



ATASCOSA COUNTY PERSONNEL MANUAL

Revised in 2023

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PERSONNEL MANUAL

ACKNOWLEDGEMENT

I have received a copy of the County of Atascosa Personnel Manual 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.

I further understand the County of Atascosa Personnel Manual is not a contract of employment, I understand 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 policy manual is intended only to provide guidance in understanding the County of Atascosa policies, practices, and benefits. Except for the policy of "At-Will" employment, I understand that the County of Atascosa retains the right to change this policy manual, and to modify or cancel any of its employee benefits when the need for change is recognized. I further understand that as a County of Atascosa employee, I have a personal responsibility to provide quality service to the public, to achieve the highest degree of safety possible for my fellow workers, to continually make suggestions for improvements and to display a spirit of teamwork and cooperation.

I understand that I will be granted compensatory time-off in lieu of payment of overtime to the extent provided by law, and I may be required to take earned compensatory time-off at the County's discretion. I acknowledge herewith that I am responsible for reading and familiarizing myself with the information in this manual.

SIGNATURE OF EMPLOYEE

PRINTED NAME OF EMPLOYEE

DATE SIGNED

EMPLOYEE ACKNOWLEDGMENT

E-MAIL, INTERNET, AND VOICE-MAIL EMPLOYEE ACKNOWLEDGEMENT FORM

I understand that electronic communications systems and the information transmitted by, received from, or stored in these systems belong to the County of Atascosa. Furthermore, I understand that these systems are for use solely for work purposes and not for personal purposes, and that I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment. I agree not to use a password, code, access a tile, or retrieve any stored communication unless authorized. I understand and consent to monitoring my use of this equipment at any time at the discretion of the County. Such monitoring may include printing or reading e-mails in these systems, tracking the Internet sites I visit, and listening to my voice-mail messages.

SIGNATURE OF EMPLOYEE

DATE

RETURN OF COUNTY PROPERTY

Upon termination of my employment with the County of Atascosa, I agree to return any county property in my possession and acknowledge that failure to do so may result in legal action by the County against me.

SIGNATURE OF EMPLOYEE

DATE

WELCOME

Welcome to employment with Atascosa County. We are happy to have you as a member of the team of employees that serves the people of Atascosa County.

Our community and needs constantly change, and your duties and county policies will certainly change as well. But the tradition of good public service will always remain the same. You work for your community and, therefore, yourself. The respect you show for your job and the Atascosa County public is thus a measure of the respect you have for yourself.

This manual and the personnel policies contained within it are guidelines on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you facts about the county, how it works, and the policies which govern us as employees.

The personnel policies and procedures of the county are adopted by the Commissioners' Court, are subject to regular review, and may be updated or changed from time to time without prior notice.

Other county elected officials and department heads may develop additional policies governing their employees; these policies and procedures must be approved by the Commissioners' Court and placed on file in the County Clerk's Office.

These policies have been revised and adopted by the Atascosa County Commissioners' Court on _____ and on file in the County Clerk's Office.

WELDON P. CUDE
COUNTY JUDGE

MARK GILLESPIE
COMMISSIONERS PCT. #1

MARK BOWEN
COMMISSIONER PCT. #2

ELISEO PEREZ
COMMISSIONER PCT. #3

KENNARD RILEY
COMMISSIONER PCT. #4

ATTEST:
THERESA CARRASCO
COUNTY CLERK

ABOUT ATASCOSA COUNTY GOVERNMENT

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

COMMISSIONERS' COURT

The Commissioners' Court consists of four County Commissioners, each elected by the voters of a Commissioner's Precinct, and the County Judge, elected by all of the voters of the County. Officials are elected for a four-year term of public service.

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

- Sets salary for elected officials, department heads, and employees;

- Sets the tax rate;

- Adopts the annual budget;

- Approves new programs or changes existing ones; Adopts regulations and policies; and

- Approves and manages County facilities.

The Commissioners' Court carries out these and other specific duties by meeting in regular and special sessions. Sessions are held on the second and fourth Monday of each month. Decisions of the Court require a majority vote.

COUNTY OPERATIONS

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

INDEPENDENT ELECTED OFFICIALS

While the Commissioners' Court has the wider range of authority, in some areas state law gives greater authority to other elected officials. These elected officials are directly responsible to the voters for performing the duties assigned to their offices.

SERVICE TO THE PUBLIC

On a day-to-day basis, citizens base their opinion of Atascosa County on the actions of county employees like you. Over the years, we have developed a code of personal conduct we think will help maintain a reputation for good county government.

Atascosa County is a public tax-supported organization; its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. In keeping with this concept, the following responsibilities are to be accepted with employment:

CODE OF PERSONAL CONDUCT:

- A. Remember that we are here to serve the people of Atascosa County.
- B. Our responsibility is to provide fair, efficient service in a courteous manner.
- C. Strive to be a good and sincere listener; our visitors and callers want us to understand and care about their problems.
- D. Help others get their problems solved in the most efficient manner, even if the problem must be referred to another employee or department.
- E. Write down all of the information you will need to complete a task for a citizen, including the date and time of a call or request and the telephone number or address where the person can be contacted.
- F. Strive to learn all and stay informed about the activities of the county.
- G. Fulfill all promises you make. If you cannot complete a promised task as anticipated, get back in touch and explain the circumstances.
- H. Respect the dignity of every individual; try honestly and sincerely to see the other person's point of view; speak kindly to and about others; avoid arguments; and be friendly.
- I. Be punctual in your work and for appointments.
- J. Make suggestions about ways we can improve our services to the citizens of Atascosa County or can get our work done in a more efficient manner.
- K. Dress and appearance must be appropriate to our job. Expensive clothes are not necessary, but a neat, orderly appearance is important.

L. County employees are trustees of public funds, please conserve county money, time, and equipment as if it were your own.

M. Carry out efficiently the work items assigned as their responsibility.

N. Maintain good moral conduct.

O. Do your part in maintaining good relationships with the public, with other governmental employees and officials, with your department head/supervisor, and with fellow employees.

P. Be punctual in maintaining work hours, keeping appointments, and meeting schedules for completion of work.

Q. Employees of Atascosa 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

- A. Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
- B. 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
- C. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

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1.0 EMPLOYMENT

1.01 NATURE OF EMPLOYMENT

All employment shall be considered "at will" employment.

No contract of employment shall exist between any individual and the County of Atascosa for any duration, either specified or unspecified.

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

The County of Atascosa shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice.

Employees of the County of Atascosa shall have the right to leave their employment with the County at any time, with or without notice.

1.02 PURPOSE

These policies are not a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the County of Atascosa and any of its employees. These provisions have been developed at the discretion of Commissioners' Court and except for the policy of employment-at-will may be amended or cancelled at any time at Commissioners' Court's sole discretion. Any deletions, amendments, revisions, or additions to the policies must be approved by Commissioners' Court. They have been adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors that will result in quality public service to the citizens of Atascosa County.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by Commissioners' Court. In addition to these personnel policies, elected officials and department heads may establish departmental rules and regulations that relate specifically to their departments. Departmental rules are important, and employees must comply with them. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail.

1.03 SEVERABILITY

If any provision or part of a provision is held invalid, illegal, or unenforceable, this will not affect the validity of the remaining provisions or parts of provision, which will remain in force and effect.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

1.04 ADMINISTRATIVE

It is the policy of the County of Atascosa to maintain personnel records in order to document employment-related decisions, evaluate and assess policies, and comply with governmental record-keeping and reporting requirements.

The Treasurer's Office is the custodian of personnel records.

Every employee is responsible to keep his or her personnel records current and to notify the Treasurer's Office of changes in name, address, telephone number, benefits, insurance and tax-withholding information, such as marital status, dependents, addresses and telephone numbers of dependents and spouse and former spouse, and beneficiary designations. Any employee who has a change in the number of dependents or marital status must promptly complete all required new withholding tax forms, such as Form W-4.

The Public Information Act allows county employees to keep their home addresses and telephone numbers confidential. You may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after your first day of employment.

Any employee may inspect and/or copy his/her own personnel file in accordance with applicable law.

1.05 DISSEMINATION OF PERSONNEL POLICIES

The County Clerk maintains the official set of the personnel policies with all revisions for reference by employees. The County Treasurer's Office will provide a copy of this manual and copies of all subsequent revisions to each Department Head.

1.06 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the County of Atascosa to provide equal opportunity in employment to all employees and applicants for employment and to prohibit discrimination in employment.

In Texas, Chapter 21 of the Labor Code also prohibits discrimination in employment because of sex.

Section 21.106, defines sex discrimination in this way, "[...] discrimination because of sex or on the basis of sex includes discrimination because of or on the basis of pregnancy, childbirth, or a related medical condition.

A woman affected by pregnancy, childbirth, or a related medical condition shall be treated for all purposes related to employment, including receipt of a benefit under a fringe benefit program in the same manner as another individual not affected but similar in the individual's ability or inability to work."

As part of our family-friendly policies and benefits, Atascosa County supports breastfeeding mothers by accommodating the mother who wishes to express breast milk for her baby.

A refrigerator may be provided, and any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.

A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from co-workers and the public. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mothers' use, it must be available when needed in order to meet the statutory requirement. Department heads/supervisors may choose to create permanent, dedicated space if they determine that is the best way to meet the needs of the nursing mother while, simultaneously, complying with federal and state law.

Employees who use their regular paid rest breaks for nursing/expression of breast milk will be paid for those breaks just like any other employees. Breaks of more than 20 minutes in length will be unpaid, and the employee shall indicate this break period on her time record.

In terms of total work time for the shift, an employee may need to either arrive earlier or stay longer to work a certain number of hours, or else experience a slight reduction in pay due to having unpaid nursing/breast-pumping breaks during the day and not being able to arrive earlier or stay later to make up the time.

Race, color, religion, national origin, sex, age, disability, military status, or any other classification protected under applicable law shall not be factors 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 law or where a bona fide occupational qualification exists.

This policy applies to all terms, conditions, and privileges of employment, including hiring, evaluation, training, promotion, transfer, compensation, benefits and assistance, layoff, recall, employee facilities, discharge, and retirement.

Discrimination in employment will not be tolerated. In addition, the County of Atascosa will not tolerate retaliation against any employee for having opposed discrimination, having made a complaint of discrimination, having advised of allegedly discriminatory conduct, or having participated in any manner in an investigation or proceeding regarding an allegation of discrimination. Employees are prohibited from engaging in any discrimination or retaliation.

County of Atascosa will make reasonable accommodations for otherwise qualified disabled individuals to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to non-disabled individuals.

Reasonable accommodations shall be determined through consultation with the disabled individual, and where deemed necessary, through consultation with outside resources.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

Any employee(s) with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their Department Head or the County Judge.

1.07 EMPLOYEE MEDICAL EXAMINATIONS

To help assure that employees are able to perform their duties safely, medical examinations will be required for all Full-Time, Part-Time and Temporary Part-Time/Seasonal employees, with the exception of the Seasonal Elections Personnel. After an offer has been made to an applicant entering a designated job category, a physical examination will be performed at the expense of the employee by a health professional of the County of Atascosa's choice. A drug/alcohol test will be conducted by a health professional of Atascosa County's choice at the County's cost prior to employment. Employees are required to complete a physical and drug/alcohol test after a job offer has been made and prior to starting work. The employee will not be placed on the county payroll until he/she has completed the physical and drug/alcohol examination. In the event an individual cannot pass the physical exam that evaluates whether or not the essential job functions can be met; and/or drug/alcohol test the conditional offer of employment may be withdrawn. If the employee remains employed with the County after a period of 90 days, Atascosa County will reimburse the employee for the cost of the physical examination upon presentation of a receipt from the health care provider.

Back and/or knee X-rays may be required for persons who will perform physical labor. Once the employee has completed the waiting period, the County will reimburse the employee for the cost of the physical.

In addition, prospective employees must be tested to show no trace of drug dependency or illegal drug usage. Law enforcement personnel and corrections officers within the Sheriff's Office must also be examined by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and emotional health to perform the job assigned. This examination will be performed at the County of Atascosa's expense by a health professional of the County of Atascosa's choice.

This offer of employment is contingent upon satisfactory completion of the examinations. Personnel who require a physical examination will not be allowed to start to work until receiving their physical examination showing that they have been cleared for duty by the County approved physician. Information of an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to the employee and other persons authorized by law.

1.08 EMPLOYMENT ELIGIBILITY VERIFICATION

The County of Atascosa is committed to employing only United States citizens and aliens who are authorized to work in the United States. The County of Atascosa does not unlawfully discriminate on the basis of citizenship or national origin and is responsible for verifying the identity and work authorization or eligibility of all individuals, whether United States citizens or not, hired after November 6, 1986. This policy clarifies the process as directed by the 1986 Immigration Reform and Control Act (IRCA), through the Department of Homeland Security (formerly the Immigration and Naturalization Service).

All employees of the County of Atascosa hired after November 6, 1986, regardless of citizenship or national origin, hired for employment in the United States, as condition of employment, must complete and have on file with the County Treasurer's Office, an I-9 (Employment Eligibility Verification).

The employee must complete and sign the I-9 form upon the date of hire. The County Treasurer's Office will list the documents produced to verify the identity and employment eligibility; sign, date, and provide all requested information in the Certification portion.

The County Treasurer's Office will re-verify employment eligibility when an employee's authorization or evidence of employment authorization has expired. The re-verification must be completed no later than the date that the authorization expires.

Elected and appointed officials, department head, and any other representative of the County are not permitted under the law to contract for the labor of an individual who is not authorized for employment. Any person who "knowingly continues to employ" unauthorized workers may be subject to civil and criminal penalties.

Elected and appointed officials, department heads, and any other employee of the County of Atascosa shall not discriminate against any person on the basis of national origin in hiring, discharging, recruitment, assignment, compensation, or other terms and conditions of employment.

1.09 OUTSIDE EMPLOYMENT

Employees may hold outside jobs as long as they meet the performance standards of their job as determined by the Department Head.

If the Department Head determines that an employee's outside work does not interfere with performance or the ability to meet the requirements of the assigned job, approval can be granted to continue with the outside employment.

Atascosa County employees are expected to give their full and undivided attention to their job duties. They should not use Atascosa County facilities or equipment or their association with Atascosa 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 their employment with Atascosa County that interferes with the employee's assigned duties with Atascosa County.

Any Department Head may require that employees notify the department prior to the employee's acceptance of any outside employment, including self-employment.

The County of Atascosa accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a county employee.

1.10 NEPOTISM POLICY

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

POLICY STATEMENT

The Atascosa County Nepotism Policy (the "Policy") is established to prevent conflicts of interest and appearances of favoritism that result from the appointment, reappointment, or supervision of an employee by a Public Official or Supervisor.

DEFINITIONS

"Public Official" shall mean and include elected officials and any person that has the authority to hire, fire, promote or adjust the salary of an employee.

"Supervisor" shall mean any person responsible for the actions of another employee or who directly oversees the performance or duties of another employee.

NEPOTISM PROHIBITED

A Public Official or Supervisor shall not appoint, approve, recommend, promote, or otherwise take action with regard to the appointment, approval, recommendation, promotion or supervision of an employee or prospective employee related to the Public Official or Supervisor in the third degree of consanguinity (blood) or the second degree of affinity (marriage).

****See the Nepotism Charts following for a visual depiction of consanguinity and affinity.**

EXCEPTION

A nepotism prohibition prescribed in this policy does not apply to an appointment, confirmation of an appointment, or vote for an appointment or confirmation of an appointment of an individual to a position if:

- A. the individual is employed in the position immediately before the election or appointment of the Public Official or Supervisor to whom the individual is related in as prohibited degree; and that prior employment of the individual is continuous for

- B. At least:
 - a. 30 days, if the Public Official or Supervisor is appointed;
 - b. six (6)-months, if the Public Official is elected in an election other than the general election for state and county officer, or
 - c. one (1)-year, if the Public Official is elected in the general election for state and county officers.

If, under this exception, an individual continues in a position, the Public Official or Supervisor to whom the individual is related in a prohibited degree may not participate in any deliberation or voting on the appointment, reappointment, confirmation of the appointment or reappointment, employment, reemployment, change in status, compensation, or dismissal of the individual if that action applies only to the individual and is not taken regarding a bona fide class or category of employees.

DISCLOSURE RESPONSIBILITY

A Public Official or Supervisor shall immediately fully disclose to the County Judge the existence of any relationship that may violate this policy at the time of employment, or that develops at any time during employment.

FORMER EMPLOYEES

Former employees of Atascosa County who are considered for reemployment or reinstatement by the County will be regarded as new hires for purpose of this policy.

TRADING PROHIBITED

Pursuant to Section 573.044, Texas Government Code, a Public Official shall not evade the nepotism statutes through trading. Supervisors shall not evade or attempt to evade nepotism prohibitions or this Policy through trading.

Trading occurs when a Public Official or Supervisor appoints, confirms the appointment of, or votes for the appointment or confirmation of the appointment of an individual to a position under the Public Official's or Supervisor's direction or control and the individual is related to another Public Official or Supervisor within a degree proscribed herein, and the appointment, confirmation, or vote would be carried out in whole or partial consideration for the other Public Official or Supervisor appointing, confirming, or voting for the appointment or confirmation of an individual who is related to the first Public Official or Supervisor within a prohibited degree.

PENALTIES

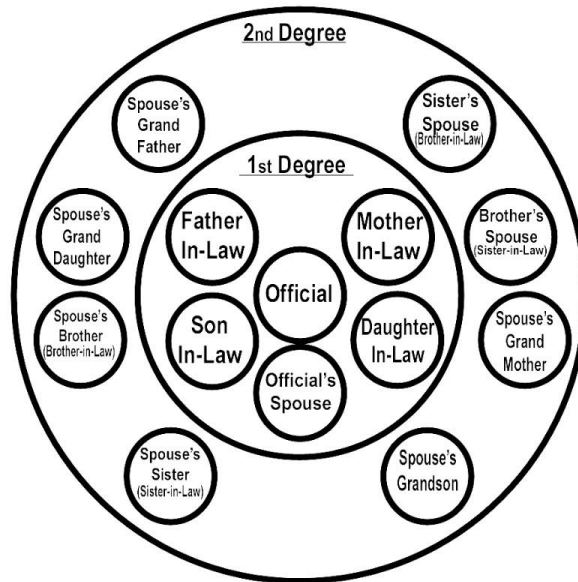
If a Public Official commits an offense involving misconduct under this Policy, the individual violates the Texas nepotism statutes codified in Texas Government Code, Chapter 573. An offense under this section is a misdemeanor punishable by a fine not less than \$100 or more than \$1,000.

Additionally, pursuant to Texas Government Code Chapter 573, Subchapter E, a Public Official who violates this policy shall be removed from the individual's position in accordance with the removal provisions of the Texas Constitution or the provisions codified in Chapter 573, Subchapter E.

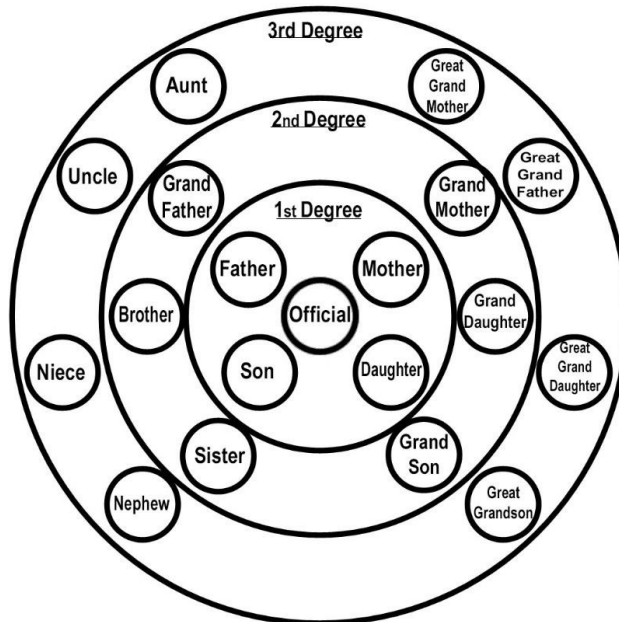
A Supervisor who violates this Policy may be subject to disciplinary action, including termination.

Texas Nepotism Charts

Civil Law Method



Affinity Kinship Chart
(Marriage)



Consanguinity Kinship Chart
(Blood)

2.0 EMPLOYMENT STATUS AND RECORDS

2.01 EMPLOYEE BENEFITS

It is the intent of the County of Atascosa to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the County of Atascosa. There are four (4) categories of employment with the county.

Elected/Appointed Officials: Duties and responsibilities are defined by state law. They shall be governed by state law when it is in conflict with the provisions stated within this manual. Elected Officials are not employees.

Department Heads: Those who are appointed by the Atascosa County Commissioners' Court or the District Judge in accordance with state law.

Exempt: Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and who are exempt from the overtime pay requirement or compensatory time.

Non-Exempt: Employees whose positions do not meet FLSA exemption test and who are given overtime pay or compensatory time for hours worked in excess of forty (40) hours per week. Law Enforcement non-exempt personnel whose position meets specific tests established by the FLSA shall work one/hundred/seventy-one (171) hours in a twenty- eight (28) day work period before overtime is considered.

An employee's EXEMPT or NON-EXEMPT classification may be changed only upon written notification by the Department Head and approval granted by Commissioners' Court.

2.02 METHODS OF PAY

Each county position has an employee status that identifies how the position is paid and benefits are granted by Commissioners Court. Employees cannot be changed without the approval of the Commissioners Court. Full-time employees will be eligible for health insurance. All other classifications must be included in the county initial and/or standard measurement.

Regular Full Time: A full-time employee shall be any employee in a position who has a normal work schedule of at least thirty (30) hours per week. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits.

Employees may be non-exempt, hourly employees or exempt employees. Nonexempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Atascosa the-County makes exempt status determination based on the Fair Labor Standards Act.

Regular Part Time: A part-time employee shall be any employee in a position who has a normal work schedule of less than thirty (30) hours per week. All regular part-time employee must be placed on TCDRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

Temporary Seasonal: A seasonal employee shall be any employee Atascosa who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. The county must define and document the season that the employee is being hired for.

Seasonal employees can be either part time or full time, and they do not qualify for health insurance through the county under the Affordable Care Act.

Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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.

Temporary Part Time: a temporary short-term part-time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time status. Temporary short-term part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

Note that if your county has a collective bargaining agreement with any employee or group of employees, you need to speak to your collective bargaining attorney about the section of the Affordable Care Act pertaining to Collective Bargaining.

2.03 DRIVING RECORD

OBJECTIVE

Atascosa County seeks to safeguard its employees and others when driving a motor vehicle may be required in the course of conducting County business and when County owned vehicles are utilized by individuals.

APPLICATION

This policy shall apply to an applicant for employment or an employee for whom operating a motor vehicle is an essential job function, which shall be defined as those who are routinely required to operate a motor vehicle for the work related purposes at least six (6) hours per week or more, and for those operating a motor vehicle or other equipment owned by the County which requires the issuance of a valid driver's license. Collectively, these individuals shall be referred to as "drivers".

COMPLIANCE WITH LAWS

Any driver must observe all safety, traffic, and criminal laws of this state. No driver may consume alcohol or illegal drugs while driving a County vehicle, while on County business, while in a County vehicle or prior to the employee's shift if such consumption would result in a detectable amount of alcohol or illegal drugs being present in the employee's system while on duty. In addition, no driver may consume or use any substance, regardless of legality or prescription status, if by so doing, the driver's ability to safely operate a motor vehicle and carry out other work-related duties would be impaired or diminished. No driver may pick up or transport non-employees while in a County vehicle or on County business unless there is a work-related need to do so. Any illegal, dangerous, or other conduct while driving that would tend to place the lives or property of others at risk is prohibited.

GENERAL REQUIREMENTS

Drivers must at all times meet the following criteria:

- A. drivers must have a current, valid driver's license for the state of Texas;
- B. drivers must maintain a clean and safe driving record, i.e., must remain insurable under our County's liability insurance policy.

COUNTY DRIVER RECORD REVIEW PROCEDURES

The Department Head or Supervisor shall conduct motor vehicle record checks on all job applicants following a conditional offer of employment and, thereafter, annually for all employed drivers. After conducting an individualized assessment, exceptions may be made for individuals who do not hold a driver's license due to disability, religious belief or other reasons not related to license suspension or criminal conviction or for whom driving a motor vehicle is not an essential job duty.

Atascosa County will review motor vehicle records and make a determination as to drivers' status for applicants and employees according to the County wide classification system listed below:

SATISFACTORY

The individual is eligible to drive while conducting County business. His or her driving record indicates no, or no more than one, moving violations in the past 12 months.

PROBATIONARY

The individual is eligible to drive while conducting County business with the stipulation that the individual's motor vehicle record will be checked periodically, but at least three times, over a period of six (6) months. His or her driving record indicates more than one moving violation in the past 12 months but no more than three moving violations in the past 24 months.

UNACCEPTABLE

An employee or applicant for employment will not be hired if his or her driving record reflects:

- A. Suspended, revoked, or cancelled license; or
- B. Three or more moving violations in the past 36 months; or
- C. One or more instances of driving under the influence (DUI) or driving while intoxicated (DWI) within the past 24 months; or
- D. At fault in a fatal accident within the past five years; or
- E. Leaving the scene of an accident within the past 36 months; or reckless driving within the past 12 months.

PROCEDURE FOR EXISTING EMPLOYEES

Each Department Head or Supervisor will check the motor vehicle records annually for all current employees subject to the County Driver Record Review Procedures. Any covered employee without a valid driver's license will not be allowed to operate a County vehicle or drive on County business. If

driving is an essential job function, and the employee cannot be reasonably accommodated, the employee will be terminated.

If an existing employee has a valid driver's license, but the employee's driving record falls at or below Probationary status criteria (defined above), the employee will be placed on Probationary status and will be subjected to the requirements of that status until the end of the probation. If during a subsequent periodic motor vehicle record check, the employee's record indicates further violations, the Department Head or Supervisor will review the specific circumstances surrounding the individual and determine appropriate action.

PROCEDURE FOR JOB APPLICANTS FOLLOWING CONDITIONAL OFFER OF EMPLOYMENT

The Department Head or Supervisor will check the motor vehicle driver records of any driver applicant. The applicant's job offer is contingent on eligibility under the County Driver Record Review Procedures (see above). The motor vehicle record check will include review of all states listed on the individual's employment application and resume.

If the applicant does not have a valid driver's license, the applicant may not be hired, subject to the individualized assessment described above. If an applicant has a driving record that falls at or below the criteria listed under the Unacceptable status (defined above), the applicant may not be hired. If the applicant's driving record meets the Probationary status criteria, he or she will be placed into that status upon hire.

RESPONSIBILITY FOR DRIVING RECORD

Each applicant for employment or employee is solely responsible for the full payment of fees and costs associated with requesting motor vehicle driver records. Refusal to submit fees associated with retrieving a motor vehicle driver record is prohibited and constitutes a violation of this policy.

Each applicant for employment or employee shall consent to the request for a copy of the motor vehicle driver record by signing the Texas DPS Application for Copy of Driver Record, as amended, in the designated location(s). Refusal

to provide written consent for the request of the driver record is prohibited and constitutes a violation of this policy.

DUTY TO REPORT

Anything a driver does in connection with the operation of motor vehicles can affect that driver's fitness for duty or insurability as a driver. Regardless of fault, circumstance, on-or off-duty status, time, or place, any driver who receives a traffic citation from or is arrested by a law enforcement officer, or who is involved in any kind of accident while driving, must inform an appropriate supervisor about the incident immediately or as soon as possible thereafter.

Any penalty, fine, imprisonment, fee, or other adverse action imposed by a court in connection with such an incident must be reported immediately to an appropriate supervisor.

In both of the above situations, the matter will be reported to the County's insurance carrier so that a prompt decision on continued coverage of the employee can be made. The driver involved in an accident or cited by a law official for violating a motor vehicle law must turn over a copy of any documentation relating to such incident as soon as possible to the employee's Department Head or Supervisor and must cooperate fully with the County in verifying the information with other parties involved and with law enforcement authorities.

VIOLATION OF POLICY

Any employee who violates any part of this policy, or who becomes uninsurable as a driver, will be subject to reassignment and/or disciplinary action, up to and possibly including termination from employment.

ACKNOWLEDGEMENT

All employees with driving duties or operating County owned equipment or vehicle(s) must sign the following agreement:

I have read and understand Atascosa County's Driver Policy, and I agree, in the event that I am ever found to be uninsurable, or that I lack a clean driving record or a valid and current driver's license, that if necessary, I will accept whatever alternative assignment the County may give me and that I understand that a reduction in pay, change in hours, change in duties, and/or change in work location may result from the reassignment. I further understand that the County does not and cannot guarantee that any particular reassignment will be available in the event of a problem with my driver's license, driving record, or insurability as a driver, and that if no reassignment is possible, termination of my employment may occur.

EMPLOYEE NAME _____

SIGNATURE OF EMPLOYEE

DATE

The above should be in a separate form created by the appropriate department head, signed by the employee and filed with the human resource department.

2.04 SELECTION

Each Department Head is responsible for selecting people to fill each vacant position within the pay limits set by the budget and obtain approval for the hire from Commissioners' Court. Once a selection is made, the Department Head will submit to the County Treasurer a change notice listing the name of the applicant, the requested classification, beginning salary, and the effective date of employment. The application for employment and the results from the employee's physical examination will be attached to the personnel action form. New employees must fill out employment forms before or during their first day of employment.

2.05 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify the County Treasurer of any changes in personal data. Personal mailing addresses, telephone numbers, numbers, and names to be contacted in the event of an emergency, and other such status changes should be accurate and current at all times.

2.06 REGULAR FULL-TIME HIRE DATE

An employee whose status has changed from temporary or part-time to regular full-time is considered hired on the date of acceptance of regular full-time employment and benefits will be calculated from the date of regular full-time employment.

2.07 PRIOR SERVICE WITH THE COUNTY

A break in continuous service with the county forfeits any leave benefits accrued prior to the break. A person returning to work with the county may buy back pension credits in accordance with retirement system rules and approval by Commissioners Court, if applicable.

2.08 LATERAL TRANSFERS

Lateral transfers may be made within the same department or between departments. Lateral transfers may be requested by the employee or the department head to whose department the employee will be transferred. An employee who makes a lateral transfer will retain the same effective employment date, all accrued vacation and health leave, and compensatory time provided a break in employment has not occurred. The timing of release of internal transfers should be mutually agreed upon by the effected department heads.

2.09 REDUCTION IN FORCE

An employee may be separated when his/her position is abolished or when there is either a lack of funds or a lack of work. When reductions in force are necessary, decisions on individual separations will be made by the Department Head/Elected Official.

2.10 ASSIGNED STAFF

Staff who are assigned to the county but are paid directly by another government or private organization are not employees of the county. These employees' benefits are specified in the contract for services. As a condition of their assignment, such staff shall be governed by all terms of these policies not in conflict with the department policies.

2.11 TELEPHONE AND HOME ADDRESS

Each employee may choose whether the county discloses the employee's home address and telephone number to the public on request. If the new employee does not request confidentiality, the home address and telephone number on file are considered public information provided the employee has a signed release on file in the County Treasurer's Office. Employees may change their election for disclosure or confidentiality at any time. The employee must contact the County Treasurer's Office for any changes.

3.0 EMPLOYEE BENEFIT PROGRAMS

3.01 ORIENTATION AND TRAINING

The County Treasurer's Office provides a general orientation for new employees about employment with the county.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation conducted by the Elected Official or Department Head or by that person's representative.

Training an employee is the responsibility of the Department Head for whom he or she works. The training is necessary to prepare the employee for a change in duties or so the employee may obtain or maintain certifications required for the employee's current position. Whenever possible, employees will receive on-the-job training under close supervision. Department Heads should develop a list of training needs prior to the beginning of each year and include these anticipated training expenses along with the department budget.

3.02 EMPLOYEE BENEFITS

Eligible employees for the County of Atascosa are provided a wide range of benefits. A number of the programs (social security, retirement, workers' compensation, disability, and unemployment insurance) cover all employees in the manner prescribed by law. Eligibility for benefits is dependent upon a number of factors, including employee classification. Each Department Head can identify the programs for which each employee is eligible. The following benefit programs are available to eligible employees. Some may require contributions from the employee, but many are paid by the County of Atascosa. The benefits listed below are not an inclusive list nor are the benefits limited to the following:

Reimbursement	Medical Insurance
Vehicle Mileage	Retirement
Sick Leave Benefits	Voting Time Off
Vacation Benefits	Family Leave
Personal Leave	Life Insurance
Deferred Compensation Plan	Military Leave with or without pay

3.03 VACATION BENEFITS

Vacation (time-off with pay) is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees are eligible to earn and use vacation time as described in the policy.

Part-time and temporary employees shall not be eligible for vacation benefits.

The amount of paid vacation time employees receive each year increases with length of their employment as shows in the schedule below:

After one (1) yearForty (40) hours

After two (2) yearsEighty (80) hours

After ten (10) yearsOne hundred twenty (120) hours

After twenty (20) yearsOne hundred sixty (160) hours

A regular full-time employee will be allowed his/her vacation any time after the anniversary of the first and second year of service with the county. Thereafter, a regular full-time employee will be allowed to schedule his/her vacation in accordance with the provisions of this section on a calendar year basis, beginning with the calendar year in which the third anniversary of employment falls.

Paid vacation can be used in minimum increments of one-half day (4 hours). To take a vacation, employees must request approval from their department head. Requests will be reviewed based on a number of facts, including county needs and staffing requirements. Vacation time-off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation.

Vacation shall not be accrued while an employee is on leave without pay.

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.

Each employee shall be responsible for accurately recording all vacation time used on his/her time sheet.

Employees are encouraged to use available paid vacation time. In the event that available vacation time is not used by the end of the fiscal year; employees may NOT carry unused time forward to the next fiscal benefit year.

3.04 VACATION BUY BACK/LEAVE

All regular full-time employees are eligible for vacation buy-back benefits upon completion of ten (10) years of continuous service with the county.

The amount of vacation buy-back pay, or leave will be determined by the action of Commissioners' Court (currently, the vacation buy-back pay is forty (40) hours compensation or forty (40) hours vacation time-off). An eligible employee who desires to receive vacation buy-back pay must notify the Department Head of the date eligible and the request for payment. The Department Head will notify the County Treasurer who will apply the vacation buy-back pay to the December paycheck.

An eligible employee may exercise the privilege to convert the cash payment into forty (40) hours of vacation leave. The earned time-off must be taken during the anniversary year after first becoming eligible. Any subsequent earned vacation leave may be taken during the calendar year. Vacation leave is not cumulative from year to year. Any vacation leave not taken by an employee will be converted to vacation buy-back compensation and paid in December. The time taken for vacation leave shall be at the discretion of the Department Head.

It will be the responsibility of the Department Head to document the employee's time sheet or timecard concerning vacation buy-back/leave in a timely manner.

3.05 WORKERS' COMPENSATION

All County of Atascosa employees are covered by workers' compensation insurance while on duty for the county.

Workers' compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of his/her job.

If available, employees may use paid leave for Workers Compensation time off less than seven (7) days.

Workers' compensation also pays Temporary Income (TIB) Benefits for time lost from work in excess of seven (7) calendar days as the result of eligible work-related injuries or illnesses.

Any employee who suffers a job-related illness or injury shall be required to notify his/her supervisor as soon as possible; who in turn is required to notify the County Treasurer's Office, who shall then notify the appropriate authority.

Failure to promptly report related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which are due.

An employee who has lost time because of a work-related accident or illness shall be 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.

The County of Atascosa counts an employee's leave due to a work-related injury or illness toward the employee's twelve (12) week leave entitlement under the Family Medical Leave Act (FMLA). Because workers' compensation leave is designated as FMLA leave, benefits are governed by the applicable provisions of the FMLA policy contained herein.

The initial consultation for diagnosis and treatment shall be paid for by Workers' Compensation.

3.06 SICK LEAVE BENEFITS

The County of Atascosa provides paid sick leave benefits to all eligible regular full-time employees.

Sick leave accrues at the rate of twelve (12) payroll hours per month while an employee is employed by the county on a full-time basis. Eligible employees may use sick leave benefits for an absence due to their own illness or injury.

Sick leave may be used for the following purposes:

- A. Illness or injury of the employee;
- B. Appointments with physicians, optometrists, dentists, and other qualified medical professionals; and
- C. 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, or other relative living in the employee's home who is dependent on the employee for care.

Sick leave may not be used as vacation, personal leave, or any other reason not addressed in the policy.

When 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.

Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within fifteen (15) minutes of the employee's normal time to begin work, when practicable.

Where it is not practicable to notify the supervisor within fifteen (15) minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable.

If the employee feels that the situation will cause the employee 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 event and employee are eligible.

If an employee uses three (3) or more consecutive days of sick leave the employee shall be liable to provide to their Supervisor a Doctor's note (physician's statement or equivalent document) explaining they were too sick to work. A supervisor may require a doctor's excuse or documentation in order for an employee to be paid sick leave benefits for missing one (1) or more days if the Supervisor deems it necessary. Documentation requirements shall also apply in situations where absence is for the case of a member of the immediate family.

Documentation of illness or injury shall be required for any sick leave used during the two (2) weeks prior to resignation of employment with the county.

Employees shall not be allowed to borrow sick leave against future accruals.

Employees shall not be paid for unused sick leave at the termination of employment.

3.07 SICK LEAVE CAP

Eligible employees shall accrue sick leave at a rate of twelve (12) hours per month.

Accrual of sick leave shall start at the time an employee has completed his/her ninety (90) day waiting period.

An employee must complete at least eighty (80) hours of work per month to earn twelve (12) hours of sick leave that month to be available for use at the beginning of the next month.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is three hundred sixty (360) hours.

3.08 HOLIDAYS

Paid holidays are established at the beginning of each year by Commissioners' Court based on Calendar year.

The County of Atascosa may grant time off to all regular full-time employees on the holidays as established by Commissioners' Court.

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.

Special consideration shall be given to employees requesting time off for religious observances which are not designated as paid holidays for the county.

Determination of granted leave shall be made by the supervisor of the department in which the employee works, based on the needs of the department.

Vacation, compensatory time, or leave without pay may be used for leave granted.

WORK DURING HOLIDAY

Any Elected Official or Department Head who finds it necessary to do so; may direct some or all employees of the department to report for work on any holiday.

3.09 PERSONAL LEAVE

A maximum of twenty-four (24) hours will be allowed with pay for personal leave on a year-to-year basis (calendar year) only. Full-time employees shall be paid at the regular salary rate for time on leave when warranted by unforeseen circumstances not otherwise provided for in this policy.

The Department Head will determine the qualification of the emergency on a case-by-case basis. The decision of the Department Head shall be final.

Additional time, if allowed by the Department Head, will be charged to vacation, compensatory time-off, or time-off without pay.

3.10 APPROVAL OF LEAVE

All leave taken by county employees must be approved by the employee's Elected Official or Department Head. Payroll records are verified against employee leave records. Elected Officials and Department Heads are responsible for determining that leave has been accrued and is available for use in the amounts requested by an employee. Department Heads should encourage their employees to schedule vacations and request leave well in advance, and vacation schedules must accommodate the county's work schedule. If there is a conflict in vacation schedules involving two or more employees, the Department Head resolves the conflict at his/her discretion.

3.11 TIMEOFFTOVOTE

The County of Atascosa encourages employees to vote in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, the County of Atascosa will grant up to two hours of paid time-off to vote. Employees should request time-off to vote from their Department Head at least two working days prior to Election Day. Advance notice is required so that the necessary time-off can be scheduled at the beginning or the end of the work shift, whichever provides the least disruption to the normal work schedule. When an employee has completed voting, he/she must report to the county for duty for the remainder of the workday.

3.12 JURY DUTY

Employees of the County of Atascosa who are summoned or ordered 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.

The employee must provide proof of service.

Any fee paid for jury service may be kept by the employee.

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, other eligible paid leave, or leave without pay.

3.13 MEDICAL BENEFITS WAITING PERIOD

Regular full-time employees working at least thirty (30) hours per week will receive medical benefits after they serve a minimum of a thirty (30) day waiting period during which no medical benefits are provided. Medical insurance begins on the first day of the month following the completion of the waiting period. In the event that the employee is terminated or resigns during the waiting period, he/she will not be paid for any accumulated leave, nor will he/she be eligible for any health benefits. Plan Benefit documents are available for review in the County Treasurer's Office. There will be no waiver for any requesting departments or offices after April 1, 2023.

<u>Employee Classification</u>	<u>Waiting Period</u>
Class I: Elected Officials	Zero (0) Days
Class II: All Other Employees	Thirty (30) Days

3.14 RETIREMENT

All part time and regular employees shall be eligible for the retirement benefit through the Texas County and District Retirement System (TCDRS).

Temporary employees will not be eligible for retirement benefits.

Eligible employees shall make contributions to the retirement program through a system of payroll deduction.

The County of Atascosa shall make a contribution to each eligible employee's retirement account at least equal to the contribution of the employee.

Information on the retirement program may be obtained at the County Treasurer's Office during the normal working hours for that office.

Retired employees shall be eligible to apply for open positions with the County of Atascosa as long as the following conditions are met:

- A. The retiree has been retired for at least one (1) full calendar month.
- B. No prior arrangement or agreement was made between the County of Atascosa and the retiree for re-employment.

RETIREE REHIRES

(TCDRS requires at least a full calendar month break in service with no prearranged return).

Retired employees shall be eligible to apply for open positions with Atascosa County as long as the following provisions are met:

- A. The retiree has been retired for at least one (1) calendar month,
- B. No prior arrangement or agreement was made between Atascosa County and the retiree for re-employment, and
- C. 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 one (1) calendar month. A bona fide separation means there is no prior agreement or understanding between Atascosa County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCD RS 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.

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 is rehired consistent with this policy will establish a new membership through the TCDRS and will be considered a new member for the purposes of beneficiary determination and benefit selections.

3.15 RESIGNATION

Resignation is a voluntary act initiated by the employee to terminate employment with the County of Atascosa. Although advance notice is not required, the County of Atascosa requests at least two weeks' written resignation notice from all employees. Unauthorized absence from work for a period of three consecutive working days may be considered by the supervising Elected Official or Department Head as a resignation. Unless the county official determines otherwise, this type of resignation is not in good standing, and the employee may not be eligible for re-employment.

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4.0 TIME AND ATTENDANCE/PAYROLL

4.01 TIME AND ATTENDANCE

Policy:

Federal and state laws require Atascosa County to keep an accurate record of time worked. To ensure adequate staffing, positive employee morale, and to meet expected standards throughout Atascosa County, timely and regular attendance is an expectation of performance for all Atascosa County employees. Employees will be held accountable for adhering to their workplace schedule and documenting their time in the Time and Attendance System, TimeClock Plus. Accurately recording time worked is the responsibility of every employee, exempt or nonexempt. Altering, falsifying, tampering with time records, or clocking in/out for another employee is grounds for disciplinary action, up to and including termination of employment and legal action.

Procedure:

1. Time Clocks – Time and Attendance:

- Employees, exempt or nonexempt, are required to clock in at the start of their day/shift, clock out and back in for their lunch break and clock out at the end of their day/shift.
- Atascosa County Elected Officials, Appointed Officials and Assistant County Attorneys, Assistant District Attorneys, Public Defender's Office Attorneys, EMS Director, Animal Control Chief, Emergency Management Coordinator, Fire Marshal, Elections Administrator, Chief Juvenile Probation Officer, and District Court-Court Reporters are not required to use the Time Clock.
- Any employee with three (3) or more missed punches may be required to come before Commissioners Court, along with your supervisor, elected official or department head, to explain the excessive missed punches.
- Any supervisor routinely editing, changing, or adding time for employees may be subject to come before Commissioners Court to explain.

2. Time Clocks and Failure to Clock In/Out:

Employees are required to follow guidelines for recording their actual hours worked. A missed clock in/out is a violation of this policy and includes:

- Failure to clock in/out on their designated time clock at the beginning and/or end of their assigned shift;
- Failure to clock in/out on their designated time clock for the meal break;

- Failure to accurately and timely report time worked;
- Clocking in/out early (or late) of assigned shift without prior approval;
- Clocking in or out for any other employee or asking another employee to clock in or out for you is a violation of this policy and will result in disciplinary action, up to and including termination of employment and legal action.

3. Time Clocks Records:

- Time records online are official county documents and as such require accurate and truthful information. Falsifying a time record, which is considered a county record, is grounds for disciplinary action up to and including termination and is a criminal offense.
- It is the employees' responsibility to approve their time records to certify the accuracy of all time recorded. Once the employee has approved their time, the elected official, appointed official or department head will review and then approve the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the department head must verify and approve the accuracy.

4.02 PAY

Pay for County Elected and Appointed Officials and employees who are paid from county funds are set each year by the Commissioners' Court. Rules governing salary administration and pay increases are also established by the Commissioners' Court.

4.03 PAYDAYS

Employees are paid monthly or as determined by Commissioners' Court on the days established by the Commissioners' Court. Each paycheck will include earnings for the current month. For each pay period, each Department Head shall submit to the County Treasurer's Office an official time sheet report of leave and time used by the employee and any adjustments to be made to the employee's pay.

Atascosa County workweek begins Monday and ends on Sunday.

If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

Each employee shall be required to fill out a time sheet (or complete a digital record) to be turned in to his/her supervisor. Failure to complete a time sheet (or digital record) may result in an employee only receiving minimum wage payment until the proper time sheet (or digital record) has been completed and turned into the County Treasurer's Office.

The time sheet (or digital record) prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period.

Time sheets (or digital records) are governmental reports and as such require accurate and truthful information and are subject to Texas Penal Code 37.10. Falsifying a time report, a governmental record, is a Class "A" Misdemeanor.

4.04 EMPLOYMENT SEPARATION

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 the County of Atascosa shall be designated as on of the following types:

Resignation

Dismissal

Death

Retirement

Reduction in force (layoff)

Other

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with the county and the separation does not fall into one of the other categories.

Employees who are resigning should submit a two-week advance 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 thirty (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 or separation.

The County of Atascosa 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, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.

Any separation that does not fall into one of the categories outlined previously in this policy shall be designated as an "other" separation.

When a separation is designated as "other", the Supervisor shall provide details of the nature of the separation for the personnel records.

As soon as a supervisor becomes aware of separation from employment, or the intent to separate employment, by an employee, the supervisor shall be responsible for immediately notifying the County Treasurer's Office.

4.05 PAY ADVANCES

Advances in pay shall not be made to any employee for any reason.

4.06 ADMINISTRATIVE PAY CORRECTIONS

FAIR LABOR STANDARDS ACT SAFE HARBOR

Atascosa County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen the employee should promptly bring the discrepancy to the attention of the Department Head who will in turn contact the County Treasurer so that corrections can be made. 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. The necessary corrections will be made on the next payroll.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets records are correct. Your timecard must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time record if it is not accurate. When you receive each official paycheck, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. 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. That time worked is to be recorded on your time record. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your timecard. Any that employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must tell the County Treasurer.

It is a violation of Atascosa County policy for any employee to falsify a time record, or to alter another employee's time record. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time record to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or overreport your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the County Treasurer@ 769-3024.

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 that will not be subject to deductions for variations in the quantity or quality of the work you perform.

For exempt employees, your salary may also be reduced for certain types of deductions such as your portion of health, dental or life premiums; state, federal or local taxes, social security, retirement; or voluntary contributions to a deferred compensation plan. In any workweek in which you performed any work, your wages may be reduced for any of the following reasons:

- A. absence from work for one or more full days for personal reasons, other than sickness or disability; or
- B. full day disciplinary suspensions for infractions of our written policies and procedures; or
- C. full day for violating safety rules of a major significance; or
- D. Family and Medical Leave or Military Leave absences; or
- E. to offset amounts received as payment for jury and witness fees or military pay; or
- F. 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 workday; or
3. your absence because of the County's operating requirements; or
4. absences for jury duty, 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, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the County Treasurer. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney (including address and phone number). 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.

4.07 PAY DEDUCTIONS AND SET OFFS

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.

No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the County Treasurer's Office.

5.0 WORK CONDITIONS AND HOURS

5.01 SAFETY

Each Department Head has responsibility for implementing, monitoring, and evaluating safety. A safe work environment depends on the alertness and personal commitment of all. The County of Atascosa provides information, through the "County Safety Officer" Office, to employees about work-place safety and health issues through Department Head/Employee meetings, bulletin board postings, and/or other written communications.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to share them with their Department Head or bring them to the attention of the "County Safety Officer" who is the County Emergency Management Officer. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes, without the fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their immediate supervisor.

Any damage to a citizen's property caused by a County employee in the course of his/her work will be promptly reported to the immediate supervisor who will notify the property owner and the Department Head and the "County Safety Officer". The following rules are designed to promote the safety and well-being of county employees and are to be observed by employees at all times.

- A. No employee may engage in horseplay, wrestling, or practical joking while on duty or operating county equipment;
- B. Employees should maintain awareness of potentially dangerous situations that may cause injury to themselves, employees, or the public;
- C. Employees must report immediately to their supervisors any conditions that, in their judgment, threaten the health or safety of employees or the public;
- D. An employee who is unable to perform his/her duties safely due to illness must promptly notify his/her supervisor.

5.02 WORK/ OFFICE HOURS

Normal working hours for most county offices are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one (1) hour for lunch, for a total of forty (40) hours per work week. Department Heads will advise employees of the times their schedules will normally begin and end. Department Heads are subject to the Department Head Policy, Section 2.01. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day of the week. Sheriff's Office, Emergency Medical Service and Juvenile Detention Center personnel work varying shifts in order to provide services twenty-four (24) hours each day. Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule established. Elected Officials may, within the limits of state and federal law, make adjustments to these work schedules. Break periods may be permitted at the approval of the Department Head.

Payroll fraud is a serious legal offense. The employee who commits it may be subject to prosecution. Clocking or logging in and out for another employee is a violation of State and Federal Law. So is falsification of any time record. Anyone making changes without Department Head authorization, and also the employee who is benefiting from the change will be subject to immediate disciplinary action, up to and including discharge from employment.

5.03 COUNTY ELECTRONIC SYSTEMS POLICY

PURPOSE

- A. With the rapidly changing nature of electronic media, this policy cannot provide guidelines for every possible situation. Instead, it expresses a general approach and sets forth general principles for the use of County electronic systems by all County employees.
- B. Atascosa County provides access to electronic forms of communication and information exchange to make communication more efficient and effective, and because they are valuable sources of information for government-related work.

- C. Through the provisions contained within this policy, Atascosa County seeks to protect the interests of Atascosa County, its property, and its employees.

SCOPE

- A. This policy applies to all County property, whether tangible or intangible, including all electronic equipment, media, and services, and encompasses, but is not limited to, the use of computers, electronic mail or "e-mail", telephones, cellular phones, voicemail, fax machines, copiers, radios and wireless devices, wire services, and on-line services, that are:
 - a. County owned or County provided property; or
 - b. accessed by using County owned or County provided property.

5.04 SMOKING

Use of tobacco products or use of smoking devices is prohibited throughout county facilities. This policy applies to employees, customers, and visitors.

5.05 REST AND MEAL PERIODS

Morning and afternoon breaks of fifteen (15) minutes each may be authorized by each Department, but, if authorized, this time does not accumulate if not taken. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allocated rest period time. All regular full-time employees are provided with one meal period each workday not to exceed sixty (60) minutes. Each Department Head will schedule meal periods to accommodate operating requirements. The Commissioners' Court encourages that offices remain open during the noon hour to better serve the public. Some employees may stagger their lunch hours in order that the county can provide this service.

OBJECTIVE ACCOMMODATION FOR LACTATING MOTHERS

As part of our family-friendly policies and benefits, Atascosa County supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

In Texas, Chapter 21 of the Labor Code also prohibits discrimination in employment because of sex. Section 21.106 defines sex discrimination in this way: ...discrimination because of sex or on the basis of sex includes discrimination because of or on the basis of pregnancy, childbirth, or a related Medical condition.

A woman affected by pregnancy, childbirth, or a related medical condition shall be treated for all purposes related to employment, including receipt of a benefit under a fringe benefit program, in the same manner as another individual not affected but similar in the individual's ability or inability to work.

For up to one year after the child's birth, any employee who is breast feeding her child will be provided reasonable break times to express breast milk for her baby.

A refrigerator may be provided, and any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage refrigeration and tampering.

A space temporarily created or converted into a space for expressing milk or made available when needed by the nursing mother is sufficient provided that the space is shielded from view, and free from any intrusion from coworkers and the public. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mothers' use, it must be available when needed in order to meet the statutory requirement. Department heads/ supervisors may choose to create permanent, dedicated space if they determine that is the best way to meet the needs of the nursing mother while, simultaneously, complying with federal and state law.

Employees who use their regular paid rest breaks for nursing/ expression of breast milk will be paid for those breaks just like any other employees.

Breaks of more than 20 minutes in length will be unpaid, and the employee shall indicate this break period on her time record.

In terms of total Work time for the shift, an employee may need to either arrive earlier or stay longer to work a certain number of hours, or else experience a slight reduction in pay due to having unpaid nursing/breast pumping breaks during the day and not being able to arrive earlier or stay later to make up the time.

5.06 OVERTIME

Non-exempt employees, with the exception of the Sheriff's law enforcement employees and the Commissioners' precinct employees in emergency situations, may receive compensatory time for time worked beyond 40 hours per week. Commissioners' Court must approve any overtime pay for Commissioners precinct employees when extreme emergency conditions exist, and the employees are called to report for work. When operating needs or other requirements cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive prior approval from the Department Head before work can be performed. Compensation time is allowed to all non-exempt employees in accordance with federal and state wage and hour restrictions. Compensation time is based upon actual hours worked. Time-off on sick leave, vacation leave, or any paid leave of absence will not be considered "hours worked" for the purposes of performing overtime calculations. Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head may result in disciplinary action up to and including possible termination of employment.

5.07 OVERTIME COMPENSATION

This policy shall apply to all county employees eligible for overtime compensation under the Fair Labor Standards Act (FLSA), with the exception of the Sheriff's law enforcement employees, see below for law enforcement overtime policy.

Overtime pay is calculated at one and one half (1½) times the regular hourly rate. Compensatory time is accumulated at one and one-half (1½) times the overtime hours worked.

Overtime for law enforcement employees is in accordance with Section 7(k) of FLSA, 29 U.S.C. § 207(k). The established work period for law enforcement employees is 28 consecutive days for the purpose of overtime compensation. The maximum hours standard for law enforcement personnel are 171 hours worked in a 28-day work period after which the employee is entitled to one and one-half (1½) times the regular hourly rate. Law Enforcement Employees may receive overtime pay or compensatory time for time worked beyond 171 hours in a 28-day work period.

Effective August 8, 2022, the County is changing the limit for Comp time to 80 hours. Anyone who accrues more than 80 hours after October 1, 2022, must use that time within the next pay period. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum. Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works.

Compensatory time may be used for any purpose desired by the employee. The County shall have the right to require employees to use earned compensatory time at the convenience of the county. If an employee terminates employment for any reason prior to using all earned FLSA compensatory time, he/she shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

The County shall retain the right to "buy back" all or part of an employee's unused compensatory time by paying the employee for that time at the employee's current regular rate.

The County shall retain the right to pay all, or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1½) the employee's regular rate of pay.

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

The Department Head shall be responsible for keeping records of all compensatory time earned and used by each eligible County employee in his/her

department and shall update the balance due to each employee at the end of each pay period.

Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the FLSA and the regulations issued by the Department of Labor to administer that Act.

5.08 EXEMPTIONS FROM FAIR LABOR STANDARDS ACT (OVERTIME COMPENSATION)

Department Heads and other executive, administrative, and professional employees are exempt from the overtime provisions of the FLSA as defined pursuant to Federal and State Law.

5.09 USE OF EQUIPMENT AND VEHICLES

Each employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tools or other county equipment assigned to him/her.

An employee shall only use equipment, vehicles, tools, and other county property that he/she is authorized to use.

Personal use of county vehicles, equipment, supplies, tools, and any other county property shall not be permitted. Any use of a county vehicle for personal use will be considered as a "taxable fringe benefit".

Any employee who operates any county equipment or vehicle which requires a license shall be required to have a current active license for that vehicle or equipment any time he/she operates it.

Any employee who operates a vehicle or equipment which requires a license for legal operations shall notify his/her supervisor of any change in the status of his/her license.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operations shall be subject to possible job change or termination if that license is suspended or revoked.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's vehicle insurance carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change or termination.

Any employee involved in an accident while operating county equipment or vehicles shall immediately report the accident to his or her supervisor and shall notify the Sheriff's Department Dispatcher who will in turn notify appropriate authority immediately.

A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Judge.

5.10 EMERGENCY CLOSING

At times emergencies such as severe weather or power failures can disrupt county operations. In extreme cases these circumstances may require the closing of a work facility. Emergency closing of County

Facilities shall be determined by the Atascosa County Emergency Management Director. During non-working hours, local radio stations may be asked to broadcast notification of closing. When operations are specifically closed due to emergency conditions, the time off from scheduled work will be paid. Certain offices such as the County Sheriff, Roads and Bridges, Emergency Medical Services, and Emergency Management Coordinator are expected to remain open during emergency situations. Department personnel should contact their Elected Official/Department Head for specific guidance.

5.11 BUSINESS TRAVEL EXPENSES

The County of Atascosa will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Department Head. Employees with approved travel are responsible for their own travel arrangements. Employees are expected to limit expenses to reasonable amounts. Expenses that generally will be reimbursed are:

- A. Air or train fare for travel in coach or economy class or the lowest available fare.
- B. Car rental fees, only for compact or mid-sized cars.
- C. Fares for shuttle or airport bus service or other public ground travel.
- D. Taxi fares, only when there is no less expensive alternative.
- E. Mileage costs for use of personal cars, only when less expensive transportation is not available.
- F. Cost of standard accommodations in low to mid- priced hotels, motels, or similar lodging.
- G. Meals are only paid when an invoice for overnight hotel bill is submitted in conjunction with county business. The per diem rate for meals is \$59.00 per day for each full day and \$44.25 per day for each travel day to and from the function. The only exception is that this policy is not to conflict with the Sheriff's day meal policy for transport officers.
- H. Charges for telephone calls, fax, and similar charges required for business purposes.

With prior approval, employees on business travel may be accompanied by a family member or friend when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel and business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within fifteen (15) days. Employees should contact their Department Head for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other travel arrangement.

When two (2) or more employees are traveling to the same location for the same purpose they should travel together whenever possible to avoid unnecessary travel expenses. When two (2) or more officials or employees travel in a single automobile, only one employee will receive per-mile or other automobile reimbursements.

Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.

If an employee who is subject to the overtime provisions of FLSA travels overnight on business (more than one (1) day), he/she will be paid for time spent traveling (except for meal periods) during his/her "normal working hours," on his/her non-working days such as Saturdays, Sundays, holidays, as well as time spent during his/her normal working hours on his/her working days. Travel time spent as a passenger on an airplane, train, bus, or car "outside of regular working hours" is not considered work time.

In cases where a rental car is used, employees will need to obtain auto liability coverage from the rental car company for the period of the rental. County Officials and Employees who receive automobile allowances are provided these allowances for travel within the county. In the event one (1) of these officials or employees is required to travel outside the county, he/she is entitled to reimbursement for actual expenses for such trip(s) provided the travel was authorized. Employees or Officials who receive monthly automobile allowances are not eligible for per-mile reimbursement for travel within the county. Travel allowances are considered to be a "taxable fringe benefit".

Meal receipts including tips are required for reimbursement.

Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official county business, reimbursement will be at the current rate established by the Commissioners' Court for business use of an automobile.

Employees are expected to report the shortest distance between points of departure and destinations for all travel. Travel between an employee's residence and the county's office is not eligible for reimbursement. Point of departure will be place of work. All reimbursement must be approved by the Department Head and be within the department's budget.

Employees who travel in a county-owned vehicle will be reimbursed for the documented actual cost of fuel, oil, or other expenses related to the safe operation of the vehicle.

Abuse of this business travel expense policy, including falsifying expense reports to reflect cost not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

5.12 USE OF COUNTY CREDIT CARDS

Credit cards are issued to authorized employees by their Department Head who is responsible for monitoring the proper use of the credit card. The credit cards may be used to pay for authorized expenditures when conducting business for the county. When utilizing the credit card for food service, the amount of the purchase, as shown on the credit card receipt, will be the authorized payment. In those cases where the tip is figured into the bill due to the number of participants, the total bill will be paid. Unauthorized or personal use of county credit cards is strictly prohibited any may result in termination of employment and is also subject to prosecution within extent of the law.

5.13 WORK FROM HOME/REMOTE WORK

Purpose- It is the general policy of the County that work from home is not permitted. All County employees are expected to be present during normal business hours or their scheduled shift, however, certain employees situationally may need to work at home. The following employees are exempt from the work at home policy but must sign the attached Remote Work Policy: 1. Assistant County Attorneys, 2. EMS Director, 3. Animal Control Chief, 4. Emergency Management Coordinator, 5. Fire Marshal, 6. Chief Juvenile Probation Officer, 7. Assistant District Attorneys, 8. Public Defender's Office Attorneys 9. District Court Reporters and 10. County Court at Law Court Reporters.

Terms and Conditions:

1. Eligibility.

- All County employees are expected to be present during normal business hours or their scheduled shift, however, situationally certain exempt employees may need to work at home. A County employee may only be eligible to work remotely if their duties can be met through basic hardware and software, they've proven to be trustworthy, disciplined, and self-motivated, and have been given permission from the County Judge or their supervising Elected Official.

2. Rules and policies:

- While working remotely, employees must adhere to all the conditions in the Employee Handbook. All policies around conduct, confidentiality, etc., continue to apply, regardless of location.

Disciplinary actions will follow policy transgressions of any kind.

3. Work expectations:

- Employees must follow their normal work schedule as provided to them, they must be sure to meet deadlines and uphold high-quality standards. While some flexibility is allowed, the employee must agree to work set hours as much as possible. Performance will be measured while the employee is conducting work remotely, following similar metrics that apply to work done in the office.

4. Communication:

- Employees are to be online and accessible during their normal work hours. They are expected to check-in with the County Judge or during his/her absence, the Judge Pro Tempore, otherwise known as the Point of Contact, at least once a day. Any correspondence from a constituent or County employee must be answered as quickly as possible.

5. Security:

- As per the Employee Handbook and the confidentiality agreement signed by the employee upon employment, securing data and company information should be of utmost concern. Any breaches in security protocol will lead to strict and swift disciplinary action.

5.14 CHILDREN IN THE WORKPLACE

Purpose:

Atascosa County is a governmental entity supported by tax dollars and are held accountable to taxpayers, citizens, and voters. We are committed to conducting business in a professional manner with customer service being of utmost importance. To achieve this objective, County policy prohibits the presence of children in the workplace for other than official county activities involving children. Employees with dependent children are expected to make regular arrangements for proper care of their children while they are at work.

Policy:

This policy is established to avoid disruptions in job duties of the employee and co-workers, reduce personal and property liability, and promote a professional working environment.

Procedure:

- A. Employees and supervisors must consider issues of safety, confidentiality, disruption of operation, disruption of services, disruption to other employees, appropriateness, and legal liability, as well as sudden emergency, posed by the presence of children in the workplace. Therefore, County employees are prohibited from bringing children to work.
- B. It is the responsibility of Department Heads and supervisors to ensure that the work of the County is accomplished in an environment that promotes employee health and safety and minimizes work-related disruptions.
- C. It is inappropriate to allow workplace visits by children whether supervised or unsupervised.
- D. Supervisors may grant a one-time exception for a temporary unforeseen emergency, other than illness of the child, but no parent, guardian; or relative can have a child in the workplace without the supervisor's permission or use the workplace as an alternative to childcare or for any other purpose. When authorized, the accompanying adult must always supervise the child.
- E. Supervisors may direct an employee to remove a child from the workplace. In this event, the employee will be charged with leave for any time that he/she is absent from his/her assigned station. Supervisors may make exceptions for holidays such as "Take your Child to Work Day."

- F. No child will be allowed into an area that is potentially hazardous (i.e., where hazardous equipment, hazardous chemicals, or live animals, etc. are located); such prohibited areas include are but not limited to, workshops, storage buildings, power plants, and animal control facilities.
- G. Children exhibiting symptoms of potentially contagious illnesses should not be brought into the workplace. Provision for sick children should be made within the context of various forms of leave available to employees.
- H. No child can be left unaccompanied by an adult in the workplace, and any employee who brings a child to work and leaves him or
- I. her unattended in an office, room, hall, restroom, breakroom or elsewhere will be subject to disciplinary action up to and including termination of employment.

5.15 PETS/ANIMALS IN THE WORKPLACE

Atascosa County is responsible for assuring the health and safety of all employees, customers, and visitors. In keeping with this objective, the County does not permit employees to bring their household pets/animals to work.

Animals may pose a threat of infection and may cause illness and/ or an allergic reaction to employees, customers, and visitors. Some individuals may feel threatened or be distracted by the presence of pets/animals.

In addition, Atascosa County's goal is to provide a clean and sanitary workspace for employees, customers, and visitors to any County building, as well as preventing unnecessary damage to County property.

An employee who requires assistance of a service dog (defined by 28 CFR 36.104 as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability") will be permitted to bring their service dog to their workplace in conformance with the American Disabilities Act and Texas Law.

An employee who brings a service animal to the office is completely and solely liable for any injuries or any damage to personal property caused by the animal. Any repair or cleaning/maintenance costs incurred by an animal will be charged in full to the owner.

Any employee who brings an animal to the office, in violation of this policy, will be solely liable for any injuries or damage to personal property caused by the animal. Any repair or cleaning/maintenance costs incurred by an animal will be charged in full to the owner.

Violation of this policy will result in disciplinary action up to and including termination.

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6.0 LEAVE OF ABSENCE

6.01 FAMILY AND MEDICAL LEAVE

To be eligible for benefits under this policy, an employee must:

- A. have worked for Atascosa 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
- B. 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:

- A. the birth of a child and in order to care for that child;
- B. the placement of a child in the employee's home for adoption or foster care;
- C. to care for a spouse, child (under the age of 18 or if over 18incapable of self-care due to a disability), or parent with a serious health condition; or
- D. The serious health condition of the employee that make the employee unable to perform the essential functions of their job;
- E. a qualifying exigency arising out of the fact that an employee's spouse, child, or parent is a covered, or
- F. a military member of the Armed Forces (Regular, 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, or
- G. 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 servicemember; or:

- H. 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 anyone (1) or more of the following:

- A. period of incapacity of more than three (3) 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 (7) days of incapacity.
- B. Any period of incapacity due to pregnancy or prenatal care.
- C. 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.
- D. Any period of incapacity which is permanent or long term due to a condition that treatment is not effective, _
- E. 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 called to active-duty status in a foreign country. The following qualify as exigency leave:

- A. may be taken to address any issue that arises because the covered military member was given seven (7) or less days' notice for active-duty deployment in support of a contingency operation. Eligible employees may take up to seven (7) days beginning on the date the covered military member receives the call or order to cover active duty.
- B. 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.
- C. 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.
- D. 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.
- E. may be taken to make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active-duty status in a foreign country.
- F. 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.
- G. 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;
- H. 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.

- I. 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.
- J. 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 and 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.
- K. 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 or may be used under this.

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 husband and wife 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:

- A. The single 12-month period begins on the first day the eligible employees take FMLA to care for covered service member or covered Veteran and ends 12 months after that date.
- B. If an eligible employee does not take all their 26 workweeks during this 12-month period, the remaining part of the 26workweeks of leave entitlement to care for the covered servicemember or covered veteran is forfeited.
- C. This leave entitlement is applied on a per injury basis such that an eligible employee may be entitled to take more than one (1) period of 26 work weeks 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.

PAID AND UNPAID LEAVE

If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: compensatory time, 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 compensatory time, then sick leave, vacation, and any other paid 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 first, then earned compensatory time, vacation, and holiday leave for the recovery period after the birth of the child and prior to being on unpaid leave.

After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other

available paid leave, except for sick leave with the remainder of the 12 week leave period being unpaid leave.

An employee 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 compensatory time, then vacation, and other available paid 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 earned compensatory time, then vacation and other available paid 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 earned compensatory time, then sick leave, vacation, and any other paid 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.

Insurance: 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:

- A. the date the condition began.
- B. its expected duration.
- C. the diagnosis of the condition.
- D. brief statement of the treatment; and
- E. 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:

- A. the date the condition began.
- B. its expected duration.
- C. the diagnosis of the condition.
- D. brief statement of treatment; and
- E. 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:

- A. 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.
- B. the dates of the covered military members active-duty service.
- C. a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave.
- D. the approximate date on which the qualifying exigency will start and end;
- E. if the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency.
- F. if the qualifying exigency involves a 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:

- A. if the injury or illness was incurred in the line of duty while on active duty.
- B. the approximate date on which the illness or injury occurred and the probable duration;
- C. a description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care.
- D. 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.
- E. the relationship of the employee and the covered military servicemember 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 an 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 six (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 certification, 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.

Employees may ask for permission from their immediate supervisor to take other trips outside of the county and supervisors may grant employee requests at their discretion.

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.

6.02 OTHER FAMILY MEDICAL AND LEAVE ACT CONSIDERATIONS

Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child. However, leave for serious health conditions (either an eligible family member of the employee or the employee) may be taken intermittently or on a reduced schedule if medically necessary provided the other conditions of these policies are met. The twelve (12) week leave for the birth of a child must be concluded by twelve (12) months after birth or placement of a child as required by FMLA requirements.

If the employee's request for intermittent leave is foreseeable based on planned medical treatment, the Department Head may require the employee to transfer temporarily to an alternative position with equivalent pay and benefits that better accommodates recurring periods of leave.

An employee on family leave must contact his/her Department Head at least once each work week unless another schedule satisfactory to the Department Head has been established and signed by the Department Head and the employee. The Department Head may also require subsequent re- certifications as reasonably

needed. Failure to provide required medical status reports or to contact the office on the schedule required by the Department Head is grounds for disciplinary action and/or termination of employment.

The County may require a second opinion, and if conflicting, a third opinion, from a health care provider as to the need for and scheduling of family leave. The second and third opinion, if sought and obtained by the County, will be paid for by the County and will be obtained from independent health care providers who are not employed by the County. If a third opinion is necessary, the third opinion obtained is final.

However, should the employee decide at any time after family leave begins, that he/she will not return to work for the County, the employee must reimburse the County for health coverage premiums paid by the County on behalf of the employee during the family leave period unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or other circumstances beyond the employee's control. This determination is subject to certification by a physician.

6.03 LEAVE WITHOUT PAY

The County of Atascosa provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Regular full-time employees are eligible to request personal leave as described in this policy.

Eligible employees may request personal leave only after having completed twelve (12) months of continuous service and have worked at least one thousand two hundred fifty (1250) hours during those twelve (12) months in a regular full-time employee position. As soon as eligible employees become aware of the need for a personal leave of absence, they should request leave from their Department Head.

Personal leave may be granted for a period of up to ninety (90) calendar days. Benefits will be paid by the County during the ninety (90) day period. With the Department Head's approval, an employee may take any available sick leave or vacation leave as part of the approved period of leave.

An employee on extended leave must contact the appropriate County Department Head at least once each month to report on his/her status unless another schedule is agreed to in writing. Failure to provide required medical status reports or to contact the office on the schedule required by the County may result in revoking the leave and taking disciplinary action and/or termination of employment.

When the personal leave ends, an effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity. However, the County of Atascosa cannot guarantee reinstatement in all cases. The employee will receive a salary based on the position that is available.

If an employee fails to report to work promptly at the expiration of the approved leave period, the County of Atascosa will assume the employee has resigned.

6.04 MILITARY LEAVE

County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per year with pay to attend authorized training sessions and exercises.

The fifteen (15) day paid military leave shall apply to the calendar year, and any unused balance at the end of the year shall not be carried forward into the next calendar 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, earn compensatory time, or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen (15) day maximum.

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

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

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the County of Atascosa for fifteen (15) working days per year.

Vacation, sick leave, and holiday benefits will continue to accrue during the fifteen (15) working days per year that an employee is on military duty.

Employees on active-duty training assignments (fifteen (15) working days) are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

6.05 HEALTH CARE CONTINUATION RIGHTS UNDER COBRA

In the event of an employee's termination of employment (except for gross misconduct) or reduction of hours below thirty (30) hours a week, the employee, spouse, and dependent children are entitled by law to purchase continuing health care coverage under the county's group plan for up to eighteen (18) months. If the employee or any family member is disabled, the disabled individual and non-disabled family members are entitled to an additional eleven (11) months of continuation coverage. In the event of an employee's death, divorce, or legal separation, or a retiree losing coverage under the county's group plan because of enrollment in Medicare, the

spouse and dependent children of the employee or retiree have the option of purchasing continuing coverage under the county's health plan for up to thirty-six (36) months. If a dependent child loses coverage under the county's health plan

because he/she has reached 26 years of age, the child can purchase continuing health care coverage under the county group plan for up to thirty-six (36) months.

Employees or qualified beneficiaries electing COBRA coverage are responsible for paying the cost of the extended health care coverage. The purchase price of continuing coverage is the full cost of the premium the county pays for similarly situated active employees, plus two (2) percent to help pay for administrative costs. During the eleven (11) months of extended coverage for disabled employees or family members, the cost is one hundred fifty (150) (varies per year) percent of the county's group premium rate. By enrolling in the Health Care Continuation Plan, employees and their family members receive the benefit of purchasing the same extensive coverage provided to active employees at favorable group rates. There is no waiting period, no exclusion for preexisting conditions, and no physical examination. Any amounts already paid toward deductibles and coinsurance during the current year count under the continuation policy.

If continuing coverage terminates before the expiration of the eighteen (18), twenty-nine (29), or thirty-six (36) month period if the employee or qualifying family members become covered under another group health plan that provides comparable benefits and does not penalize the newly covered individual(s) for preexisting conditions. The county's continuing coverage also terminates if premiums are not paid on time or if the county discontinues all of its group health plans for all employees.

In order for the County to meet its legal obligations in providing continuing health care coverage, all employees must inform the County Treasurer's Office within sixty (60) days of a divorce or legal separation or when a dependent child reaches 26 years of age. It also is essential that the County Treasurer's Office has a current address for all employees and family members.

This policy statement is a brief description of the Health Care Continuation Plan and does not fully explain employees' rights. Employees should read the notice they receive when they first enroll in the Group Health Plan or

the Summary Plan Description for a full explanation. Copies of the notice and Summary Plan Description can be obtained from the County Treasurer's Office.

6.06 COBRA NOTICE UPON ENROLLMENT IN A GROUP HEALTH PLAN

If a qualifying event occurs that causes you or your spouse or dependent children to lose coverage under the County's group health plan; you have a legal right under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) to purchase a temporary extension of health coverage (herein called continuation coverage) at group rates. This notice is intended to inform you, in a summary fashion, of your rights and obligations under COBRA. Both you and your spouse should take the time to read this notice.

Employees and other workers covered by the County's group health care plan can elect continuing coverage if one of the following qualifying events occurs:

- A. Voluntary or involuntary termination of employment for reasons other than gross misconduct; or
- B. Voluntary or involuntary reduction of work hours below the level required for participation in the group health plan.

The spouse of an employee or other individual covered by the County's group health care plan can elect continuing coverage if one of the following qualifying events occurs:

- A. The death of the employee or other covered individual; or
- B. A termination of the employee's employment for reasons other than gross misconduct; or
- C. A reduction in the employee's hours of work below the level required for participation in the group health plan; or
- D. A divorce; or
- E. A retired employee's enrollment in Medicare.

The dependent child of an employee or other individual covered by the County's group health care plan can elect continuing coverage if one of the following qualifying events occurs:

- A. The death of the parent employee or other covered individual; or

- B. The termination of employment or reduction of work hours of the parent employee; or
- C. the divorce or legal separation of the parents, if this causes the dependent child to lose coverage under the County's group health plan; or
- D. The enrollment in Medicare of the retired parent or employee; or
- E. The child's loss of dependent status due to attainment of the maximum age for coverage under the group health plan.

The employee or other covered individual or family member has the responsibility to inform the County of a divorce, or a child's loss of dependent status within sixty (60) days of the qualifying event or the date on which group coverage would be lost because of the event. If you fail to provide the proper notice within sixty (60) days, continuation coverage might not be available.

When a qualifying event occurs, you will receive notice within thirty (30) days of your right to elect continuation coverage at that time. You will have sixty (60) days to decide if you want continuation coverage. If you do not choose continuation coverage; your group health insurance coverage will end. If you choose continuation coverage; you will be offered coverage that is identical to the coverage provided to similarly situated active employees and family members. You will have the right to elect full coverage or medical coverage without dental insurance. If you had family coverage at the time of the qualifying event, you can elect family coverage or a less broad category of coverage.

Continuation coverage is available for up to eighteen (18) months if the qualifying event is the termination or reduction in work hours of the employee. If an employee or family member is disabled under the rules for Social Security disability benefits; the worker and family members are eligible for an additional eleven (11) months of continuation coverage, for a total of twenty-nine (29) months. For other qualifying events, the spouse or dependent children are eligible for up to thirty-six (36) months of continuation coverage. Furthermore, the eighteen (18) month period for termination or reduced work hours can be extended to thirty- six (36) months for family members if a second qualifying event-for example, divorce, death, Medicare entitlement-occurs during the eighteen (18) month period.

Continuation coverage also is available to covered retiree, their spouses, and widows or widowers of covered retirees if they should lose group health coverage as the result of the County filing for bankruptcy. This coverage is

available for the life of the retiree; widows and widowers and dependent children can continue coverage for thirty-six (36) months after the death of the retiree. Continuation coverage can be cut short of the full coverage period for any of the following reasons:

- A. The County no longer provides group health coverage to any employees.
- B. The premium for continuation coverage is not paid in a timely fashion.
- C. You become covered under another group health plan that does not penalize or subject you to restricted or limited coverage due to a preexisting medical condition.
- D. You become entitled to Medicare.
- E. The disabled individual is no longer defined as disabled under Social Security rules during the eleven (11) months of extended continuation coverage.

You do not have to show that you are insurable to choose continuation coverage. However, you have to pay for the coverage and are allowed a thirty (30) day grace period for timely payments. At the end of your eighteen (18), twenty- nine (29), or thirty-six (36) months of continuation coverage; you are allowed to enroll in an individual conversion health plan provided under the County's group health plan.

If you have questions about your rights under COBRA; please contact the County Treasurer's Office. Please inform that office of any change in marital status or change of address for you or your spouse.

6.07 NOTICE OF YOUR RIGHT TO DOCUMENTATION OF HEALTHCOVERAGE

Recent changes in Federal law may affect your health coverage if you are enrolled or become eligible to enroll in health coverage that excludes coverage for preexisting medical conditions.

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 limits the circumstances under which coverage may be excluded for medical conditions present before you enroll. Under the law, preexisting condition exclusion generally may not be imposed for more than twelve (12) months (eighteen (18) months for a late enrollee). The twelve (12) month (or eighteen (18) month) exclusion period is reduced by your prior health coverage. You are entitled to a certificate that will show evidence of your prior health coverage. If you buy health insurance other than through an employer group health plan, a certificate of prior coverage may help you obtain coverage without pre-existing condition exclusion. Contact your State Insurance Department for further information.

For employer group health plans, these changes generally take effect at the beginning of the first plan year starting after June 30, 1997. For example, if your employer's plan year begins on January 1, 1998, the plan is not required to give you credit for your prior coverage until January 1, 1998.

You have the right to receive a certificate of prior health coverage since July 1, 1996. You may need to provide other documentation for earlier periods of health care coverage. Check with your new plan administrator to see if your new plan excludes coverage for preexisting conditions and if you need to provide a certificate or other documentation of your previous coverage.

6.08 RETURN-TO-WORK POLICY OVERVIEW

This policy covers employees who are on leave due to an occupational injury or illness. Because employees are our most valuable resource, the County of Atascosa attempts to help employees return to work as soon as possible after their physician certifies their fitness to do so.

COORDINATION WITH ATTENDING PHYSICIAN

An employee on leave due to a work-related disability can return to work only when the County of Atascosa receives the attending physician's written medical release authorizing such return. The County Treasurer's Office in conjunction with the Elected Official or Department Head is responsible for providing the physician with a copy of the employee's job description, copies of job descriptions for potential light-duty assignments, and written information explaining the County of Atascosa return-to-work program.

JOB DESCRIPTIONS

Each Elected Official or Department Head is responsible for working with supervisors to ensure that job descriptions accurately and completely describe the essential functions of each position. Each Elected Official or Department Head works with the medical consultants to analyze any new light-duty position and develop a job description describing the essential functions of that position when available.

RETURN-TO-WORK OPTIONS

Arrangements to facilitate an employee's early return to work are made in consultation with the employee's attending physician and/or other qualified medical professionals retained by the County of Atascosa or its insurance carrier. The following options are explored:

- A. Return to prior position. An employee is offered the opportunity to return to his/her prior position if the attending physician certifies that the employee can perform the essential functions of the job with or without reasonable accommodations. The County Treasurer's Office is responsible for working with the employee's supervisor, the Elected Official or

Department Head, and attending physician (and third- party consultants, as necessary) to provide any reasonable accommodations.

- B. Light Duty. Any employees who are not yet able to return to their former duties are offered (subject to the restrictions set out in Section Five (5) of this policy) a temporary light-duty assignment that has been offered by the Department Head and approved by the employee's attending physician. The County Treasurer's Office is responsible for working with the employee's supervisor, the Elected Official or Department Head, and the employee's attending physician to develop and implement the light-duty assignment. The assignment can consist of the employee's regular job with reduced working hours and/or activities, or an alternative light-duty position. The Department Head must approve of any light-duty work or position that has been assigned.

RESTRICTIONS ON LIGHT-DUTY ASSIGNMENTS

The following restrictions apply to light-duty assignments:

- A. No guarantee of work. As provided in Section Four (4) of this policy, the County of Atascosa must endeavor to return employees to gainful employment as soon as possible by exploring possible light-duty assignments. However, the County of Atascosa does not guarantee the availability of light-duty work.
- B. Pay rates and workers' compensation benefits. Employees on light duty work are not guaranteed the rate of pay they received for the position they held at the time they sustained their work-related injury or illness. (Exceptions: Deputies and jailers are guaranteed one hundred (100) percent salary continuation as guaranteed by the State Constitution). The pay rate for a light-duty assignment is based on the knowledge, skills, and abilities required for the job as well as general market conditions. Employees who return to work in light-duty positions before they have reached maximum medical improvement are eligible for temporary partial disability benefits under the Texas workers' compensation program if they earn less than they earned in the position held at the time they sustained the

work-related accident or illness. Employees in light-duty positions are not permitted to supplement their workers' compensation benefits by using their accrued vacation, personal, or medical/sick leave.

- C. Twelve (12) Week limit. Light-duty assignments are temporary arrangements intended to complement and facilitate the healing process. Light-duty assignments cannot exceed twelve (12) weeks without approval from the Elected Official or Department Head.

EMPLOYEE REFUSAL OF WORK/TRAINING

In the event that an employee refuses to return to regular or light duties in response to a written, bona fide offer of employment by the County of Atascosa sent via certified mail, the employee is separated from the County of Atascosa and his/her position will be filled permanently. (NOTE: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA leave entitlement.)

A written offer of employment must clearly state:

- A. The position offered and the duties of the position;
- B. The County of Atascosa's agreement to any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work;
- C. The job's essential functions; and
- D. The job's wage, working hours, and location.

PERMANENT DISABILITIES (WORK-RELATED INJURIES)

When reaching maximum medical improvement, an employee can have a permanent disability that impairs the employee's ability, with or without reasonable accommodations, to return to his/her regular position. The County of Atascosa, in consultation with the employee's attending physician and Texas Worker's Compensation Department, must evaluate the following options:

- A. Securing vocational rehabilitation services from Texas Employment Department or private consults, as appropriate. Services can include assessment and testing, counseling, and training.

- B. Finding a position with the County of Atascosa commensurate with the employee's knowledge, skills, and abilities.

Employees with permanent disabilities are paid partial or total permanent disability benefits as required under Texas Workers' Compensation Program.

MEDICAL INFORMATION

All employee medical information is held in strict confidence in accordance with the Americans with Disabilities Act. Medical inquiries are limited to those permitted under Texas workers compensation statute and applicable federal law.

COORDINATION WITH FMLA

Nothing in this policy should be construed as denying employees their rights under the FMLA or any other federal or state law.

It is the County of Atascosa policy to designate an employee's leave due to a work-related injury or illness as FMLA leave. To the extent permitted by the FMLA, the county counts the period of an employee's light-duty assignment toward the employee's FMLA entitlement.

Employees entitled to FMLA leave can voluntarily accept light-duty assignments while they are recuperating, but they cannot be required to do so.

NOTE: This refusal can result in the loss of workers' compensation benefits as a result of declining a light-duty assignment are required to substitute any available paid leave, such as accrued vacation, personal, or medical/sick leave, for unpaid FMLA leave.

Until employees have exhausted their twelve (12) week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided that they are able to perform the job's essential functions.

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7.0 Employee Conduct and Disciplinary Action

7.01 EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and provide the best possible work environment, the County of Atascosa expects employees to follow rules of conduct that will protect the interests and safety of all employees and the county. It is not possible to list all types of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action up to and including termination of employment:

- A. Insubordination;
- B. Theft or inappropriate removal or possession of property;
- C. Falsification of time-keeping records;
- D. Working under the influence of alcohol or illegal drugs;
- E. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment;
- F. Fighting or threatening violence in the workplace;
- G. Absence without Leave including Failure to notify a Department Head of sick leave or repeated tardiness or early departure.
- H. Boisterous or disruptive activity in the workplace;
- I. Conviction of a felony;
- J. Conviction of Official Misconduct or Oppression;
- K. Negligence or improper conduct leading to damage of employer-owned or customer-owned property;
- L. Violation of safety or health rules;
- M. Smoking in prohibited areas;
- N. Sexual harassment which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment;
- O. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace;
- P. Violation of personnel policies;
- Q. Unsatisfactory performance or conduct;
- R. Falsification of Documents or Records; and
- S. Involvement in any activity or record of activity which would increase the county's insurance risk or premiums.

The qualities stated above are for guideline purposes only and are not exclusive of other infractions which may be considered by the Department Head.

Each supervisor shall have the authority to administer discipline to employees in his/her 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 interests of the department or County.

Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination.

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.

The County of Atascosa 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.

7.02 DRUG AND ALCOHOL USE

PURPOSE

The purpose of this policy shall be to establish a drug-and alcohol-free workplace to help ensure a safe and productive work setting for all employees.

APPLICABILITY

This policy shall apply to all employees of the County of Atascosa regardless of rank or position and shall include temporary and part-time employees.

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

POLICY

The following shall be a violation of this policy:

- A. The manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on County property.
- B. Being under the influence of alcohol or illegal drugs while on County property or while on duty for the County.
- C. The use of 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.

DEFINITIONS

A controlled substance shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended.

COUNTY PROPERTY

County property shall include all county-owned, county- rented, or county leased real property such as buildings, land, parking lots, etc., and property used by employees such as vehicles, lockers, desks, closets, storage areas, etc.

DRUGS

Drugs shall include any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

DRUG PARAPHERNALIA

Drug paraphernalia shall include equipment, a product, or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise inducing into the human body an illegal drug or controlled substance.

ILLEGAL DRUG

Illegal drug shall include any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any other than a legitimate medical reason, and inhalants used illegally. Included is marijuana or cannabis in all forms.

UNDER THE INFLUENCE

Under the influence shall be defined as a state of having a blood alcohol concentration of 0.02 or more where "alcohol concentration" has the meaning assigned to in Article 67011 -1, Revised Statutes; or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a controlled substance.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a

substance abuse rehabilitation treatment program. Such violations may also have legal consequences.

Employees taking prescription medications shall be required to notify their supervisor of any possible effects the medication might have regarding their job performance and physical/mental capacity.

Any information concerning prescription medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information.

Prescription medications used at work are to be kept in their original container.

Employees having problems with drugs or alcohol are encouraged to seek treatment from qualified professionals.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their Department Head or the County Drug/Alcohol Program Administrator to receive assistance or referrals to appropriate resources in the community.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the County of Atascosa of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five (5) days of the conviction to the Department Head and County Drug/Alcohol Program Administrator.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their Department Head or the County Drug/Alcohol Program Administrator.

Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's status and shall not be deemed a contract or promise of employment.

7.03 DRUG TESTING

The County of Atascosa is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the

influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthy working environment, job applicants and employees may be asked to provide body substance samples (such as breath, urine, and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

Questions concerning this policy, or its administration should be directed to the Department Head or the County Judge.

7.04 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the County of Atascosa expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and the county. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their Department Head as soon as possible in advance of the anticipated tardiness or absence.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the Department Head, employees are expected to call on each day of absence.

Deductions from pay will be made for all unexcused absences and for those excused absences not authorized as paid absences. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the Department Head.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

7.05 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image that the County presents to citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Consult your Department Head if you have a question about what constitutes appropriate attire.

7.06 RETURN OF PROPERTY

Employees are responsible for items issued to them by the County of Atascosa and are in their possession or control and may not be limited to just the items listed below:

Credit Cards	Equipment
Identification Badges	Vehicles
Protective Equipment	Pagers
Written Materials	Security Passes
Keys	Tools
Cell Phones	

Employees must return all the County of Atascosa property immediately upon request or upon termination of employment.

7.07 SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by the County of Atascosa may not solicit or distribute.

literature in the workplace at any time for any purpose.

The County of Atascosa recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time.

(Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)

In addition, the posting of written solicitations on county bulletin boards is restricted. These bulletin boards display important information and employees should consult them frequently for:

- A. Affirmative Action Statement;
- B. Employee Announcements;
- C. Workers' Compensation Insurance Information; and
- D. Job Openings.

If employees have a message of interest to the workplace, they may submit it to the Department Head for approval. All approved messages will be posted.

7.08 CHAIN OF COMMAND

Elected Officials are responsible to county voters. County employees are responsible to the appropriate Department Head, or a supervisor designated by the Department Head. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will normally follow the chain of command.

DEPARTMENT HEAD POLICY

Department Head is defined as the heads of the following departments:

1. Animal Control, 2. Indigent Health Care, 3. Veteran's Service Office, 4. Rural Development, 5. Juvenile Detention Center, 6. Juvenile Probation, 7. County Maintenance, 8. Emergency Medical Services (EMS), 9. Information Technology (IT), 10. Fire Marshal, 11. Emergency Management (EMC), 12. Elections, and 13. Public Defender's Office.

All Department Heads shall report directly to the County Judge, or in his/her absence to the County Judge Pro-Tempore, otherwise known as the Point of Contact. All communications shall be directed to the Point of Contact and should also be sent to the County Auditor and County Treasurer. This includes any requests by the Department heads for their own leave, whether sick, vacation, or personal leave, and requests to close the office during normal working hours as defined in Section 5.02 of this Personnel Manual. The Point of Contact must acknowledge receipt and approve all requests.

The County Judge, or in his/her absence the County Judge Pro-Tempore, shall be responsible for the handling of discipline for the Department Heads up to termination. Any request for termination of a Department Head shall be brought before the entire Commissioners Court for a vote.

HIRING OF DEPARTMENT HEADS: When a Department Head position becomes open, it shall be advertised in the local paper for two weeks. After advertising for a Department Head Position, should three or more applications be received, a three-member committee consisting of one member of Commissioners Court, an employee from the specific department, and the County Auditor or County Treasurer on a rotating basis, shall interview applicants and narrow the applicant

pool to three applicants. The three chosen applicants shall be presented to Commissioners Court for interview and selection by Court vote. The Elections Administrator is exempt from the Hiring of Department Heads policy as his/her position is filled by appointment of the County Election Commissions per Sec. 31.032 of the Texas Election Code.

7.09 SEXUAL HARASSMENT

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.

Sexual harassment is strictly prohibited by the County of Atascosa, whether committed by an Elected Official, Department Head, or co-worker. The County of Atascosa does not tolerate harassment in the workplace of its employees by non-employees. It shall be the policy of the County of Atascosa to provide a workplace 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:

- A. Submission to such conduct is either an expressed or implied condition of employment;
- B. Submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
- C. 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, thoroughly, and as is consistent with the investigation, and confidentially.

While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment or those employees who cooperate in the investigation of a complaint.

Employees who feel they have been sexually harassed should immediately report the situation to the Elected Official or Department Head 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, another member of the Commissioners' Court, or to the County Attorney.

The Elected Official or Department Head to whom 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.

Employees should use the following procedures so that their complaints may be resolved quickly and fairly:

- A. When practical, confront the harasser and ask him/her to stop the unwanted behavior.
- B. Record the time, place, and specifics of each incident, including any witnesses.
- C. Report continuing harassment to the Elected Official or Department Head who is responsible for the department or to the County Judge, another member of Commissioners' Court, County Attorney or Human Resource Manager.
- D. If a thorough investigation reveals that unlawful harassment has occurred, the County of Atascosa will take effective remedial action in accordance with the circumstances up to including termination.

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.

7.10 HARASSMENT

Atascosa 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:

- A. the submission to the conduct is made a condition of employment;
- B. the submission to, or rejection of, the conduct is used as the basis for an employment decision; or
- C. the conduct creates an offensive, intimidating, or hostile working environment or interferes with work performance.

Harassment is strictly prohibited by Atascosa 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.

Any employee may file a grievance related to alleged harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the Elected Official or Department Head, or to the County Auditor, as appropriate. In such an instance, to allow adequate time for investigation by the appropriate authority, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his/her written resolution of the grievance is required to be received by the employee.

If a grievance alleging either discrimination on one of the prohibited grounds or harassment is not resolved to the employee's satisfaction at the Department Head level (whether the Department Head is elected or appointed), the employee is required to notify the Commissioners' Court, providing them with copies of all documentation of the grievance forms initial filing through final action by the Department Head.

If the employee is dissatisfied with any proposed resolution during the grievance process, he/she must appeal to the next step within the established time period.

Failure to appeal presumes that the employee is satisfied with the latest resolution.

7.11 GRIEVANCE POLICY

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.

7.12 COMMUNICATIONS

From time to time, an employee may be given directions from persons other than his/her immediate supervisor or Department Head. In such cases, it is the employee's responsibility to notify his/her immediate supervisor about the directions, their purpose, and the relevant facts of the situation.

Communication with the public about County issues or problems is the responsibility of the appropriate Department Head or his/her designee. Employees are to refer the public to the appropriate Department Head if a question is non-routine, controversial, or outside of the scope of the employee's normal duties. Failure to do so in a timely manner may result in disciplinary action.

7.13 CONFLICT OF INTEREST

Employees of the County of Atascosa 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 a county employee.

Employees involved in conflict-of-interest situations shall be subject to discipline, up to and including termination.

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

- A. 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;
- B. 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;
- C. Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;

- D. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his/her duties for the County;
- E. 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.

7.14 POLITICAL ACTIVITY

Employees of the county are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. County employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so. An employee may not:

- A. Use his/her official authority or influence to interfere with or affect the result of an election or nomination for office;
- B. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for apolitical purpose; or
- C. Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

Employees are expected to remove County uniforms before participating in a political activity. In addition, no County- owned property, vehicle, building and/or office may be used for displaying campaign materials or for conducting any partisan political activity. This section does not apply to the use of the Courthouse, Courthouse grounds, or County buildings when used for the purpose of political announcements.

No County employee who is subject to the provisions of the federal Hatch Act may be a candidate for elective office in a partisan election (a partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected). County employees are subject to this additional Hatch Act restriction if their principal

employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.

An employee's political activity which is not in violation of this section will not be considered in determining his/her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

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

7.15 GIFTS AND GRATUITIES

A County officer or employee may not accept any gift or free service that might tend to influence his/her official actions or impair his/her independence of judgment in performance.

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8.0 MISCELLANEOUS

8.01 PURCHASING

General Guidelines- It is the policy of Atascosa County that all purchasing shall be conducted strictly in accordance with the laws of the State of Texas and policies adopted by the Atascosa County Commissioners Court. Atascosa County employees and officials must discharge their duties impartially so as to assure fair competitive access to County procurement by responsible vendors.

Purchases by County employees will be made only as authorized by the Elected Official, Department Head, or Commissioners Court and will be made only after obtaining a purchase order number.

Each County department (which shall be inclusive to mean all elected officials, department heads, employees, and volunteers) shall be responsible for ensuring that while procuring goods or services they get the best value, follow state purchasing law, and follow any applicable state or federal purchasing guidelines as applicable to the source or use of funds.

Conflict of Interest/Unethical Behavior- Atascosa County employees and officials should avoid activities and behaviors that are unethical and create a conflict of interest or the perception of a conflict of interest. Examples of activities that are inappropriate include: soliciting or accepting gratuities of any kind (e.g., money, loans, gifts, favors) that exceed \$25 from present or potential vendors which might influence or appear to influence a purchasing decision.

Purchasing Procedures

County Purchasing Act- in the absence of overriding federal law or grant regulations, the County Purchasing Act (Local Government Code, Chapter 262, Subchapter C) defines the purchasing laws for counties. Generally, competitive bidding is required on any purchase likely to equal or exceed \$50,000. In lieu of the county issuing a competitive bid, state law allows for purchasing through existing contracts through state agencies and through cooperative purchasing agreements.

Bid Procedures- The bidding procedures for goods and services for the County are set forth in the Texas Local Government Code Chapter 262 and Chapter 271. When formal bidding is required by law, the County Auditor and County Attorney's Office shall assist the departments with preparing, advertising, and

awarding such bid. It is the responsibility of the individual departments to prepare any technical specifications to be incorporated in the bid. The department must prepare the technical specifications far enough in advance of the desired purchase date to allow time for the development of the bid documents and for the bidding process. The departments shall consult with the County Auditor or the County Attorney's Office regarding time constraints.

Professional and Personal Services- Professional and Personal Services are exempt from competitive bidding and in most cases, they will be obtained through Requests for Proposals or Requests for Qualifications. The County Auditor and County Attorney's Office shall assist with such requests.

Emergency Purchasing- Emergency purchases are authorized in extremely limited circumstances: (a) in the event of public calamity for the benefit of the County citizens or to protect public property; (b) in order to protect the public health or safety of County residence; or (c) when made necessary by unforeseen damage to public property.

Contract Review- all purchases of goods and/or services require a written contract must be reviewed and approved by the County Attorney's Office prior to Commissioners Court approval. All contracts must be presented to the County Attorney's Office at least four (4) weeks in advance of the desired purchase date to allow time for review and negotiations. Any department time constraints should be discussed with the County Attorney's Office at the time a contract is submitted for review.

Sole-source Purchasing- Items considered sole source purchases include patented or copyrighted material, secret processes, natural monopolies, utility services, captive replacement parts, components for equipment, and films, manuscripts, or books. Such items may be purchased from a sole source without competitive bidding only after the department certifies the existence of only one source to the Commissioners Court and enters a finding of such in the Courts minutes. (Local Government Code 262.024)

Impermissible Purchases- County funds cannot be used for personal purchases. Personal purchases specifically include, but are not limited to, the following:

Items for Personal Consumption/Convenience Items- County funds may not be used to purchase items for personal consumption, i.e., coffee, creamer, drinks, snacks, tissue boxes for individual employee's desk, cups, plates, napkins, plastic ware,

etc. Exceptions may be made for food items purchased for travel or for approved County functions if approved by the County Auditor prior to purchase.

Personal Equipment- refrigerators, coffee makers, water coolers, personal electric heaters, fans, etc.

Office and Holiday Decorations- County funds may not be used to purchase holiday decorations or any decorative items for offices, i.e., pictures, decorative lamps, floral arrangements, etc. From time to time such purchases may be made from County funds for public areas upon proper approval.

Items of Clothing- County funds may not be used to purchase any items of clothing for persons not receiving a uniform allowance. This shall include any items of clothing displaying the County insignia.

Vehicle Accessories- For employees receiving a travel allowance, County funds may not be used to purchase certain vehicle accessories, including grill guards, headache racks, tires, and toolboxes. In the event that such items were purchased with County funds prior to implementation of this policy, these items must be returned to the County when a vehicle containing such equipment is disposed of or when the employee purchasing such equipment leaves County employment.

A county employee who makes unauthorized purchases or fails to turn in the appropriate documentation for an authorized purchase may be liable (up to and including payroll deduction) for the total dollar amount of the unauthorized purchase, plus any administrative fee in connection with the purchase. Additionally, the County employee may be subject to disciplinary action, including termination of employment.

8.02 WORK-PLACE PRIVACY

All electronic communications systems and information transmitted by, received from, or stored in systems of the County of Atascosa are the property of the County and should be used solely for work-related purposes. The use of computers, business equipment, fax machines, copiers, and computer software are for work purposes only. Private use is strictly prohibited.

Unless authorized to do so, employees are not permitted to use a code, access a file, or retrieve any stored communication unless they have received prior clearance from the Department Head. Passwords and codes are the property of the County of Atascosa. Improper use of the computer or any electronic business

tool, such as dissemination of inappropriate materials or jokes, will not be tolerated. Violation of this policy may result in disciplinary action, up to and including termination.

Computer and telephone equipment may be monitored by authorized representatives on occasion to ensure legitimate use of that equipment. This may include reading e-mails, tracking internet visits, or listening to voice-mail messages.

All employees of the county are required to sign the e-mail, internet, and voice-mail acknowledgement form. Prospective employees are required to sign this form when accepting an employment offer.

8.03 EMPLOYEE'S PERSONAL USE OF SOCIAL MEDIA

Employees should refrain from using social media while on work time or on equipment provided by Atascosa County unless it is work-related as authorized by your Department Head or Supervising Elected Official. Employees must not use their County e-mail address to register on social networks, blogs or other online tools utilized for personal purposes. County employees must keep County related social media accounts separate from their personal social media accounts. To distinguish official accounts from personal accounts, employees are not allowed to use Atascosa County, departmental logos, seals, or badges in their personal account names. It is also recommended that employees include a disclaimer in the bio or description sections of personal accounts similar to the following: "The postings here are my own opinion and do not reflect or represent the opinions of my employer." Atascosa County recognizes that employees may choose to participate in social media activities when off-duty, and in no way seeks to limit an employee's use of social media on their own time. However, employees should ensure that their off- duty social media activity does not interfere with their work for the County or with their workplace relationships. Employees are responsible for their own social media activity and are solely responsible for any liability created by posting any defamatory or libelous information about another individual or organization. Employees who violate any County policy may be subject to discipline by their department head or elected official, up to and including termination of employment.

EMPLOYEE ACKNOWLEDGMENT

E-MAIL, INTERNET, AND VOICE-MAIL EMPLOYEE ACKNOWLEDGEMENT FORM

I understand that electronic communications systems and the information transmitted by, received from, or stored in these systems belong to the County of Atascosa. Furthermore, I understand that these systems are for use solely for work purposes and not for personal purposes, and that I have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment. I agree not to use a password, code, access a file, or retrieve any stored communication unless authorized. I understand and consent to monitoring my use of this equipment at any time at the discretion of the County. Such monitoring may include printing or reading e-mails in these systems, tracking the Internet sites I visit, and listening to my voice-mail messages.

SIGNATURE OF EMPLOYEE

DATE

RETURN OF COUNTY PROPERTY

Upon termination of my employment with the County of Atascosa, I agree to return any county property in my possession and acknowledge that failure to do so may result in legal action by the County against me.

SIGNATURE OF EMPLOYEE

DATE

PERSONNEL MANUAL

ACKNOWLEDGEMENT

I have received a copy of the County of Atascosa Personnel Manual 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.

I further understand the County of Atascosa Personnel Manual is not a contract of employment, I understand 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 policy manual is intended only to provide guidance in understanding the County of Atascosa policies, practices, and benefits. Except for the policy of "At-Will" employment, I understand that the County of Atascosa retains the right to change this policy manual, and to modify or cancel any of its employee benefits when the need for change is recognized.

I further understand that as a County of Atascosa employee, I have a personal responsibility to provide quality service to the public, to achieve the highest degree of safety possible for my fellow workers, to continually make suggestions for improvements and to display a spirit of teamwork and cooperation.

I understand that I will be granted compensatory time-off in lieu of payment of overtime to the extent provided by law, and I may be required to take earned compensatory time-off at the County's discretion.

SIGNATURE OF EMPLOYEE

PRINTED NAME OF EMPLOYEE

DATE SIGNED