I have read these policies and understand these policies and I agree to abide by and adhere to these policies.

Signature of Employee

Printed Name of Employee

Date Signed

**COUNTY OF Erath
COMMISSIONERS COURT ORDER**

WHEREAS the Erath County Commissioners Court desires to provide the employees of Erath County with a uniform format for dealing with various employment related issues; and

WHEREAS the Erath County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Erath County Commissioners Court and hereby approve, and adopt, the Erath County **EMPLOYEE HANDBOOK**.

ADOPTED THIS _____ DAY OF _____, 20__

**Tab Thompson
Erath County Judge**

**Dee Stephens
Commissioner Pct 1**

**Herbert Brown
Commissioner Pct 2**

**Joe Brown
Commissioner Pct 3**

**Scot Jackson
Commissioner Pct 4**

Witnessed and Attested By:

**Gwinda Jones
County Clerk**

Erath County Employee Handbook

Welcome to Erath County!

We are excited to have you as an employee of Erath County. You were hired because the elected official, appointed official or department head believes you can contribute to the success of Erath County, and share our commitment to serving the public and our constituents with excellence.

Erath County is committed to providing excellent service to the public in all of our county offices. As part of the team, we hope you will discover that the pursuit of excellence is a rewarding aspect of your career here.

This employee handbook contains some key policies, benefits, and expectations of Erath County, and other information you will need. Each elected or appointed official may have detailed policy and procedures manuals for their office.

Your job is essential to fulfilling our mission of serving our county constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Erath County employee. You should use this handbook as a ready reference as you pursue your career with Erath County. Please consult with your elected official, appointed official or department head regarding questions you may have concerning this employee handbook.

A. COUNTY EMPLOYMENT

1A-1 EMPLOYMENT AT-WILL

All employment with Erath County shall be considered “at will” employment. No contract of employment shall exist between any individual and Erath County for any duration, either specified or unspecified. No provision of this employee handbook shall be construed as modifying your employment at will status.

Erath County shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time either with or without notice.

Erath County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. Employees of Erath County shall have the right to leave their employment with the County at any time, with or without notice.

1A-2 EMPLOYEE STATUS POLICY

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. This policy defines both health insurance and retirement benefits. The status of an employee cannot be changed without the approval of the Commissioners Court. Full time employees will be eligible for health and dental insurance. All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

Each county job position, salary, and benefits is approved in the annual budget by Commissioners Court.

All Regular full time and part time employee’s salary increases or decreases will be based on job performance and evaluations. Office holders will be required to submit employee performance evaluations and salary recommendations with the annual budget request. Salary recommendations will be based on the approved pay scale and available funding. Salary changes will begin in October of each budget year.

REGULAR FULL TIME: A full time employee shall be any employee in a position which has a normal work schedule of 30 or more hours per week. Full time employees are eligible for county benefits for which they are qualified. Employees are non-exempt, hourly employees or exempt employees based on the Fair Labor Standards Act. Non-exempt and hourly employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation.

REGULAR PART TIME: A part time employee shall be any employee in a position which has a normal work schedule of less than an average of 30 hours per week. Part time employees are not eligible for Erath County benefits except those required by law. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week.

TEMPORARY: A temporary employee shall be any employee who is hired into a position that lasts four (4) or less months. The county must define and document the period that the employee is being hired for. Temporary employees can be either part time or full time. Employees normal work schedule will be less than 30 hours per week. Temporary employees are not eligible for retirement benefits under TCDRS. Temporary employees are not entitled to any county benefits except those required by law. All employees are considered to be “at will” employees and employee status shall not be considered a contract of employment.

REGULAR VARIABLE HOUR: A variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee’s start date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act. If an employee’s schedule becomes regular, then the employee shall be reclassified as full or part time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits

ELECTED AND APPOINTED OFFICIALS: Elected and appointed officials are those individuals who hold elected positions under the Constitution and the laws of the State of Texas.

1A-3 EQUAL EMPLOYMENT OPPORTUNITY

Erath County is an equal opportunity employer. The county will not discriminate on the basis of race, color, religion, national origin, sex, age, genetic information, pregnancy, veteran status, and disability, or any other condition or status protected by law in hiring, promotion, demotion, raises, termination, training, discipline, use of employee facilities or programs, or any other benefit, condition, or privilege of employment except where required by state or federal law or where a bona fide occupational qualification exists. If an employee needs an accommodation as a result of a condition or status protected by law, please advise your elected official, appointed official or department head.

1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

It is the policy of Erath County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected official, appointed official or department head. All elected officials, appointed officials, department heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

It is Erath County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the county. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals with disabilities when such accommodations are necessary to enable them to perform the essential functions of their jobs, or to enjoy the equal benefits and privileges of employment. This policy applies to all applicants for employment, and all employees. If you require accommodation, please contact your elected official, appointed official or department head. Reasonable accommodation shall be determined through an interactive process of consultation.

1A-5 PERSONNEL FILES

The Erath County Treasurer's Office will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents. It is important that the personnel records of Erath County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Erath County requests employees to promptly notify the County Treasurer's Office of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

The Public Information Act allows county employees to keep their home addresses, telephone numbers, social security numbers, emergency contact information, and information that reveals whether you have family members confidential. You may keep this information private by completing a public access option form in the Treasurer's Office no later than 14 days after your first day of employment.

1A-6 NEPOTISM

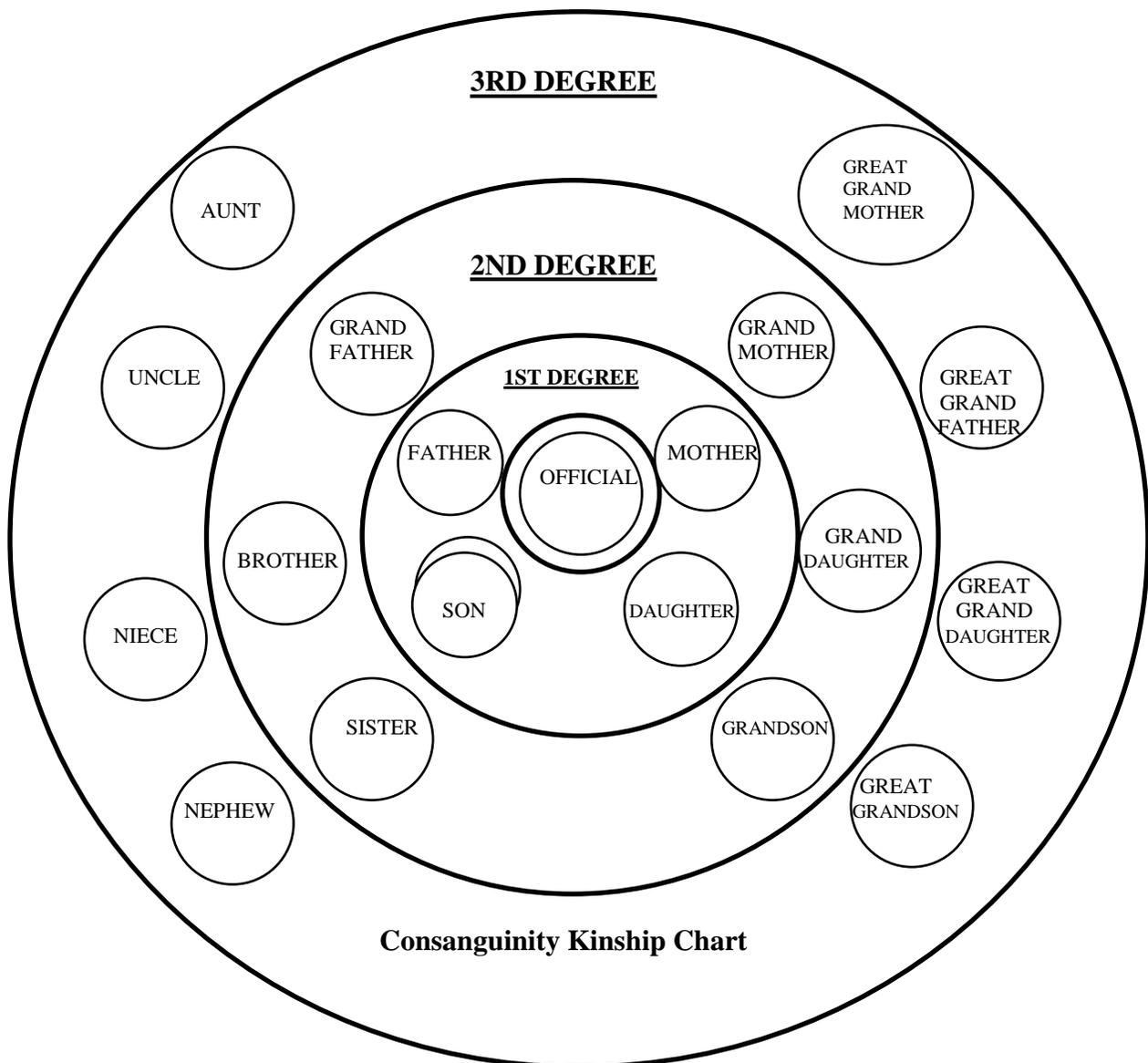
Texas Government Code Chapter 573, a Public Official of Erath County is prohibited from hiring a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over.

No individual may be hired, nor any employee be promoted, to a position in which they will be supervised by a person related within the third degree of consanguinity or the second degree of affinity to work in a department which he/she supervises.

A relative of an elected or appointed official of Erath County shall not be hired on a contract basis unless the following criteria are met and the Commissioners' Court gives approval.

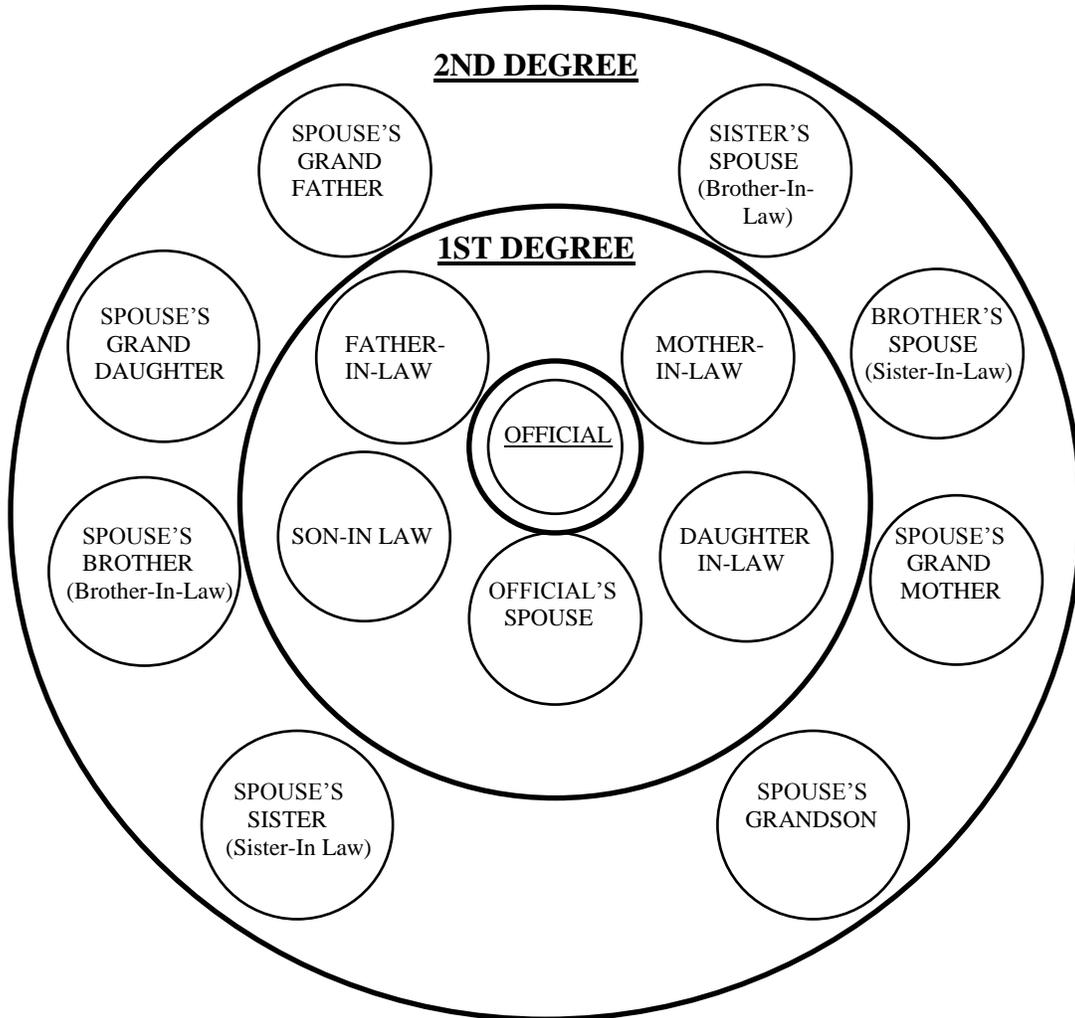
- a. All reasonable efforts were made to get contract bids from other qualified individuals.
- b. The cost/quality ratio of the work expected from the individual is most favorable of all bidders; and
- c. The relationship created by the contract is not detrimental to the interest of the county.

A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)



(Blood)

TEXAS NEPOTISM CHART CIVIL LAW METHOD



Affinity Kinship Chart
(Marriage)

TEXAS NEPOTISM CHART CIVIL LAW METHOD

B. WORK RULES AND EMPLOYEE RESPONSIBILITY

1B-1 ATTENDANCE

As an Erath County employee you are expected to be punctual and demonstrate consistent attendance.

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their supervisor unless prior approval for absence is given by the supervisor or the employee is unable to report for work because of circumstances beyond the control of the employee.

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 2 hour(s) prior to the scheduled start of their work day or as soon as it is reasonably practicable in the case of an emergency. Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.

Each supervisor is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness.

Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment.

An employee who does not report for work for three (3) consecutive scheduled work days, and who fails to notify his or her supervisor, shall be considered to have resigned their position by abandonment.

1B-2 DRESS CODE

Erath County expects all employees to be well groomed, clean, and neat at all times. Each department head will determine the type of attire that is acceptable.

Employees who are provided uniforms by Erath County will be required to wear them during scheduled work hours. You are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A positive attitude is essential to our commitment to customer service.

1B-3 SMOKE FREE WORKPLACE

Erath County endeavors to provide a healthy environment. Therefore, any form of tobacco consumed in county buildings is strictly prohibited. Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways. The use of electronic cigarette, nicotine vaporizer or electronic nicotine delivery system is also prohibited.

1B-4 CONFLICT OF INTEREST

Employees of Erath County shall not engage in any employment, relationship, or activity which could be viewed as a conflict of interest because of the potential or appearance of affecting the employee's job efficiency, or which would reduce his/her ability to make objective decisions in regard to his/her work and responsibility as an Erath County employee.

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination and these actions may have criminal consequences for employees.

Activities which constitute a conflict of interest shall include but not be limited to:

- 1) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
- 2) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- 3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- 4) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the County; or
- 5) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

1B-5 HARASSMENT

Erath County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2)

the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

Harassment is strictly prohibited by Erath County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business.

Employees who feel they have been harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Remedial action will be taken in accordance with the circumstances when the county determines unlawful harassment or retaliation has occurred, up to and including termination.

1B-6 SEXUAL HARASSMENT

Sexual harassment is strictly prohibited by Erath County, whether committed by elected official, appointed official, department head, co-worker or non-employee the county does business with. It is the policy of Erath County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons

where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly. All claims of sexual harassment shall be handled with discretion.

Employees who feel they have been sexually harassed should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are to be taken.

Use the following procedures so that your complaint may be resolved quickly and fairly.

- a. When practical, confront the harasser and ask them to stop the unwanted behavior.
- b. Record the time, place and specifics of each incident, including any witnesses.
- c. Report continuing sexual harassment to the Elected Official or Appointed Official who is responsible for your department or to the County Judge or the County Attorney.
- d. If a thorough investigation reveals that unlawful sexual harassment has occurred, Erath County will take effective remedial action in accordance with the circumstances, up to and including termination.

Retaliation against an employee who reports sexual harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be

the best course of action, the report should be made to the County Judge or to the County Attorney.

Reporting or failing to report claims in accordance with the procedure given in this policy shall not limit other legal recourse an employee may have in regard to sexual harassment charges.

1B-7 POLITICAL ACTIVITY

Employees of Erath County shall have the right to support candidates of their choice and to engage in political activity during their personal time.

County employees shall not: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or 3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County. 4) If an employee chooses to run for the office against the incumbent for which he or she is employed, the employee must resign from their job at the time of their filing. 5) Employees may not be contacted during working hours by a candidate for endorsements or signatures for any petitions in lieu of filing fees.

1B-8 OUTSIDE EMPLOYMENT

Erath County employees are expected to give their full and undivided attention to their job duties. They should not use Erath County facilities or equipment or their association with Erath County to carry on a private business or profession unless express approval is obtained in advance and in writing from their immediate supervisor. County employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Erath County that interferes with the employee's assigned duties with Erath County.

1B-9 BREAKS

Employee breaks are determined by each department head and are not required to be given. If your department provides you with a break, they may not be accumulated or used for time off. The Fair Labor Standards Act does not require any breaks other than for nursing mothers, however if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time.

The Texas Right to Express Breast Milk in the Workplace Act and The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the first year following the birth of a child.

Erath County will provide two paid breaks not to exceed 30 minutes daily for nursing mothers. The nursing mother will be allowed whatever time is needed to express breast milk, however, if the break exceeds 30 minutes in duration, the break time will be unpaid time off.

The mother will be given a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis.

Erath County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk. A reasonable accommodation will be given for the needs of employees who express breast milk. Employees of the county who need to express breast milk may not be discriminated against.

1B-10 GRIEVANCES

Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor.

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.

The decision of the elected or appointed official with final responsibility for the employee's department shall be final in all grievances.

1B-11 DISCIPLINE

Each supervisor shall have the authority to administer discipline to employees in their department for poor performance, violation of policies, disruptive behavior, or any other behavior or activity which the supervisor feels is not acceptable as it relates to the employee's job or the best interest of the department or County.

Depending on the severity of the situation, disciplinary action may include any of the following:

- 1) Oral Counseling

- 2) Oral Reprimand
- 3) Written Reprimand
- 4) Suspension without pay
- 5) Immediate termination

All reprimands and disciplinary action should be documented in writing and signed by the employee and elected official or department head.

All County employees are “at will” employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in his/her job.

Erath County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with or without notice. The County also retains the right to change any condition, benefit, privilege, or policy of employment at any time, with or without notice.

1B-12 LICENSE AND CERTIFICATIONS

Erath County has many positions that require license and certifications. It is the responsibility of each employee to maintain all required license and certifications. If an employee is unable to renew or loses a license or certification, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

1B-13 WEATHER CLOSINGS AND EMERGENCIES

As a general practice, Erath County does not close its operations unless the health, safety, and security of county employees are seriously brought into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for notifying the public.

Each elected official controls the working hours of their employees, even in an emergency situation. Elected officials will be responsible for notifying their staff.

Many county departments are continuous operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

1B-14 CONFIDENTIALITY

Erath County is a public entity, however, some county employees acquire confidential non-public information as a result of their position with the county. This information must be protected. Employees who reveal confidential non-public information they have received as a result of their position may be subject to discipline up to and including termination.

Regarding the personnel information on employees of Erath County; the county will adhere to all open record requests and such requests will be reviewed and information will be released in accordance with Texas State Law.

1B-15 WHISTLEBLOWER

An employee may, in good faith, report an alleged violation of a Erath County Policy or federal or state law to his or her supervisor, department head, or county attorney, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the County Attorney. The county will investigate the reported activity.

An official, supervisor, department head, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.

An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.

An employee who, in good faith, believes he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact county attorney.

An employee with a question regarding this policy should contact county attorney.

C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY

1C-1 COUNTY PROPERTY USAGE

Each county employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to him/her. County employees shall only use equipment, tools, and other County property that they are authorized to use. No personal or political use of any county property,

equipment, materials, supplies, tools, and any other county property is permitted and may result in discipline up to and including termination. Improper use may be subject to criminal prosecution.

1C-2 COUNTY VEHICLE USAGE

County vehicles are to be used solely for County business purposes and for transportation to and from County worksites. County vehicles are not provided to officials or employees to be used for private or personal use.

If determined by the County Auditor that the county vehicle has been used for personal use, the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations.

All County vehicles and equipment must have an inscription printed on each side of the vehicle that includes the words "Erath County" and the title of the department. The lettering should be plainly legible. Exemptions may be granted by the Commissioner's Court under circumstances pursuant to 721.005 Texas Transportation Code.

Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If they have any change in status of their license they must immediately notify their supervisor. An employee whose job involves operation of a vehicle requiring a license for its legal operation shall be subject to possible job change, demotion or termination if that license is suspended or revoked.

Appropriate use of vehicle safety devices such as turn signals, hazard lights, horn and mirrors is strongly encouraged. Seat belt usage is mandatory.

ANY cell phone usage is prohibited while operating any moving County vehicles. Employees in violation of this policy may be subject to discipline up to and including termination.

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Treasurer. The employee's department head must notify the County Treasurer of the accident on

the day of the accident if it occurred on a business day, or on the first business day following the accident.

The County maintains insurance coverage on all vehicles owned or leased by the County. Employees who drive a personal vehicle on County business are required to have automobile liability insurance as required by the State of Texas to maintain insurance coverage. Failure to meet any of these requirements may result in disciplinary action up to and including dismissal.

1C-3 POST ACCIDENT TESTING

Post-Accident Testing alcohol shall be done within 4 hours of the accident. If it can not be done the official must prepare a record stating why the test was not given. An alcohol and substance test is required following an accident when the following occurs:

- a. A life was lost.
- b. A County driver was found at fault for the accident. The accident involved an injury requiring medical treatment.

Nothing should be construed so as to require the delay of necessary medical attention for injured people following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

1C-4 CELL PHONE USAGE

Erath County prohibits the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Erath County bans all employees from texting while operating any county owned vehicle. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of CDL. Employees in violation of this policy may be subject to discipline up to and including termination.

1C-5 CELL PHONE ALLOWANCE

An Eligible employee for a cell phone allowance is one who uses a personal cell phone to conduct County business. Recommendations of the department head and the County Auditor for the allowance will be presented to Commissioners' Court for approval. A monthly cell phone allowance of \$35.00 will be paid to each approved "eligible employee".

All allowances will be included in the regular payroll check issued the first payroll of each month and will have federal income tax, social security tax and Medicare taxes withheld. No retroactive payments will be allowed.

All employees receiving an allowance by the county for a cell phone are subject to making all documents, contracts and receipts available to the County Auditor upon request to verify the continuing existence of a cell telephone contract. The phone numbers of all subsidized wireless telephones will be placed on a list maintained in the County Auditor's office for official county business only. All employees will be required, at any time requested by the County Auditor, to sign a notarized document that they are complying with this policy or allowance will cease.

The Erath County Commissioners Court is in no way obligated to anyone who signs a contractual agreement with a wireless vendor or responsible for a lost or damaged cell phone.

The cell phone allowance for a wireless telephone will cease immediately upon termination of the employee or termination of the wireless telephone contract.

All non-county employee applicants (Texas Department of Public Safety, Erath Co Volunteer Fire Dept) will fall under the same rules as county employees; however, their termination or transfer will immediately terminate the allowance. These applicants could receive a 1099 form each year from Erath County Treasurer's Office.

1C-6 TELEPHONE USE

County telephone use will be for conducting the business of Erath County. County employees who make personal telephone calls on County telephones are responsible for the payment of these calls. Reimbursement for all personal calls should be made to the County Treasurer's Office.

1C-7 COMPUTER, INTERNET AND EMAIL USAGE

Erath County provides computers and Internet connections ("facilities") to further its official County business, interests and purposes. The County has the right, to monitor all communications and downloads that pass through its facilities, at its sole discretion. Any information retained on the County's facilities may be disclosed to outside parties or to law enforcement authorities.

County personnel may not load or download any unauthorized software or material from the Internet or elsewhere in violation of software licenses, or the copyright trademark and patent laws. In addition, County personnel may not add any unauthorized hardware on any County computer provided. Requests for any additional software and/or hardware should be made to the Official or

Department Head, as well as the IT Director. Erath County provides Internet access to certain individuals, Officials, Department Heads and their designated personnel. This Internet access is provided for County business purposes. At no time is any employee authorized to use this access for personal financial gain or pornographic sites or any other sites which could compromise the ethics of Erath County. County personnel shall not access adult websites on the county network. "Adult websites" includes not only pornographic websites but also any website that may violate the counties sexual harassment policy. Authorized users may not use the County's facilities for personal or commercial advertisements, solicitations or promotions. The use of the Internet can and will be monitored and violations will be reported to the appropriate Official or Department Head for disciplinary action.

As determined by the Official or Department Head, personnel may be authorized to use e-mail. Such authorization allows for the non-official use of e-mail, provided such communication does not disrupt or interfere with official county business and is kept to a minimum during business hours. Authorized users may not disseminate or knowingly receive harassing, sexually explicit, threatening or illegal information by use of the County's facilities, including offensive jokes or cartoons. The use of personal e-mail to transfer any County data is strictly forbidden. All county related emails will need to be sent via county email accounts. It is forbidden to transfer any county data or discuss any county confidential information via personal email accounts. The person you are emailing can have a non county email address. The use of county emails can and will be monitored and violations will be reported to the appropriate Official or Department Head for disciplinary action.

The use of personal media/equipment is prohibited to use on county computers and county network unless approved by your office holder and deemed safe for network use by the IT dept. This includes, but is not limited to, CDs, thumb drives, and network equipment. County data is strictly forbidden on any personal media. If county data is to be on any media it will need to be county owned. County data is strictly prohibited to be transferred offsite, to your home or anywhere else, unless the office holder is aware. For example: You have a county laptop with county data on it and bring it home. This data must be on county owned equipment. Use of personal equipment to transfer county data is forbidden. If you bring county property home, such as a laptop, you must not leave it in the car overnight. Safeguards must be put in place to protect data in case of lost or stolen equipment. The IT dept will put these safeguards in place but you have to inform the IT dept you are using the equipment in other places other than county property.

Any IT-related (information technology related) purchase above \$500 must be consulted through the IT department before obtaining a purchase order

unless such purchase is not subject to the officeholder's discretion. IT-related items shall include but not be limited to printers, computers, servers and/or software.

The use of Erath County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Erath County business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in any expense to the County.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Use of Erath County computers, networks, and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination.

Erath County owns the rights to all data and files in any computer, network, or other information system used in the county. Erath County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Erath County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copy right laws, download any illegal or unauthorized downloads. Erath County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

Employees should not bring personal computers to the workplace or connect them to Erath County electronic systems, unless expressly permitted to do so by their supervisor and or IT department. Violation of this policy, may result in disciplinary action, up to and including termination of employment.

1C-8 POLICY ON TRAVEL

For NON over-night travel the County will reimburse actual expenses at a rate not to exceed \$9 for morning meal, \$12 for noon meal and \$15 for evening meal with itemized receipts required for meals and expenses.

Employees required to stay over-night may request per diem at the state rate of \$36 for actual days of required schools or workshops. Meals for the first and last day of travel will be reimbursed at a rate not to exceed \$9 for morning meal, \$12 for noon meal and \$15 for evening meal with itemized receipts required.

Employees required to stay over-night may request hotel reimbursement for the actual expenses on days of required schools for the *host hotel or the approved overflow hotels* upon presentation of itemized receipts. For schools that do not provide a host hotel, per diem may be requested for actual days of required schools not to exceed the state approved rate per day upon presentation of itemized receipts. A Copy of the conference itinerary must be attached to the expense report. An expense report will be required for each employee requesting reimbursement or per diem.

Expense reports for county travel must be received no later than thirty days from the date of travel in the Auditor's office for approval of payment.

Mileage will be reimbursed at the Internal Revenue Service approved rate.

No County funds will be expended for gratuity or alcoholic beverages.

No out of state travel will be reimbursed without prior approval from Commissioner's Court.

1C-9 CREDIT CARD USAGE

Credit cards issued to Erath County employees may be used only for official County business. Authorized usage of cards include hotel, conference registration, parking, tolls, air travel, and fuel purchases in County vehicles. On rare occasions, use of the county credit card may extend to unforeseen purchases. Verbal approval is required from the Auditor's Office.

To apply for a credit card, the department head must complete the request form that is available in the Auditor's Office or Treasurer's Office. Requests must be made 7 days prior to travel.

Credit cards for the County are held by the Auditor's Office and will be checked out upon request and approval of use. To obtain the credit card the County employee must complete a credit card travel form and return it to the Auditor's office at least 48 hours in advance of travel. The credit card will not be issued without an estimated cost to ensure budget appropriations are available. At the time of issuance, a purchase order will be required to encumber the funds.

Credit cards must be returned to the County Auditor's office the following business day after County travel.

Original Itemized receipts should be attached to a completed travel form and signed by the department head and returned within 7 business days to the Auditor's Office.

Non itemized receipts will **NOT** be reimbursed by Erath County; they will be the responsibility of the county employee. Failure to comply will be considered an unauthorized use of the credit card.

Employee must abide by the Erath County Credit Card Usage Policy. The usage of the card is strictly limited to official County business. Any unauthorized use will subject the employee to termination and prosecution.

Lost credit cards should be reported immediately to the County Auditor's Office.

D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D-1 WORKERS COMPENSATION

All Erath County employees are covered by workers' compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job.

All employees who are placed on Worker's Compensation leave will fall under the Family Medical Leave Act. Erath County runs FMLA and Worker's Compensation concurrently.

Any employee who suffers a job related illness or injury is required to notify his/her supervisor as soon as possible to the Treasurer's Office. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments. To continue medical and/or dental insurance for dependent coverage, the employee must pay these payments to the County Treasurer on or before the 15th of the month.

An employee who has lost time because of a work related accident or illness is required to provide a release from the attending physician before being allowed to return to work.

An employee's workers' compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

While on leave for a covered illness or injury, each time an employee sees the doctor for consultation or treatment, he or she must provide a progress report to the department head, who will forward the report to the Treasurer's Office.

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

1D-2 EMPLOYEE SAFETY

Erath County is committed to providing a safe workplace for our employees.

Each County employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements.

Safety procedures may differ at each county department. Your supervisor will provide you with specific information pertaining to your position.

Failure to follow the safety standards set by the County or your supervisor subjects an employee to disciplinary action, up to and including termination.

Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to their supervisor.

1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES

Erath County is a drug and alcohol free workplace. A county employee may not be present at work during a period the employee's ability to perform his or her duties is impaired by drugs or alcohol. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

This policy applies to all employees of Erath County regardless of rank or position and shall include full time, part time and temporary employees.

The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

The unlawful manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on county property or while conducting county business away from the county is strictly prohibited.

An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business not on County property.

An employee may not be under the influence of alcohol or illegal drugs while on County property or while on duty for the County.

An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County, in a manner other than that intended by the manufacturer or prescribed by a physician. An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do his or her job safely and effectively. An employee must keep prescription medications used at work in their original container.

An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the

medication could interfere with the safe and effective performance of his or her job duties.

If the use of a medication could compromise an employee's ability to do his or her job or the safety of the employee, fellow employees or the public, the employee must report the condition to his or her supervisor at the start of the workday or used appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify company doctor).

A supervisor must treat any information related to an employee's authorized use of prescription medications and any other medical information provided by the employee as confidential information.

An employee having problems with drugs or alcohol is encouraged to seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problems provided by the County's health plan program is available in the employee's health plan booklet.

In the event that the supervisor has reasonable suspicion to believe that the employee is under the influence of alcohol or controlled substances, in violation of this policy, the employee will be required to take drug/alcohol test(s). Refusing to take required tests, not cooperating in taking the test, and/or testing positive will result in the employee's immediate discharge from employment..

1D-4 DRUG AND ALCOHOL- CDL EMPLOYEES

The Federal Highway Administration ("FHWA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these laws. All CDL drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Erath County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Erath County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

Only a supervisor who has had DOT training in recognizing signs of drug and alcohol abuse can refer a CDL holder for drug testing for reasonable suspicion.

An employee whose alcohol and/or drug test result has been confirmed positive shall will result in the employee's immediate discharge from employment..

1D-5 WORK PLACE VIOLENCE

Erath County is committed to providing a workplace free of violence. Erath County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the sheriff's department.

1D-6 SOCIAL MEDIA

Erath County department's decision to embrace social media for County business shall be a risk based business decision approved by the department head.

Access to social media networks from within the County's IS infrastructure is limited to individuals performing official business and to departments and/or designated employees with sufficient information and technology security controls.

Department heads are responsible for determining who is authorized to use social media on behalf of the department and for designating appropriate access levels.

Departments shall only utilize County approved social media networks for hosting official County social media sites.

Department social media sites shall be created and maintained in accord with County network usage standards and with identifiable characteristics of a County website.

Departments are responsible for establishing and maintaining content posted to their social media sites and shall have measures in effect to prevent inappropriate or technically harmful information and links.

The same standards, principles, and guidelines that apply to Erath County employees in the performance of their assigned duties apply to employees' social media use.

Department use of social media shall be documented and maintained in an easily accessible format that tracks account information and preserves items that may be considered a record subject to disclosure under the Public Records Act or required to be retained pursuant to the Government Code. All departmental social media links and credential shall be submitted to the IT department.

Department social media sites shall be monitored regularly and prompt corrective action shall be taken when an issue arises that places, or has potential to place, the County at risk.

County computers, laptops and mobile devices used to access social media sites shall have up-to-date software to protect against destructive technical incidents, including but not limited to cyber, virus, spyware and adware attacks.

Violation of this policy may lead to discipline up to and including the immediate termination of employment.

1D-7 SECURITY CAMERAS AND AUDIO RECORDING

Erath County has security cameras located throughout the facilities for 24 hour recorded surveillance and live active monitoring. Access to courtroom security cameras will be at the discretion of each presiding judge of respective courts.

All security cameras that are not related to courtroom security shall have viewing permission and privileges approved by the Elected Official or Department Head of such office.

Access to all Erath County security cameras shall be used ONLY for the following:

- Protection of individuals, property and buildings.
- Monitoring of Access Control Systems.
- Confirmation of alarms.
- Patrol of public areas.
- Investigation of criminal activity

Any exporting of video and/or audio shall be done by Criminal Investigators, County Bailiffs or the IT Department.

Any public requests for accessing Erath County's security footage must be submitted to the Criminal Investigation Department, County Bailiffs or the IT Department in the form of a written formal request stating the date, time, location and the reason for such access. All written formal requests submitted shall also be sent to the IT Department for preservation.

Security Camera access will be logged and kept on file.

**SECTION 2:
EMPLOYEE
COMPENSATION AND
BENEFITS**

A. EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

Erath County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the County Treasurer's Office attention, Erath County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please use the reporting procedure outlined below. If you are overpaid the county will make the necessary corrections at the next payroll.

Employees who are classified as non-exempt are hourly employees and are subject to overtime pay.

All non-exempt employees must clock in and out using the electronic time keeping system to maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time worked is correct. The time recorded electronically must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not submit your time if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each pay period.

Non-exempt employees should not work any hours that are not authorized by your supervisor. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" means work you may perform but fail to report on the electronic timekeeping system. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

It is a violation of Erath County policy for any employee to falsify time, or to alter another employee's time. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to (1) incorrectly or falsely report hours worked, or (2) alter another employee's time to under- or over-report hours worked. It should be reported immediately to the County Treasurer's Office at (254) 965-1483.

Employees who are classified as exempt are salaried employees and are not subject to overtime pay.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an

exempt employee. While it may be subject to review and modification from time to time, the salary will be a pre-determined amount.

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health or dental premiums; state, federal or local taxes, social security and retirement. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons: 1) absence from work for one or more full days for personal reasons, other than sickness or disability; or 2) full day disciplinary suspensions for infractions of the written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

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

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

If you have questions about deductions from your pay, if you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, please immediately report the matter to the County Treasurer's Office. If you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the Auditor's Office at (254) 965-1484. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

2A-2 WORK WEEKS AND WORK PERIODS

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Erath County shall begin at 7:00 a.m. on each Sunday and end seven (7) consecutive days later (168 hours).

2A-3 PAY PERIODS

The pay period for Erath County shall be a biweekly pay period which is 26 pay periods per year with the pay period dates established by the Commissioners' Court. The pay period ends each 14 day period, ending at 6:59 a.m. on the Sunday preceding the pay date.

Employees electing to have direct deposit will receive payment every two weeks on Wednesday. For those employees receiving payroll checks, they will be issued on Thursday. If a payday falls on a holiday, paychecks shall be issued on the last work day immediately preceding the holiday.

2A-4 HOURS WORKED & WORK SCHEDULES

Each department head shall determine the working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The work day for the County shall begin at 7:00 a.m. each day and end 24 consecutive hours later. Normal working hours will be determined by the department head.

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

2A-5 COMPENSATION

Erath County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law. Erath County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

Employees who are classified as non-exempt are hourly employees and are subject to overtime pay.

Employees who are classified as exempt are salaried employees and are not subject to overtime pay.

Temporary employees shall be paid hourly at least the minimum wage established by the Fair Labor Standards Act, as amended.

2A-6 OVERTIME CALCULATIONS AND RULES

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek.

An employee shall be required to have authorization from his/her supervisor before working overtime except in emergency situations.

Non-exempt employees are compensated for overtime worked by:

- 1) Equal time off within the same 40 hour work week
- 2) In calculating "hours worked" for purpose of overtime computation, hours worked shall include only hours spent in the service of Erath County, as defined in FLSA and shall exclude paid leave such as sick, vacation or holiday hours.
- 3) A non-exempt employee who works in excess of 40 hours during the work week shall be compensated at a rate of one and one-half (1 ½) times the employee's regular hourly rate.

2A-7 PAYROLL DEDUCTIONS

Deductions shall be made from each employee's paycheck for federal withholding, Social Security, Medicare, and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck which includes group health and dental premiums for dependent coverage. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's Office.

2A-8 INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS

Erath County will comply with the IRS with regard to fringe benefits such as county uniforms, county vehicle usage and day-trip meals. You may be responsible for paying payroll taxes on such fringe benefits.

2A-9 ELECTRONIC TIMEKEEPING AND RECORDS

Each non-exempt employee must complete and submit an electronic timekeeping record which is an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

Employees must swipe the electronic device with ID card to report all hours worked. Devices are located in each county building. Commissioner' Court has established that the Sheriff's Office patrol and investigators, as well as equipment operators have the option to use computer or phone access due to requirements of the job.

All timesheets must be approved by supervisors prior to 10:00 a.m. on the Monday prior to the Wednesday pay day.

The department head is responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee and is recorded accurately on the electronic timekeeping system for payroll purposes.

Exempt employees will only report all leave hours as taken on the electronic timekeeping system.

Time sheets are official governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record is a criminal offense.

2A-10 JOB EVALUATIONS

All regular full time and part time employee's salary increases or decreases will be based on job performance and evaluations. Office holders will be required to submit employee performance evaluations and salary recommendations with the annual budget request. Salary recommendations will be based on the approved pay scale and available funding. Salary changes will begin in October of each budget year.

2A-11 DEMOTIONS

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials or department heads may choose to demote or re-assign any employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward. Employees will retain sick, vacation and holiday balances.

2A-12 TRANSFERS

A lateral transfer is the movement of an employee between positions in the same pay grade. Lateral transfers may be made with in the same department or among departments. All transfers must be handled in accordance with the budget adopted by Commissioners Court. Employees will retain sick, vacation and holiday balances.

2A-13 PROMOTIONS

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary.

Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court. Employees will retain sick, vacation and holiday balances.

2A-14 SEPARATIONS

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Erath County shall be designated as one of the following types:

1) resignation; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with Erath County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to his/her supervisor.

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify his/her supervisor of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Erath County is an "at will" employer and a supervisor may dismiss an employee at any time for any legal reason or no reason, with or without notice.

An employee shall be separated from employment because of a reduction in force when his/her position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the County, their designated beneficiary or estate shall receive all earned pay and payable benefits.

2A-15 TERMINATIONS

An employee's last day of work (physically present on the job) shall be considered the termination date. Employees will be required to return all county property including but not limited to uniforms, keys, electronic time cards prior to final payment.

If an employee has worked for at least six months in a position which “accrues” vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation.

Employee’s that receive leave on January 1 of each year and separate from the county will receive a prorated amount of unused vacation leave based on the date of termination.

An employee shall receive pay at his/her rate of pay per hour for 10% of the hours of sick leave accrued at the date of termination of employment

2A-16 RETIREE REHIRES

Retired employees shall be eligible to apply for open positions with Erath County as long as the following provisions are met: 1) The retiree has been retired for at least two calendar months, 2) No prior arrangement or agreement was made between Erath County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee’s retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of two calendar months. A bona fide separation means there is no prior agreement or understanding between Erath County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

Newly elected officials who have recently retired from the county cannot draw their retirement because they have an arrangement to return to work for the county. Employees also cannot retire with an agreement to go work in a different department or different position. Changing employee status does not matter when determining if someone is still working for the county. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees. Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

B. EMPLOYEE BENEFITS

2B-1 HEALTH AND DENTAL PLANS

All full time regular employees of Erath County shall be eligible for the group medical plan and dental plan benefits.

Premiums for the coverage for eligible employees shall be paid entirely by the County. New Hire employees will have a 90 day waiting period to be eligible for medical and dental insurance benefits.

Eligible employees may cover their qualified dependents by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period; however, insurance will not be deducted on the third payroll of the month which occurs twice a year.

Details of coverage under the group medical insurance plan and dental plan are available in the County Treasurer's Office and may be obtained during the normal working hours.

Employees who leave the employment of Erath County or who lose their coverage eligibility, may be eligible for an extension of the medical and dental plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is available in the County Treasurer's Office and may be obtained during the normal working hours. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

Employees who retire are eligible to participate in the county medical plan for the lesser of, 36 months or the age of 65, or until their entitlement to Medicare benefits. The employee will be responsible for the premium of the policy. The insurance benefit will continue, provided that the county offers a group insurance plan.

2B-2 THE HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPPA)

HIPPA was established to provide a basic level of protection of all employee's health information. Any health related information, medical claims and billing information will be kept confidential.

2B-3 VACATION

All full-time regular employees shall be eligible for vacation benefits. Part-time and temporary employees shall not be eligible for vacation benefits. All full time employees are eligible to receive paid vacation leave.

A new full time employee begins to accrue vacation leave on the first day of employment. Employees who work any part of a pay period will receive the full bi-weekly accrual. New employees are eligible for paid vacation leave **“after”** completion of six months of continuous service.

Each regular full time employee will receive vacation leave according to the following schedule:

Employees with less than one year of service will accrue 3.08 hours biweekly, which is the equivalent of 80 hours per year. Accrual will continue until the January following the one year anniversary date.

Employees with more than 1 year service will receive 80 hours on January 1 of each year.

Employees with 10 but less than 20 years of service will receive 120 hours on January 1.

Employees with 20 years of service or more will receive 160 hours January 1 of each year.

In calculating hours for employees with 10 or 20 years of service the vacation hours will be given January 1 in the year of the employee’s anniversary date of hire.

Scheduling of vacations shall be at the discretion of the individual department heads.

Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals. Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

If a holiday falls during an employee’s vacation then the employee will not be charged for the vacation.

Each employee shall be responsible for accurately recording all vacation time used on the electronic timekeeping system.

The maximum unused vacation that an employee is allowed to carry forward is 40 hours into the new year.

Vacation pay at termination is addressed in the "Pay at Termination" section.

2B-4 SICK

All full time regular employees shall be eligible for the paid sick leave benefit.

Eligible employees shall accrue sick leave at a rate of 3.69 hours biweekly which is equivalent to 96 hours per year. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit. Accrual will continue until the January following the one year anniversary date. All employees with more than 1 year of service will receive 96 hours on January 1 of each year.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is 480 hours.

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, brother, sister, grandparents, grandchildren or other relative living in the employee's home who is dependent on the employee for care.

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment or at least one day in advance. Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave as soon as reasonably possible. If the employee feels that the situation will cause them to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if qualifying event occurs and employee is eligible.

If an employee uses three (3) or more consecutive days of sick leave, a physician's statement or some other acceptable documentation of injury or illness is required for either the employees own illness or the illness of an immediate family member.

Supervisors may require employees who have a pattern of abusing sick leave to provide a physician's statement for those absences that are less than three days.

Employees shall not be allowed to borrow sick leave against future accruals. Employees may be allowed up to 4 hours sick leave for funeral leave of a relative who is not a member of the immediate family or the funeral of a friend.

Sick leave **MAY NOT** be used as vacation or any other reason not addressed in this policy.

Employees rehired by the County within 365 days after employment has been terminated shall have their sick leave balance reinstated. On Jan 1 of the following year, the employee will receive 96 sick hours.

2B-5 BEREAVEMENT LEAVE: An employee may request up to 3 days not to exceed (24) hours paid leave in the event of a death in an employee's immediate family. Additional time off is at the discretion of the department head. An employee may be permitted to utilize vacation or sick leave. The elected official or department head must verify the family relationship. For purposes of bereavement, immediate family shall be defined as spouse, child, parent, brother, sister, grandparents, grandchildren or other relative living in the employee's home who is dependent on the employee for care.

2B-6 HOLIDAY

All full time regular employees shall be eligible for the paid holiday benefit.

Employees who do not work a standard eight hour day will accrue 4 hours biweekly, which is equivalent to 104 hours per year. The maximum unused holiday hours that an employee is allowed to carry forward into January is 24 hours. Any balances in excess of 24 hours will be forfeited. Pay in lieu of holiday is not permitted other than upon separation.

The County holidays shall be determined by the Erath County Commissioners' Court.

All holidays not taken on the designated day must be taken off within 30 days; however, the Sheriff's Office employees that earn holidays in November and December are allowed 60 days. Holidays not taken within the stated period will be reduced automatically without compensation.

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following 30 days. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next 30 days equivalent to the amount of time worked on the holiday.

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Erath County. Each supervisor is responsible for granting this leave based on the needs of their individual departments. Vacation, or leave without pay may be used for special leave granted.

2B-7 LONGEVITY

All full time regular employees and elected officials shall be eligible for longevity pay upon completion of one (1) year of continuous service. To be eligible for longevity pay a full time regular employee and elected official must have one year of service prior to October 1. Longevity pay is related solely to the length of total service with the county and is in addition to their regular salary set by the Commissioners' Court.

Longevity pay shall equal \$5.00 per month for each completed full month of employment with pay. Longevity pay will be paid in a separate check as a single lump sum in December of the year in which it was earned. If an employee is out on unpaid Family and Medical leave during the year, he or she will not receive longevity credit for the unpaid portion of the leave. The longevity payment will be calculated on a pro rata basis for only the number of months actually worked. An employee on FMLA leave in December when the longevity pay is disbursed will receive their longevity check with the first pay check upon returning to work. If the employee does not return to work for the county, he or she will not receive a longevity payment.

Employees who terminate employment with the county prior to the December payment date will not receive longevity pay. An individual who terminates employment with the county and is rehired within one year will have years of service reinstated for calculation of longevity pay.

Part time and temporary employees will not receive longevity. If a part time employee becomes a regular employee, the longevity benefit will be calculated from the day the employment became regular.

2B-8 JURY DUTY

All employees of Erath County who are called for jury duty shall receive their regular pay for the period they are called for jury duty, which includes both the jury selection process and, if selected, the time they actually serve on the jury. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may

require. If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation, or leave without pay.

When an employee has fulfilled the reason for the civil leave, he/she must report to the County for duty for the remainder of the work day.

2B-9 MILITARY LEAVE

All Erath County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed 120 hours off per federal fiscal year with pay to attend authorized training sessions and exercises. The 120 hours paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use annual leave or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the 120 hours or fifteen day maximum.

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

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

2B-10 RETIREMENT

All part time and regular full time employees shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary employees will not be eligible for retirement benefits. Contributions of 7% of an employee's gross salary to the retirement program through a system of payroll deduction. Contributions are deducted before income taxes are withheld under section 414 of the Internal Revenue Code.

Erath County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Commissioner's Court reviews the contribution plan annually and approves changes as needed. Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours.

Erath County provides group term life benefits by TCDRS. Beneficiaries of current employees are eligible for a one-time payment equal to the current employee's annual salary.

The group term Life Program is TCDRS-administered optional term-life insurance benefit that Erath County has elected to provide. The supplemental death benefit will be paid to the entitled beneficiary in a lump sum payment equal to the employee's last regular annual salary.

2B-11 SOCIAL SECURITY / MEDICARE

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck.

2B-12 UNEMPLOYMENT

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

2B-13 SECTION 125 / CAFETERIA PLAN

The County provides employees a cafeteria plan at the employee's option. The County offers a premium only plan which allows insurance premiums to be deducted from gross income before taxes are withheld.

2B-14 FAMILY MEDICAL LEAVE ACT / MILITARY FAMILY LEAVE

The federal Family & Medical Leave Act of 1993 (FMLA) as amended in 2009 requires employers with 50 or more employees to provide eligible employees with unpaid leave. There are two types of leave available, including the basic 12-week leave entitlement (Family and Medical Leave), as well as the military family leave entitlements (Military Family Leave) described in this policy.

To be eligible for benefits under this policy, an employee must: 1) have worked for Erath County at least 12 months (it is not required that these 12 months be consecutive; however a continuous break in service of 7 years or more will not be counted toward the 12 months); and 2) have worked at least 1250 hours during the previous 12 months.

Family or medical leave under this policy may be taken for the following situations: 1) the birth of a child and in order to care for that child; 2) the placement of a child in the employee's home for adoption or foster care; 3) to care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition;

4) the serious health condition of the employee that make the employee unable to perform the essential functions of their job; 5) a qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country; 6) to care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or 7) to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

Serious health condition of the employee shall be defined as a health condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility or continuing treatment by a health care provider.

Serious health condition of a spouse, child, or parent shall be defined as a condition which requires overnight inpatient care at a hospital, hospice, or residential care medical facility, or a condition which requires continuing care by a licensed health care provider.

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: 1) a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: a) treatment two or more times within 30 days of incapacity, or b) treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment by a health care provider. This treatment must occur within the first seven days of incapacity; 2) any period of incapacity due to pregnancy or pre-natal care; 3) any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time; 4) any period of incapacity which is permanent or long term due to a condition that treatment is not effective; 5) any period of incapacity or absence to receive multiple treatments by a health care provider.

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave: 1) leave may be taken to address any issue that arises because the covered military member was given seven or less days notice for active duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty; 2) leave may be taken to attend any official ceremony, program or

event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member; 3) leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member; 4) leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member; 5) leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active duty status in a foreign country; 6) leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status; 7) leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member; 8) leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation; 9) leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status; 10) leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country; 12) certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty or 13) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

Up to 12 weeks leave per 12 month period may be used under this policy. The County will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. All leave taken under this policy during the prior 12 month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.

If a married couple both work for the County the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The

combined limit is 26 weeks in a single 12-month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period: 1) the single 12 month period begins on the first day the eligible employees takes FMLA to care for covered service member or covered veteran and ends 12 months after that date; 2) if an eligible employee does not take all of their 26 workweeks during this 12 month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member or covered veteran is forfeited; 3) this leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veterans or to care for the same covered service member or covered veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12 month period.

If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: vacation, holiday and sick. The remainder of the leave shall be unpaid.

An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use all earned sick leave, vacation, and holiday leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the birth of a child shall be required to use paid sick leave for the 6 week recovery period. For the remainder of the 12 week leave period, the employee shall be required to first use all vacation and holiday leave, except for sick leave, with the remainder being unpaid leave. If the recovery period is longer than 6 weeks a physician's statement will be required. The spouse shall be required to use all vacation and holiday leave except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee or spouse who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned vacation and holiday leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for a qualifying exigency for a covered military member shall be required to use first vacation and holiday leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all sick leave, vacation, and holiday leave, with the remainder of the 26 week leave period being unpaid leave.

The maximum amount of paid and unpaid leave that may be used under this policy in any 12 month period is 12 weeks, except for qualifying leave to care for a covered military member with a serious injury or illness with the maximum leave being 26 weeks in a single 12 month period.

While on leave under this policy, the County shall continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on paid leave. While on unpaid leave, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets or the coverage shall be discontinued.

At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12 month period.

Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member or the care of a covered military member or covered veteran.

A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or covered veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness the time will be deducted from the employee's 26 week leave eligibility in a single 12 month period.

The County shall have the right to ask for certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy.

The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.

Certification of the serious health condition of the employee shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of the treatment; and 5) a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification of the serious health condition of an eligible family member shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of treatment; and 5) a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

Certification for leave taken because of a qualifying exigency shall include: 1) a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in a foreign country; 2) the dates of the covered military members active duty service; 3) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave; 4) the approximate date on which the qualifying exigency will start and end; 5) if the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; 6) if the qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title, organization, address, telephone number, fax number and e-mail address and a brief description of the purpose of the meeting.

Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include: 1) if the injury or illness was incurred in the line of duty while on active duty; 2) the approximate date on which the illness or injury occurred and the probably duration; 3) a description of the medical facts regarding the covered military members or covered veteran's health condition, sufficient to support the need for care; 4) if the covered military member is a current member of the Regular Armed Forces, the National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to; 5) the relationship of the employee and the covered military service member or covered veteran; or 6) in lieu of certification, an TO(invitational travel orders) or an ITA(invitational travel authorizations) issued is sufficient certification for a eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an ITO or ITA.

If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from a health care practitioner agreed upon by both the employee and the County, and this third opinion shall be considered final.

Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his or her immediate supervisor.

Where practicable, an employee should give his or her immediate supervisor at least 30 days notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

Employees returning from leave under this policy, and who have not exceeded the 12 week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Employees who have not exceeded the 26 week maximum, in a single 12 month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or a job equivalent to the job they held prior to going on leave.

Where an employee is placed in another position, it will be one which has equivalent status, pay, benefits, and other employment terms and one which entails substantially equivalent skill, effort, responsibility, and authority. The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave still available.

Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or

other situations beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.

While on leave without pay under this policy, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy.

Employees who are out on approved FMLA may not take trips outside of the county unless the travel is related to the employees own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events.

Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it.

The County may send out to an employee who has been out for 3 or more days a Medical Certification to determine the employees FMLA eligibility. The employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA. Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.

Employees with any questions about their eligibility for FMLA leave should contact the County Treasurer's Office for more information.

2B-15 SICK LEAVE POOL

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

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

1. Stroke
2. Heart attack
3. Major surgery requiring hospitalization
4. Cancer
5. Pregnancy complications
6. To care for a spouse or children who is terminally ill

The County Treasurer is the administrator of the County sick leave pool.

To contribute time to the County sick leave pool, an employee must submit an application to the Treasurer. On approval by the Treasurer, in a calendar year employees may transfer to the pool not less than one day or more than five days accrued sick leave. The Treasurer will credit the pool with the amount of time contributed by the employee and will deduct the same amount of time from the amount to which the employee is entitled, as if the employee has used the time for personal purpose. An employee who resigns, retires or is terminated may donate not more than 10 days of accrued sick leave.

Employees are eligible to use time contributed to the County sick leave pool for a catastrophic injury or illness, if they have completed one year of continuous service, have exhausted all of their earned sick, vacation, holiday leave, and short term disability leave.

Eligible employees must apply to the Treasurer for authorization to use the time in the County sick leave pool. If the Treasurer determines that the employee is eligible, the Treasurer will approve the transfer of time from the pool to the employee. **An eligible employee must submit an application with a physicians statement verifying the catastrophic injury or illness.** The time will be credited to the employee and used in the same manner as sick leave earned during the course of employment.

Employees may not use time in the County sick leave pool in an amount that exceeds the lesser of one-third of the total amount of time in the pool or 480

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

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