

# Van Zandt County



## **EMPLOYEE HANDBOOK**

Human Resources  
121 East Dallas St. room 105  
Canton, TX 75103

June 2020 version

<b><u>Policy Name</u></b>	<b><u>Date Reviewed</u></b>
Acknowledgement	12 June 2020
Resolution	12 June 2020
Introduction	12 June 2020
Code of Ethics	12 June 2020
Employment at Will	12 June 2020
Employee Status	12 June 2020
Equal Employment Opportunity	12 June 2020
ADAAA	12 June 2020
Personnel Files	12 June 2020
Nepotism	12 June 2020
Measurement Periods	12 June 2020
Anti-Retaliation	12 June 2020
Attendance	12 June 2020
Dress Code	12 June 2020
Smoke Free Workplace	12 June 2020
Conflict of Interest	12 June 2020
Harassment	12 June 2020
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## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Van Zandt County Employee Handbook that outlines my benefits and obligations as a County employee. I understand that I am responsible for reading and familiarizing myself with the information herein and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this handbook, I will contact my immediate supervisor or Human Resources (HR).

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

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

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

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

I have read these policies and understand these policies and I agree to abide by and adhere to these policies. I also agree to get copies of any updated or new policies from HR or my Supervisor and post them in my Handbook to keep it current.

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Signature of Employee

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Printed Name of Employee

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Date Signed

**COUNTY OF VAN ZANDT  
COMMISSIONERS COURT ORDER**

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

**WHEREAS the Van Zandt County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County:**

**THEREFORE, BE IT RESOLVED that the Van Zandt County Commissioners Court hereby approve, and adopt, the VAN ZANDT COUNTY EMPLOYEE HANDBOOK.**

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020**

\_\_\_\_\_  
**County Judge**

\_\_\_\_\_  
**Commissioner Pct. 1**

\_\_\_\_\_  
**Commissioner Pct. 2**

\_\_\_\_\_  
**Commissioner Pct. 3**

\_\_\_\_\_  
**Commissioner Pct. 4**

**Witnessed and Attested By:**

\_\_\_\_\_  
**County Clerk**

**WHEREAS, any previous personnel policy manuals, employee handbooks, implied policies, informal policies, verbal policies and written contracts are hereby rescinded and declared null and void.**



**RESOLUTION FOR VAN ZANDT COUNTY**

**I, the undersigned, have read the Van Zandt County Employee Handbook that the Van Zandt County Commissioners' Court has adopted. As an ELECTED OFFICIAL or APPOINTED OFFICIAL of Van Zandt County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Van Zandt County employees and it reflects my commitment to conform to appropriate state and federal laws. I agree to be bound by the terms and conditions of the Van Zandt County Employee Handbook, as witnessed by my signature below.**

\_\_\_\_\_  
**County Treasurer**

\_\_\_\_\_  
**County Auditor**

\_\_\_\_\_  
**County Clerk**

\_\_\_\_\_  
**County Court at Law**

\_\_\_\_\_  
**Tax Assessor/Collector**

\_\_\_\_\_  
**District Court**

\_\_\_\_\_  
**IT Director**

\_\_\_\_\_  
**Fire Marshal**

\_\_\_\_\_  
**Sheriff**

\_\_\_\_\_  
**Veterans Service Officer**

\_\_\_\_\_  
**Justice of Peace, Pct. 1**

\_\_\_\_\_  
**Justice of Peace, Pct. 2**

\_\_\_\_\_  
**Justice of Peace, Pct. 3**

\_\_\_\_\_  
**Justice of Peace, Pct. 4**

\_\_\_\_\_  
**Constable, Pct. 1**

\_\_\_\_\_  
**Constable, Pct. 2**

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**Constable, Pct. 3**

\_\_\_\_\_  
**Constable, Pct. 4**

\_\_\_\_\_  
**District Attorney**

\_\_\_\_\_  
**District Clerk**

## Van Zandt County Employee Handbook

Welcome to Van Zandt County!

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

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

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

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

Welcome aboard!

Sincerely,

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County Judge

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Commissioner Pct. 1

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Commissioner Pct. 3

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Commissioner Pct. 2

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Commissioner Pct. 4

## **ABOUT THIS HANDBOOK:**

This Handbook/Policy Manual answers employees' most frequently asked questions about the County and its policies and benefits. These policies apply to all employees of Van Zandt County who report directly to the Commissioners' Court or who work in departments or agencies directly responsible to the Commissioners' Court. They shall also apply to employees of Elected Officials to the extent they are affirmatively adopted by such Elected Official. Commissioners' Court has fiscal responsibility or authority which relates to the employer-employee relationship of Van Zandt County employees, these policies set forth the position of the Commissioners' Court as guidelines for the information of employees, department heads, and elected officials. Policies are used for guidance, they are not rules nor standards and based on County judgment may not apply in all situations.

This handbook is not a contract guaranteeing employment for any specific duration. Your employment is at will and your performance is subject to periodic review. Either you or the County may terminate this relationship at any time, for any reason, with or without cause or notice. As a growing County, we may revise the duties of your position for the good of the County.

The **Van Zandt County Human Resources office has been designated as the personnel office**. Should you have questions about your benefits, the Human Resources office is located in the courthouse on the first floor, room 105. The telephone number is 903-567-7383. Any questions about your paycheck should be directed to the Treasurer's office. All employees should be aware that placement on the payroll does not constitute a contractual relationship of a specific length of time for employment.

The Human Resources office shall maintain a complete set of the Personnel Policies with all revisions. The policies contained herein inform employees of the benefits and obligations of employment with the County. They have been prepared and adopted in order to promote consistent, equitable, and effective practices which will result in high quality public service by both employees and supervisors.

Policies created and detailed in this Handbook are for guidance, they are not rules nor standards and based on County judgement may not apply in all situations.

Some departments have very specific needs for special policy procedures. When a department adopts such special policies, they may be included in this Handbook under the heading, "Specific Departmental Policies & Procedures" or be distributed by those departments.

Each employee shall acknowledge receipt, in writing, of a copy of the Employee Handbook, and shall agree to return it in the event of leaving the employ of the County.

*The County, with approval of Commissioners' Court, retains the right to modify, change, suspend, cancel or interpret any of its personnel and benefits policies and practices at any time without advance notice, and in its sole discretion, without having to give cause or justification or consideration to any employee.*

## **A BRIEF OUTLINE OF VAN ZANDT COUNTY GOVERNMENT AND HISTORY**

Van Zandt County was formed March 20, 1848. It is comprised of approximately 855 square miles, with an average altitude of 500 feet. The County was named for Isaac Van Zandt who was elected to the Texas House of Representatives in 1839.

The sixth and present Courthouse was completed and dedicated by County Judge L.F. Sanders on June 10, 1937. It was built to provide jobs for men of the county during the depression era. In the beginning, the jail was housed on the 5<sup>th</sup> floor, but in 1991 was moved to the Justice Center, west of town.

The Van Zandt County Historical Committee was organized on January 19, 1963. They are still very active today, and are responsible for the placement of over 100 historical markers throughout the County.

County Government plays an important part in the history of County residents as we provide services throughout their lives by recording births, adoptions, marriages, divorces, provide health care to indigents, defense to indigent defendants, certify deaths, and probate wills of the deceased. Texans depend on counties to record land records, register voters, hold elections, and maintain rural roads. Van Zandt County personnel carry out responsibilities in the justice system of the various courts, law enforcement, probation and housing of inmates awaiting trial or punishment, public safety, health, welfare, veteran, library, and agricultural services as well as the various administrative functions.

## **HOW COUNTY GOVERNMENT WORKS**

The basic structure of Van Zandt County (VZC) government and the functions it performs are prescribed by the State of Texas. The county itself, and many of its offices are created by the State Constitution and by State Law.

### **COMMISSIONERS COURT**

The VZC Commissioners' Court is the one body with authority and responsibilities which allow it to affect all areas of County operation. It is composed of five elected officials: the County Judge who is elected county wide, and four County Commissioners, who each are elected by a different geographical area (Precinct) within the County. As a group, the Commissioners' Court is the chief policy, administrative or executive branch of County Government. Among its many functions, the Court:

- \*Sets the Tax Rate
- \*Adopts the annual budget
- \*Approves new programs or changes existing ones
- \*Adopts regulations and policies
- \*Approves and manages County facilities

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

### **INDEPENDENT ELECTED OFFICIALS**

While the Commissioners' Court has the wider range of authority, in some areas state law gives greater authority to other Elected Officials. These Elected Officials – whether they are Judges, the Tax Collector, the Sheriff, etc. - are directly responsible to the voters for performing the duties assigned to their offices. In these areas, while the Court may influence the functions through the budget, the Elected Officials have the policy making and administrative responsibility for their respective offices.

### **APPOINTED OFFICES**

State law also prescribes some offices whose directors are appointed by Elected Officials and it allows the Commissioners' Court to create some departments and appoint personnel to run them. The County Auditor, who is appointed by the District Judge, is an example of a state mandated appointed officer. The County Library Director is an example of a position created and filled by the Commissioners' Court.

## **COORDINATION AND OPERATION**

The mixture of independent and group authority, elected and appointed officials, and exclusive and shared power requires intra-County cooperation and coordination. To function effectively, Van Zandt County activities require the various offices and the people in them to work as a team.

## **THE BUDGET**

The County Judge serves as the budget officer for the Commissioners' Court of the County. Each year, the County Judge, assisted by the County Auditor, prepares a budget to cover all proposed expenditures of the County Government for the next fiscal year. Development of a budget involves estimating revenues from various sources and working with department heads to determine County needs for the next year. The preliminary budget may include a suggested tax rate to generate adequate revenue to meet estimated expenses. The budget is submitted to the Commissioners' Court and after discussion, evaluation, and public hearings, a final budget is adopted. No money may be spent without certification by the County Auditor to assure the funds are available in the budget item for which they are drawn. The fiscal year for Van Zandt County is October 1<sup>st</sup> through September 30<sup>th</sup>.

## **LAW ENFORCEMENT**

The County Sheriff and the Constables are elected and are charged to investigate crimes and arrest law breakers, but the District Attorney must prosecute them. Elected Judges preside over their trials. If convicted, they may be supervised by appointed probation officers or be sentenced to the County Jail – supervised by the Sheriff.

# **SECTION 1: GENERAL POLICIES**

## **A. COUNTY EMPLOYMENT**

### **1A-1 CODE OF ETHICS**

Any person employed by Van Zandt County shall abide by the Texas Constitution, Texas Statutes and Federal Laws applicable to County Government and will also abide by the code set forth here;

1. Act in the best interest of citizens and Van Zandt County.
2. Act with integrity, competence, dignity and in an ethical manner when dealing with County citizens, the public, employees, vendors and media.
3. Use reasonable care and prudence in their actions and to safeguard County assets.
4. Remain independent from conflicts of interest.
5. Deal fairly, objectively and impartially with County citizens, the public, employees, vendors and media.
6. Maintain confidentiality of County information and records.
7. Will not accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties.
8. Will not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised his or her official powers or performed his or her official duties.
9. Serve to the best of personal capability in all dealings.

Most of these principles are further clarified within this Employee Handbook.

### **1A-2 EMPLOYMENT AT-WILL**

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

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

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



### **1A-3 EMPLOYEE STATUS**

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

**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. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Law Enforcement employees are considered Exempt under the §207(k) exemption under the Fair Labor Standards Act, and are eligible for overtime, and considered Regular Full Time, see policy 2A-11. Van Zandt 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 employees 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 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. 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.

**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.

**Exempt Positions:** Employees in Exempt positions do not earn Comp time for hours worked beyond 40 hours in a week. Employees in these positions have flexibility in the time and dates they work because they are frequently required to put in more time and often outside of the normal 8 to 5 Monday through Friday working hours.

Exempt employees will accrue Sick and Vacation time, but will not earn or accumulate Comp time for additional hours worked, they are compensated by Salary and are not considered hourly employees.

### **NOTES: DUE TO THE AFFORDABLE CARE ACT**

If a Temporary seasonal employee is working on a job that must be extended to more than six (6) months, the Elected Official or Department Head will take the matter to Commissioners' Court for approval to change the employee's status to Regular Part Time or Regular Full Time and amend their current budget if required.

Before an Elected Official or Department Head offers a person a Regular Full Time position which is not currently budgeted (a new hire or an employee classified as Seasonal or Part Time), the Elected Official or Department Head will take the matter to Commissioners' Court for approval and amend their current budget accordingly to include Health Insurance, Retirement and Salary.

### **1A-4 EQUAL EMPLOYMENT OPPORTUNITY**

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

### **1A-5 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

It is the policy of Van Zandt County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels he or she has been subject to such treatment, or has witnessed such treatment, the

situation should be reported to your Elected Official, Appointed Official, Department Head or the Human Resources office. All Elected Officials, Appointed Officials, Department Heads and employees with responsibilities requiring knowledge are instructed to treat the employee's disability with confidentiality.

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

## **1A-6 PERSONNEL FILES**

The Van Zandt County Human Resources department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, tax information, address, Public Access, benefits, insurance, as well as records concerning performance, discipline and compensation.

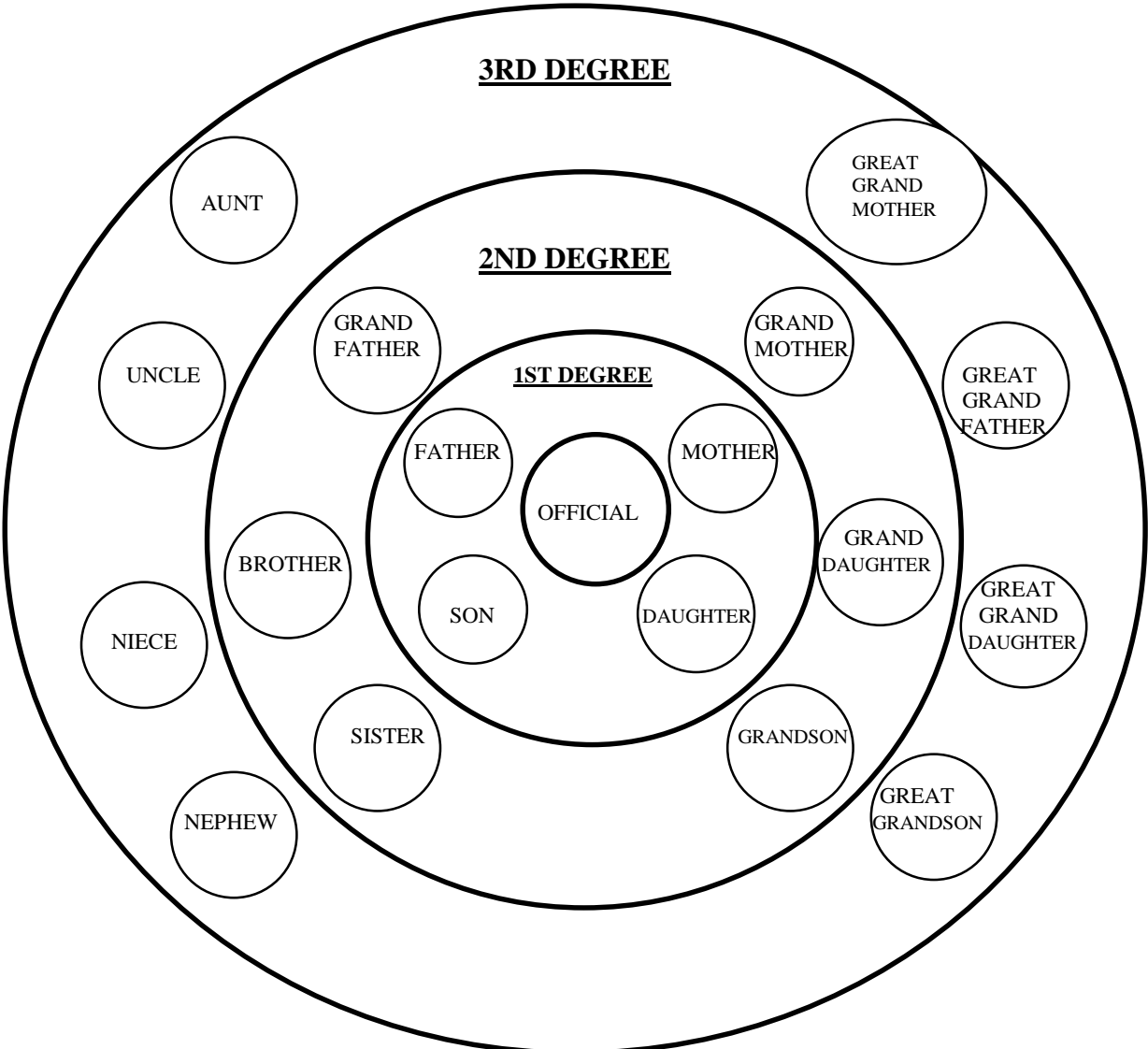
It is important that the personnel records of Van Zandt County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having tax documents returned, Van Zandt County requests employees to promptly notify the Human Resources representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

The Public Information Act allows County employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether you have family members, confidential. You may keep this information private by requesting in writing on the Public Access document not to allow this information to be released to the public no later than 14 days after your first day of employment.

**1A-7 NEPOTISM**

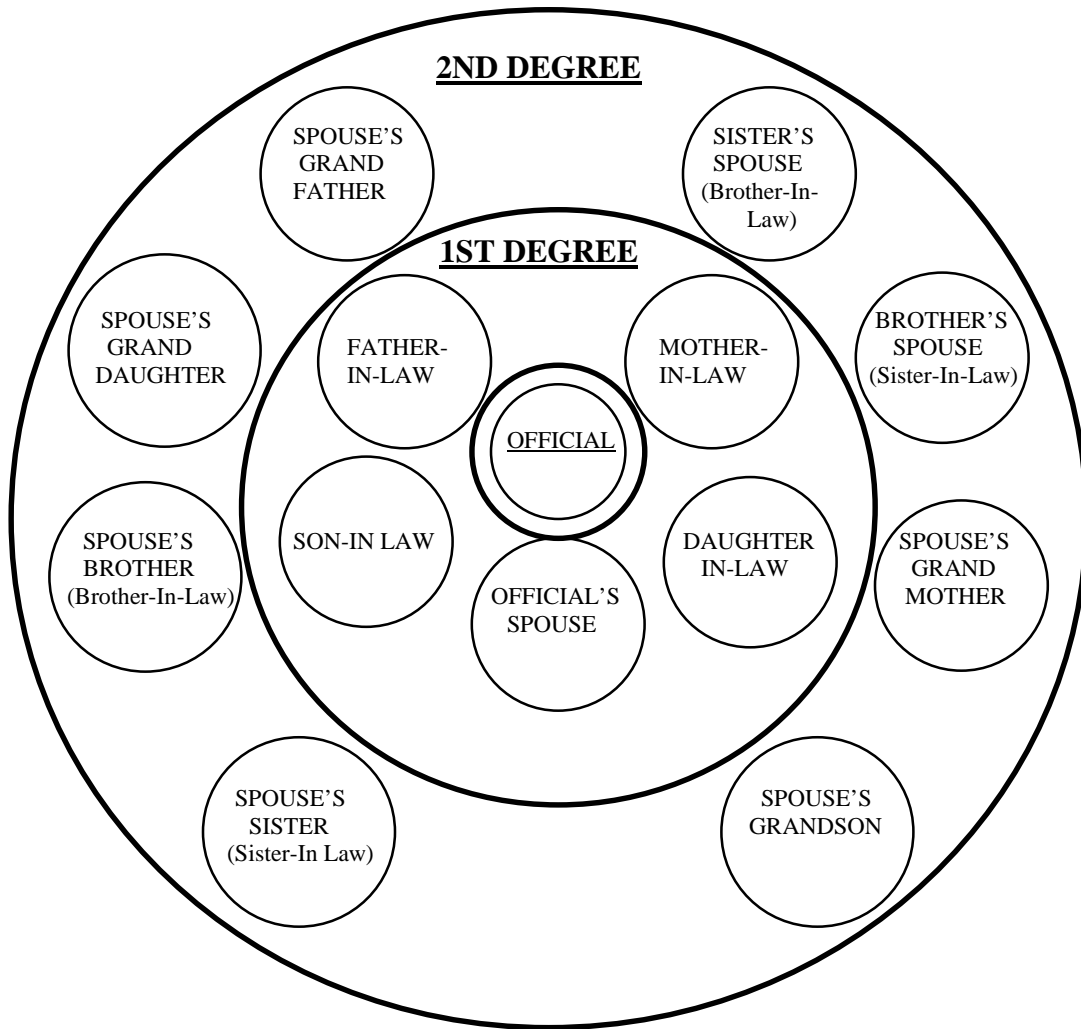
Texas Government Code Chapter 573, a Public Official of Van Zandt County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over. Van Zandt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

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



**Consanguinity Kinship Chart  
(Blood)**

**TEXAS NEPOTISM CHART  
CIVIL LAW METHOD**



**Affinity Kinship Chart  
(Marriage)**

**TEXAS NEPOTISM CHART  
CIVIL LAW METHOD**

## **1A-8 MEASUREMENT PERIODS**

### **NEW EMPLOYEE**

New employees fall into several categories:

- a) Reasonably expected to work full-time at hire date (do not need to measure)
- b) Reasonably expected not to work full-time at hire date (measure)
- c) Seasonal employees at hire date (measure)

### **INITIAL MEASUREMENT PERIOD (IMP)**

The Initial Measurement Period is the period that an employer chooses to apply to new hires. This period is used to determine whether newly hired part time and seasonal employees qualify as full-time employees. The Initial Measurement Period and the Initial Administrative Period combined may not extend beyond 13 months.

For example, if a part time employee is hired on April 1, then that employee's IMP will begin on April 1 and will end March 31 the following year.

### **INITIAL ADMINISTRATIVE PERIOD (IAP)**

The Initial Administrative Period is the period of time during which the employer performs measurement and determines whether health care coverage should be offered. This period begins immediately following the end of the Initial Measurement Period and ends immediately before the start of the Initial Stability Period.

For example, if a part time employee's IMP ends on March 31 then that employee's IAP begins on April 1 and ends April 30 that same year. During this period the Van Zandt County Human Resources department will determine if the employee is eligible for health care coverage (paid an average of thirty (30) or more hours during their IMP). If eligible, the employee **must be** offered health care coverage.

## **INITIAL STABILITY PERIOD (ISP)**

The Initial Stability Period is the period of time lasting 12 months during which the employee is either:

- 1) Considered qualified as full-time and must be offered benefit coverage, or;
- 2) Is not considered full-time and no coverage will be offered (i.e. no penalties)

For new part time and seasonal employees, the ISP must begin after their IMP and any IAP. For those determined to qualify as full-time employees, their ISP must be the same length as the Standard Stability Period. For example, if during the IAP (April 1 thru April 30 in the same year) it is determined that a part time employee is paid an average of thirty (30) hours or more per week during their IMP, then that employee is eligible and **must be** offered health care coverage. If the employee accepts the health care coverage then their coverage begins May 1 of that year and will end April 30 the following year (their ISP) unless they continue to be paid an average of thirty (30) hours per week during the Standard Measurement Period, in which case, the employee **must be** offered health care coverage again.

## **ONGOING EMPLOYEES**

An ongoing employee is one who has been employed by the County for at least one complete Standard Measurement Period.

## **STANDARD MEASUREMENT PERIOD (SMP)**

The Standard Measurement Period is the period that an employer chooses to apply to ongoing employees. This period is used to determine whether part time and seasonal employees qualify as full-time employees.

The **Standard Measurement Period for Van Zandt County** begins September 1 each year and will end August 31. For example, in FY 2019 the SMP began September 1, 2018 and ended August 31, 2019.

## **STANDARD ADMINISTRATIVE PERIOD (SAP)**

The Standard Administrative Period is the period of time during which the employer performs measurement and determines whether health care coverage should be offered. This period begins immediately following the Standard Measurement Period and ends immediately before the Standard Stability Period.

The **Standard Administrative Period for Van Zandt County** begins September 1 each year and will end September 30. For example, in FY 2020 the SAP began September 1, 2019 and ended September 30, 2019. During this period the Van Zandt County Human Resources department will determine if the employee is eligible for health care coverage (paid an average of thirty (30) or more hours during the SMP). If eligible, the employee **must be** offered health care coverage.

## **STANDARD STABILITY PERIOD (SSP)**

If an employer determines that an employee averaged at least 30 hours per week during the SMP, the employer must treat that employee as a full-time employee during a subsequent Standard Stability Period. If an employee accepts the health care coverage, the Standard Stability Period is 12 months beginning immediately after the Standard Administrative Period ends regardless of the employee's number of hours of service during the SSP.

The **Standard Stability Period for Van Zandt County** begins October 1 each year and ends September 30 that following year. For example, if during the SAP (September 1 thru September 30) it is determined that a part time employee is paid an average of thirty (30) hours or more per week during their SMP, then that employee is eligible and **must be** offered health care coverage. If the employee accepts the health care coverage then their coverage begins October 1 and will end September 30 the following year (their SSP) unless they continue to be paid an average of thirty (30) hours per week during their next Standard Measurement Period, in which case, the employee **must be** offered health care coverage again.



## **1A-9 ANTI-RETALIATION POLICY**

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.

Van Zandt County prohibits any form of retaliation against an employee who in good faith makes a complaint, raises a concern, provides information or assists in an investigation or proceeding regarding conduct that he or she reasonably believes to be in violation of policy, applicable laws, rules or regulations.

This policy is designed to ensure that all employees feel comfortable speaking up when they see or suspect illegal or unethical conduct without fear of retaliation. It is also intended to encourage all employees to cooperate with Van Zandt County in the internal investigation of any matter by providing honest, truthful and complete information without fear of retaliation.

No employee should be discharged, demoted, suspended, threatened, harassed, intimidated, coerced, or retaliated against in any other manner as a result of his or her making a good faith complaint or assisting in the handling or investigation of a good faith complaint, that a County policy, or an applicable law, rule or regulation has been violated. Employees who in good faith make a complaint or participate in an investigation or proceeding under this policy, remain subject to the same standards of performance and conduct as other employees.

Van Zandt County prohibits employees from being retaliated against even if their complaints are proven unfounded by an investigation, unless the employee knowingly made a false allegation, provided false or misleading information in the course of an investigation, or otherwise acted in bad faith.

Employees have an obligation to participate in good faith in any internal investigation of retaliation.

Van Zandt County takes all complaints of retaliation very seriously. All such complaints will be reviewed promptly and, where appropriate, investigated.

If you believe you have been retaliated against or that any other violation of this policy has occurred, or if you have questions concerning this policy, you must notify Human Resources, your immediate supervisor, or any other person.

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 Human Resources.

Any employee who violates this policy is subject to disciplinary action, up to and including termination of employment.

## **B. WORK RULES AND EMPLOYEE RESPONSIBILITY**

### **1B-1 ATTENDANCE**

As a Van Zandt County employee you are expected to be punctual and demonstrate consistent attendance.

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

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 1 hour prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

Each employee shall remain on the job until the normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.

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

Frequent unexcused absences or tardiness, as determined by your immediate supervisor, may make an employee subject to disciplinary measures, up to and including termination of employment. Sleeping while on the job will not be tolerated. This includes sleeping in a County vehicle, in a breakroom, in assigned work area or while posted outside the normal work area but conducting County business.

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

### **1B-2 DRESS CODE**

Van Zandt County expects all employees to be well groomed, clean, and neat at all times. Each department head will determine the type of attire that is acceptable and appropriate for each workplace or location.

You are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

### **1B-3 SMOKE FREE WORKPLACE**

Van Zandt County endeavors to provide a healthy work environment. Therefore, smoking and electronic cigarettes will not be used inside county buildings. Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways of County buildings.

### **1B-4 CONFLICT OF INTEREST**

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

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

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

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

### **1B-5 HARASSMENT**

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

employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

Harassment is strictly prohibited by Van Zandt 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 Human Resources or the County Judge.

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 Human Resources or the County Judge.

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

## **1B-6 SEXUAL HARASSMENT**

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

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and

other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.

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

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

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

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

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

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

Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is

responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to Human Resources or the County Judge.

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

### **1B-7 POLITICAL ACTIVITY**

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

County employees shall not: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or 3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

### **1B-8 OUTSIDE EMPLOYMENT**

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

### **1B-9 BREAKS**

The Texas Right to Express Breast Milk in the Workplace Act and the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk following the birth of a child. Van Zandt County supports the practice of expressing breast milk. Van Zandt County will provide reasonable paid breaks for nursing mothers to express breast milk.

The mother will be given a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis. Employees of the county who need to express breast milk may not be discriminated against.

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

### **1B-10 GRIEVANCES**

Any employee having a grievance related to his/her job should discuss the grievance with his/her immediate supervisor within seven working days of the occurrence. The Human Resources Department will be available to assist in the attempt to resolve grievances at this level.

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.

Citizens of Van Zandt County may file a Grievance or Complaint to address a situation or County employee but complaints must be in writing before any action will be taken. Complaints should be filed with the Human Resources office.

## **1B-11 DISCIPLINE**

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

Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination. Discipline will be used in a corrective rather than punitive manner when possible. Discipline will be imposed when infractions occur when an employee demonstrates unwillingness to conduct themselves in a manner acceptable to the County.

**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.**

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

## **1B-12 LICENSE AND CERTIFICATIONS**

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



## **1B-13 WEATHER CLOSINGS AND EMERGENCIES**

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

The County Judge will record a voice message on the **Van Zandt County employee notification system**. Any employee can call in to the system to hear the recorded message at **903 567-7984**. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

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

When an evacuation is ordered, all “non-essential”, non-emergency personnel will be released from work and encouraged to evacuate. The County Judge’s official closure will determine how many hours the non-essential employees will be paid for the closure depending on their normal scheduled hours. Early closures relative to inclement weather at the direction of the County Judge will be compensated as paid Administrative Leave. Full-time, regular employees who are not required to report for duty on subsequent days will be paid for the emergency days or inclement weather days as paid Administrative Leave for the purpose of calculating compensation. Part-time and seasonal employees will be paid for their scheduled time lost due to an emergency closing. Any “essential” employees must be designated and made aware of their assignment prior to an emergency. A list of “essential” employees shall be updated annually and provided to the Emergency Management Coordinator and the Human Resources Director.

**RETURN-TO-DUTY PHASE:** All “non-essential” employees will report to their usual work place as soon as possible following the order for resumption of normal operations, or instructions from the applicable Elected Official/Department Head. Returning to work, County employees work as a team in restoring the community to normal service levels following a disaster.

The County reserves the right to amend, change, or delete this policy at any time, with or without prior notice. Furthermore, this policy does not grant a right or benefit to any employee, either expressed or implied, that in any way alters the “at will” basis of employment that is intended by the County.

## **1B-14 CONFIDENTIALITY**

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

Regarding the personnel information on employees of Van Zandt County; much of the information in an employee's personnel file, including salary and job evaluations is subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. The County will adhere to the Public Information Act requirements.

## **1B-15 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a Van Zandt County Policy or federal or state law to his or her supervisor, department head, or the Human Resources Director, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the Sheriff or District Attorney. The county will investigate the reported activity. An official, supervisor, department director, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.

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

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

Employees with questions about this policy should contact Human Resources.

## **C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **1C-1 COUNTY PROPERTY USAGE**

Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to him/her. County employees shall only use equipment, tools, and other County property that they are authorized to use. Personal use of county equipment, supplies, tools, and any other county property is not permitted and may result in discipline up to and including termination. Improper use may subject you to criminal prosecution.

### **1C-2 COUNTY VEHICLE USAGE**

Some employees may be required to use County vehicles as a part of their job. Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

If personal use of a County vehicle is permitted the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations.

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

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 liability carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change, demotion or termination.

County vehicles may be used outside of Van Zandt County only for official County related business. Elected officials may assign a take home car to individual employees when the employee is on call for emergency situations.

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or her supervisor and to the proper law enforcement or other authority. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Judge. Injuries to personnel should be reported to Human Resources.

### **1C-3 BUILDING SECURITY**

Buildings and Facilities need to stay secure, there are areas where customers, citizens and the general public is not allowed unless escorted and policy will vary by facility or location. The general public is not allowed access to buildings and facilities outside of normal business hours.

#### **Direction for security personnel and county departments**

All persons coming in contact with Van Zandt County security personnel shall be treated with proper consideration and respect without regard to race, color, religion, national origin, sex, sexual orientation, age, physical disability, mental disability, or other characteristics protected by federal or state law. Officials and employees with County identification and card keys may enter the County buildings necessary for them to perform their duties before and after normal business hours. Anyone without County identification will not be allowed access into County facilities other than during normal business hours. Employees using a card key to enter any County building will be required to prohibit any access other than their own. If any employee observes any unauthorized access, they must notify security.

### **1C-4 CELL PHONE/PERSONAL ELECTRONIC DEVICE USAGE**

Van Zandt County determines on a case by case basis the need for County provided cell phones/personal electronic devices. County provided personal electronic devices are for business purposes only and employees are required to take precautions to prevent theft and vandalism.

Van Zandt County strongly discourages the use of any personal electronic device while operating any vehicle or performing any Safety Sensitive function. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Van Zandt County bans employees from texting while operating any County owned vehicle or performing any Safety Sensitive function. County employees who are driving their own personal vehicle are also banned from texting while driving on county business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of CDL.

Each department may set their own rules and regulations regarding personal electronic device usage while at work or while performing Safety Sensitive functions.

## **1C-5 COMPUTER AND INTERNET USAGE**

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

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

The Computer/Network/Software and Internet connections you use at work are all owned and maintained by the County and as such, all County owned computers and networks will be subject to review and/or inspection, random or specific, at any time by the County to enforce computer and Internet policy as it applies to usage by employees, law enforcement reserve officers and/or contractors utilizing County owned computers and Internet connections. County Employees and Officials have no right to privacy with regard to Internet or Email use and computers, networks, and Internet access is a privilege granted by department heads that may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to an including termination.

County networks and/or your computer will record usage of where you have been on the Internet along with email history. These files belong to Van Zandt County and may be audited for activity at any time.

An Official County Email address is "designated name"@vanzandtcounty.org. Any Official Van Zandt County address is intended for Official County business only and all mail is the property of Van Zandt County.

Official Van Zandt County Email addresses are only available to paid employees, either full or part time and law enforcement reserve officers of Van Zandt County.

Using Official County Email for any personal economic transaction of any nature is not permitted. Users are not permitted to send or receive chain letters (mass forwarded mail), viruses, and obscene or otherwise offensive material through Official County Email.

## **Acceptable Use**

1. Communication with professional associations, government, universities, business and/or individuals associated with the facilitation of County business, research, and education efforts as authorized by the Department Head/Elected Official.
2. Distribution of information to the general public whereby such information is made available under the County guidelines and policies for the release of information and the Texas Public Information Act.
3. Incidental communication among and between Van Zandt County authorized users and professional colleagues which facilitates work assignments and professional development or debate in a work related field of knowledge.
4. Only the following internet protocols are permitted:
  - http (World Wide Web)
  - https (Secured World Wide Web)
  - ftp (File Transfer Protocol)

*Additional protocols may be approved by the County Information Technology Department.*

## **Unacceptable Use**

1. Use of the Internet will not impede the conduct of County business.
2. Employees will not install, remove, modify, load or copy any software, programs or applications on County computers. Any software loaded to County computers must be owned by the County, in addition to being approved and installed by the Information Technology Department.
3. The Internet or County Email will not be used for personal monetary gain.
4. Employees will not subscribe to mailing list of mail services for personal use and will not participate in electronic discussion groups (i.e., list server, Usenet, newsgroup, blogs, and chat rooms) for personal purposes.
5. Internet use shall not cause the County to incur a direct cost in addition to the general overhead of an Internet connection; consequently, an employee is not permitted to store or print personal Internet material.
6. Employees will not gain unlawful access to computers or communication resources.
7. Employees will not introduce or experiment with malicious code such as computer worms or virus, hacking tools, or similar material.

8. Employees will not uninstall, disable, or in any way attempt to circumvent or interfere with County installed anti-virus, anti-malware or anti-exploit software, devices or processes.
9. Employees will not participate electronically in any illegal, fraudulent, gambling or malicious activity, political activity, entertainment (including games, radio and video), religious promotion, or activity on behalf of organizations or individuals having no affiliation with Van Zandt County.
10. Employees will not transmit material violating copyright laws or patents.
11. Employees will not send messages that are likely to result in the loss of recipient's work or other types of use which could cause congestion of the Network, interfere with the work of others, or circumvent systems intended to ensure the security of the County Network.
12. Employees will not generate, store, transmit or use any data or other matter (i.e.; visual, textual or auditory entity) which is abusive, profane, racist, sexist, threatening, or offensive.
13. All passwords to gain access to non-County internet sites must not be the same passwords used on any Van Zandt County computer system.
14. Employees will not participate in any mass emailing using Van Zandt County list other than that of official business content.
15. Employees will not visit any site with questionable abusive, sexual, profane, racist, threatening or offensive content.

#### **1C-6 COUNTY EMAIL, INTERNET & NETWORK SECURITY MANAGEMENT**

1. Access to official County data (databases, images, documents, etc.) must be requested in writing to the helpdesk (helpdesk@vanzandtcounty.org) by a Van Zandt County elected official or Department Head. This request only applies to the data owned by that department and no other.
2. No wireless devices of any kind can be installed or attached to any Van Zandt County network system at any time. Such devices found will be disabled and removed without notice or warning.
3. Only equipment owned and maintained by Van Zandt County is allowed on the county network. All other equipment may be allowed internet access through the public access maintained as a separate network through the law library.
4. To maintain a required level of security or attempted unauthorized intrusion, system logs are maintained for all incoming Internet traffic (not

originating inside the County Network). These logs are reviewed by the Information Technology Department.

5. Outgoing traffic is logged as a function of Network security system.
6. Van Zandt County employees that use computer information systems will periodically require additional training on cybersecurity. Training may come in various forms and will be initiated by the Information Technology Department as well as tracked as completed training by the Human Resources Office. Cybersecurity training will be required to ensure compliance by having all employees who use County computer and information system equipment/e-mail/databases/files and internet complete training in a timely manner. Employees who do not complete the training by suspense dates will have their access to County computer and information system equipment/e-mail/databases/files suspended until the training is complete. All policies and practices included in the cybersecurity training must be followed.
7. Certain websites may be blocked by web filtering software based on content (i.e.; gambling, adult content, games, Webshots, Weather bug).
8. The Information Technology Department will immediately address any abuse of the County Network with the appropriate officials for resolution.
9. All incoming email sent to a County address is filtered prior to delivery in personal email boxes. This filter searches the individual emails for items such as attachments, pictures, language and other like items. This could cause the delivery of the email to be delayed. If the email is deemed inappropriate, the County Official or Department Head is notified. Upon notice it would be at the discretion of the County Official or Department Head to determine if the email will be released to the recipient.
10. Each County Official or Department Head is responsible for requesting employee's network access. A written request to helpdesk via email (helpdesk@vanzandtcounty.org) will serve as a formal request. The full employee name, department position and what file privileges are to be given must be submitted in the request.
11. Upon separation it is the responsibility of the County Official or Department Head to send an e-mail request to the Helpdesk to cancel all network access for the departing employee. If this is not completed and access remains active, it leaves our network in a security threat and compromises the integrity of the Van Zandt County network.



## **User Agreement & Security**

1. Each department and user must maintain a high level of physical security for each machine entrusted to the care of that department and individual to prevent unauthorized access to the County network. When an employee has logged onto the network, the level of access assigned to the user is available to anyone using that computer. Thus anyone sitting at the computer (other employees, visitors, vendors, reporters, contractors, jail inmates or trustees) will be able to enter, view, change, or delete data on the same level of access. This compromises the network, and in some cases it is illegal to disclose the information without a court order or permission from a specific level.
2. At any time you leave your computer, lock and secure your data. At the end of each day completely log off any and all programs and then log off or shut down your computer.
3. Do not divulge any password to anyone. Should another person request your password for any reason whatsoever, please report this immediately to your Department Head. Always secure your password and never identify the password as your password, record it in a document or file, attach the password to the terminal, keyboard, or desk.
4. Non-employees are expressly forbidden from using any terminal (except public access terminals) without proper authorizations. For the purpose of Official use in their assigned duties, law enforcement reserve officers may be authorized.
5. With the approval of the Department Head/Elected Official, users may access personal email accounts using the County Network. Doing this will be the responsibility of the individual user and will be at their own risk. Should the use of personal email accounts cause problems or damage to any computer, software or network property, the individual user will be at fault and the incident will be considered as a violation of policy and immediate corrective action will be taken.
6. With the approval of the Department Head/Elected Official, users may access an instant messaging system for business use only and will be at their own risk. Should the use of an instant messaging system cause problems or damage to any computer, software or network property, the individual user will be at fault and the incident will be considered as a violation of policy and immediate corrective actions will be taken. During the use of any instant messaging system absolutely no file transferring will be allowed.
7. Should you ever experience problems with County provided software or hardware, you must report the problem to the Van Zandt County

Helpdesk. It is preferred that a detailed description of the problem is submitted via email to helpdesk (helpdesk@vanzandtcounty.org). If your email is not functioning properly, have a co-worker submit the email on your behalf. This allows a trace record of the problem. If the network is down and no means of electronic submittal is available, you then call the helpdesk phone listed in the County Telephone List and leave a message. Remember, if an email is not sent, or a phone message left, there is no record of a call.

### **Violations and Enforcement**

1. The privilege of Internet and County Email may be revoked at any time for unacceptable use. Such use includes, but is not limited to, the placing of unlawful information on a system, and the use of abusive and/or otherwise objectionable language in either public or private messages.
2. Violations of the Van Zandt County Internet and County Email policy will be reported to the elected Official/Department Head and appropriate authorities. If any dispute within a department is not corrected within three attempts of the first offense, the Information Technology Department will take the dispute before Commissioners' Court for an appropriate resolution and/or action.
3. Any unlawful use of County Internet or Email or use in violation of this policy may result in discipline up to and including dismissal. Unlawful use will result in referral for criminal prosecution.
4. In the event that the County incurs a cost due to employee negligence or misuse, the employee may face discipline or termination.
5. There are many state and federal laws regarding computer crimes. Certain violations may result in a person being charged with a criminal offense, ranging from a Class A misdemeanor to a first-degree felony.

Van Zandt County owns the rights to all data and files in any computer, network, or other information system used in the county. Van Zandt County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Van Zandt County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages

without prior authorization from either the employee or an appropriate county official. No employee shall break any copy right laws, download any illegal or unauthorized downloads. Van Zandt County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems. Employees should not bring personal computers to the workplace or connect them to Van Zandt County electronic systems, unless expressly permitted to do so by their supervisor and or IT department.

## **D. SAFETY & HEALTH EMPLOYEE RESPONSIBILITY**

### **1D-1 WORKERS COMPENSATION**

Full time, part time and seasonal Van Zandt County employees are covered by Workers' Compensation coverage while on duty for the County. Workers' compensation coverage pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of his/her job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses.

Employees may use paid leave for all workers' compensation time off less than 8 days.

All employees who are placed on Workers' Compensation leave may fall under the Family Medical Leave Act. Van Zandt County runs FMLA and Workers' Compensation concurrently.

Any employee who suffers a job related illness or injury is required to notify his/her supervisor as soon as possible. The employee and/or supervisor should immediately complete the County Employee Workplace Accident Packet, available from your supervisor or Human Resources, and forward the Accident Investigation Report to Human Resources. If medical care is required, the Human Resources Director will complete the required forms to initiate a Workers' Compensation claim and if there is lost time, initiate FMLA, if eligible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

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

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

## **1D-2 RETURN TO WORK**

Van Zandt County is committed to providing a safe workplace for our employees and preventing workplace injuries is one of our primary goals.

If an injury should occur, we will ensure the employee receives all necessary care through the Workers' Compensation program and provide opportunities for employees to return to work as soon as medically possible following an injury. Van Zandt County will make every reasonable effort to provide suitable Return to Work opportunities for employees who are unable to perform their regular job due to a work related injury. If you are not able to do all or part of your regular work while you are recovering, we will attempt to provide other work assignments in accordance with your treating Doctor's restriction and instructions.

Employees are encouraged to talk with their supervisor to determine what opportunities there are to continue working or what might be done that would allow Return to Work following an injury.

## **1D-3 EMPLOYEE SAFETY**

Van Zandt County is committed to providing a safe workplace for our employees. Each County employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements. Safety procedures may differ at each county department. Your supervisor will provide you with specific information pertaining to your position.

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

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

## **1D-4 DRUG AND ALCOHOL- ALL EMPLOYEES**

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

This policy applies to all employees of Van Zandt County regardless of rank or position and shall include full time, part time, reserve and temporary employees. The only exception to this policy is the possession of controlled substances by law enforcement personnel as part of their law enforcement duties.

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

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

An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County in a manner other than that intended by the manufacturer or prescribed by a physician.

An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do his or her job safely and effectively. An employee must keep prescription medications used at work in their original container.

An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of his or her job duties.

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

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

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

Any employee who violates this policy shall be subject to disciplinary measures up to and including termination.

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected

to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee will be terminated.

Van Zandt County will drug test employees who ARE NOT CDL license holders under the following conditions:

### **Pre-employment drug testing –**

Van Zandt County has a pre-employment drug testing requirement that must be passed post offer before an employee starts their first day of work. All offers of employment are conditional upon passing a drug and alcohol test. The employee will sign a consent waiver.

Elected Officials or supervisors must take action if they have reason to believe an employee is under the influence and that the substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

1. Confront the employee involved and keep him/her under direct observation until the situation is resolved. Inform the employee of the problem with his/her job performance and specific violations of the County Policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted for with signatures of either the elected officials or supervisors as well as the employee.
4. The elected official or supervisor will **remove** the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official or supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Human Resources Office for filing.

## **Post-Accident Testing –**

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment may be required to be tested. This will be at the discretion of their elected official or supervisor.

### Testing Procedures –

1. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, he/she may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Van Zandt County.
4. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to his/her residence.
5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

Each employee is expected to cooperate and consent to a drug test when requested under the terms of this policy. Refusal to consent to a drug and/or alcohol test when requested is cause for termination.

Any employee who violates this drug and alcohol policy shall be terminated.

## **1D-5 DRUG AND ALCOHOL TESTING POLICY- CDL EMPLOYEES**

### Introduction

Drivers are an extremely valuable resource for Van Zandt County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prevent substance use or abuse from having an adverse effect on our drivers. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property. Furthermore, drivers have a right to work in an alcohol and drug-free environment and to work with drivers free from the effects of alcohol and drugs. Drivers who abuse alcohol or use drugs are a danger to themselves, their co-workers and the County's assets.

The adverse impact of substance abuse by drivers has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these regulations and is committed to maintaining a drug-free work place. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of Van Zandt County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. "FMCSA" stated that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis) conduct breath testing, and/or search all driver applicants for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a U.S. Department of Transportation (DOT) reportable accident or who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each driver. Every effort will be made to maintain the dignity of drivers or driver applicants involved.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. Van Zandt County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective September 1, 2017, and will supersede all prior policies and statements relating to alcohol or drugs for CDL drivers.



This policy outlines the responsibilities of employees, supervisors and managers with regard to drug and alcohol testing of employees in safety-sensitive positions in accordance with U.S. Department of Transportation regulations, issued under the Omnibus Transportation Employee Testing Act of 1991.

It is the policy of Van Zandt County to comply fully with the regulations mandating pre-employment, random, reasonable suspicion and post-accident and follow-up drug and alcohol testing in accordance with regulations issued by the U.S. Department of Transportation. This policy applies to employees whose job requires them to obtain and retain a Commercial Drivers' License (CDL) and operate a Commercial Motor Vehicle (CMV). Positions and employees covered by this Policy shall be referred to herein as "CDL positions" and "CDL employees" respectively.

This policy contains the requirements of the regulations, except where indicated that a particular provision is based on the authority of Van Zandt County, as follows:

- The performance of safety-sensitive functions is prohibited by CDL employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, Van Zandt County prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.
- Use of controlled substances by CDL employees covered by the Policy is prohibited and is in accordance with the regulations issued by the U.S. Department of Transportation.
- A CDL employee is performing a safety-sensitive function at the following times:
  - All time on county property, public property, or other property waiting to be dispatched to drive,
  - All time inspecting, servicing or conditioning any CMV,
  - All CMV driving time,
  - All time other than driving time in or upon any CMV,
  - All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded,
  - All time spent performing driver requirements relating to accidents, and
  - All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## Definitions

**Accident:** An accident is defined as an incident involving a commercial motor vehicle in which there is either a fatality, an injury treated away from the scene, or a vehicle being required to be towed from the scene.

**Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

**Alcohol concentration (or content)** means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

**Breath Alcohol Technician (BAT):** A person who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT).

**Collection site** means a place where individuals present themselves for the purpose of providing breath, body fluid to be analyzed for alcohol or specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation of shipment of the samples to a laboratory.

**Commercial Driver's License (CDL):** A special license required of drivers who drive Commercial Motor Vehicles which meets the following criteria:

- Meets or exceeds 26,001 lbs. gross vehicle weight; or
- Transports 16 or more passengers, including the driver; or
- Transports hazardous materials as determined by the Hazardous Materials Act, 49 USC 5101, and are required to placard the vehicle under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Commercial Motor Vehicle (CMV):** Any self-propelled or towed vehicle used on a highway, any roadway or passage which may be available to public transportation at any time, whether on private or public property, in interstate or intrastate commerce to transport passengers or property when the vehicle:

- Has a gross vehicle weight rating or gross combination weight rating of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as determined by the Hazardous Materials Transportation

Act, 49 USC 5101, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

**Confirmation Test:** For alcohol testing, a second test, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data of alcohol concentration. For controlled substances testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test in order to ensure reliability and accuracy.

**Controlled substance** has the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308).

**Designated Employer Representative (DER):** An employee authorized by Van Zandt County to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the County, consistent with the requirements of 40.3.

**Driver** means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers: casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are directly employed by or under lease to the County or who operate a commercial motor vehicle at the direction of or with the consent of Van Zandt County. For the purposes of pre-employment/pre-duty testing only, the term “driver” includes a person applying for a position with Van Zandt County, which requires a CDL to drive a commercial motor vehicle.

**Drug** means any substance (other than alcohol) that is a controlled substance as defined in this section and 49 CFR Part 40.

**Evidential Breath Testing device (EBT):** A device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath at the 0.02 and 0.04 alcohol concentrations, placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices” (“CPL”), and identified on the CPL as conforming with the model specifications available from NHTSA’s Traffic Safety Program.

**Medical Review Officer (MRO):** A licensed physician responsible for receiving and reviewing laboratory results generated by the county’s drug testing and for evaluating medical explanations for certain drug test results.

**On duty time** means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. "On duty time" shall include:

1. All time on the County's premises, at a carrier or shipper plant, terminal or facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been released from duty.
2. All time inspection, servicing, or conditioning any commercial motor vehicle at any time;
3. All driving time;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth;
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
6. All time spent performing the driver requirements relating to accidents;
7. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**Performing a Safety-Sensitive Function:** Any period in which the driver is actually performing, ready to perform, or immediately able to perform any safety-sensitive functions.

**Safety-Sensitive Function:** Any of the seven on-duty functions set forth in 395.2, On-duty time, listed below:

- All time at a carrier or shipper plant, terminal, facility, or other property, waiting to be dispatch, unless the driver has been relieved from duty by the employer.
- All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- All time spent at the driving controls of a commercial motor vehicle.
- All time, other than driving time, spent on or in a commercial motor vehicle.
- All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- All time spent performing the driver requirements associated with an accident.
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

### Screening test:

- In alcohol testing it means an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system.
- In controlled substance testing it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**Substance Abuse Professional (SAP):** A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning evaluation, treatment, follow-up testing, and after-care.

### Responsibilities

**Human Resources Office:** The Human Resources office is responsible for the following Drug and Alcohol Screening compliance activities:

- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by Human Resources pursuant to County policy.
- Review all driver qualification forms and documents for completeness and compliance.
- Maintain Driver Qualification files includes mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more' a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)

**Supervisor/Department:** The duties of the driver's supervisor or his/her department include:

- Active participation in the hiring process for employees who drive CMVs, which includes:
  - Ensuring all offers of employment shall be contingent upon successful conformation of prior employment, driving record, completion of physical, drug and alcohol testing, and other DOT requirements for drivers.
  - Ensuring the post-offer applicant obtains his/her CDL drug testing.
- Informing and requiring CDL drivers to submit a urine sample for drug/alcohol testing at the designated medical and/or collection facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and County policy, and

- Contact the Human Resources Department as soon as possible following the incident, and
- Complete the Supervisors Reasonable Suspicion Form.
- Compliance with DOT regulations

**Driver:** The responsibilities of a driver include:

- Avoid the use of non-prescribed drugs and alcohol while conducting safety-sensitive activities, and to comply at all times with county policy.
- Submit a sample for drug or alcohol testing when called upon to do so by his/her supervisor, including random testing for CDL drivers, pursuant to county policy (see “Refusal to Submit Form”).

## **SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS**

- A. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medications containing alcohol which, when consumed causes an alcohol concentration of 0.02 or greater.
- B. **Controlled Substance:** In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:
- Marijuana
  - Cocaine
  - Opioids
  - Amphetamines
  - Phencyclidine (PCP)
- C. **Prescription Medications:** Drivers taking legally prescribed medication issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to their immediate supervisor, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

In the sole discretion of the Alcohol and Drug Program Administrator, a driver may be temporarily removed, with pay, from a safety-sensitive position if deemed appropriate.

## **PROHIBITIONS**

### **A. Alcohol Prohibitions:**

The new alcohol rule prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:

1. Use while performing safety-sensitive functions.
  2. Use during the 4 hours before performing safety-sensitive functions.
  3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.
  4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines which contain alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
  5. Use during 8 hours following an accident or until he/she undergoes a post-accident test.
  6. Refusal to take a required test.
- **NOTE:** A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, on or be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that County policy has been violated, and could result in disqualification of a driver and disciplinary action, up to and including termination under County policy.

### **B. Drug Prohibitions:**

The regulations prohibit any drug use that could affect performance of safety-sensitive functions, including:

- Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the CMV;
- Testing positive for drugs; and
- Refusing to take a required test.

All drivers will inform the Alcohol and Drug Program Administrator of any therapeutic drug use prior to performing a safety-sensitive function.

## Procedures

**Types of Tests:** To the extent practicable, all tests will be conducted during employees' normally scheduled work hours. All testing required by this policy will be conducted in accordance with the Omnibus Transportation Employee Testing Act of 1991 and drug testing guidelines and regulations issued by the Department of Transportation. The following tests are required:

- **Pre-employment.** All applicants for employment in CDL positions, or candidates for transfer or promotion to such positions are subject to screening for improper use of controlled substances. (Pre-employment alcohol testing is optional) **Note:** A pre-employment drug test may be required for an existing employee who was removed from the random testing program for more than 30 days.
- **Post-Accident.** Conducted after accidents on CDL employees in County vehicles whose performance could have contributed to the accident, as determined by a citation for a moving traffic violation, and for all fatal accidents even if the driver is not cited for a moving traffic violation.
  - Alcohol tests should be conducted within 2 hours, but in no case more than 8 hours, after the accident.
  - CDL employees must refrain from all alcohol use until the test is complete.
  - Post-accident drug tests must be conducted within 32 hours.
- **Reasonable Suspicion.** Conducted when a trained supervisor or manager observes behavior or appearance that is characteristic of alcohol or illicit drug misuse.
  - If a CDL employee's behavior or appearance suggests alcohol or drug misuse, a reasonable suspicion test must be conducted.
  - If a test cannot be administered, the driver must be removed from performing safety-sensitive duties for at least 24 hours.
  - Testing for alcohol abuse must be based upon suspicion which arises just before, during or just after the time when the employee is performing safety-sensitive duties.
  - Testing for substance abuse may occur at any time upon suspicion.



**The following conditions are signs of possible alcohol or drug use (not all-inclusive):**

- Abnormally dilated or constricted pupils
  - Glazed stare - redness of eyes (sclera)
  - Flushed face
  - Change of speech (i.e. faster or slower)
  - Constant sniffing
  - Increased absences
  - Redness under nose
  - Sudden weight loss
  - Needle marks
  - Change in personality (i.e. paranoia)
  - Increased appetite for sweets
  - Forgetfulness-performance faltering-poor concentration
  - Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
  - Constant fatigue or hyperactivity
  - Smell of alcohol
  - Slurred speech
  - Difficulty walking
  - Excessive, unexplained absences
  - Dulled mental processes
  - Slowed reaction rate
- **Random:** Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs.
    - Each year, the number of random alcohol tests conducted by the County must equal at least \*10% of all the safety-sensitive CDL employees.
    - Random drug tests conducted by the County must equal at least \*25% of all CDL employees.
- \*Note: These percentages are subject to change. The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol and controlled substances testing will be applicable starting January 1 of the calendar year following publication in the **Federal Register**.
- **Return to Duty and Follow-up.** Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. All positive tests require a negative test result in or for employee to return to duty.

- Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty.
- Follow-up testing may be extended for up to sixty (60) months following the return to duty.

## Conducting Tests

- **Alcohol:** DOT rules require breath testing using evidential breath testing (EBT) devices.
  - Two breath tests are required to determine if a person has a prohibited alcohol concentration.
  - A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted.
- **Drugs:** Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility.
  - Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.
  - DOT rules require a split specimen procedure.
    - Each urine specimen is subdivided into two bottles labeled as primary and split.
    - Both bottles are sent to the laboratory.
    - Only the primary specimen is opened and used for the urinalysis.
    - The split specimen remains sealed at the laboratory.
    - If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
  - All urine specimens are currently analyzed for the following drugs:
    - Marijuana (THC metabolite)
    - Cocaine
    - Amphetamines
    - Opioids (including heroin), and
    - Phencyclidine (PCP)
  - Testing is conducted using a two-stage process.
    - First, a screening test is performed.

- If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.
- Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
- All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the County.
  - If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen.
  - For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. The MRO will take into consideration when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
  - If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative as a negative result.

### **Refusal to Submit to an Alcohol or Drug Test and the Consequences**

- Refusal to submit to an alcohol or controlled substances test means that a CDL employee:
  - Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy,
  - Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy,
  - Refuses to wash his or her hands after being directed to do so during collection of a urine sample,
  - Admits to the collector of a urine sample that he or she has adulterated or substituted their specimen,
  - An observed collection of a urine sample, fails to follow the observer's instructions to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he or she has any type of

- prosthetic or other device that could be used to interfere with the collection process,
- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process, or
- Behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

### **Consequences of Alcohol/Drug Misuse**

- CDL employees who have any alcohol concentration, defined as 0.02 or greater, who are tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for a minimum 24 hours.
  - Disciplinary action up to and including termination may be imposed upon an employee whose alcohol test reveals any alcohol concentration, between 0.02 and 0.04.
- CDL employees who engage in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use, must be immediately removed from safety-sensitive functions for a period of time determined by the County at its' sole discretion.
  - Disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use.
- Unless the circumstances warrant more serious discipline, the first time a CDL employee tests positive for alcohol use greater than 0.04 or drug use, he/she shall receive a one (1) day unpaid suspension.
- If a CDL employee tests positive for alcohol use greater than 0.04 or drug use for a second time within the five year period immediately following his/her first positive test, he/she will be terminated.
- A CDL employee in his/her introductory or training period who tests positive for any alcohol concentration (defined as 0.02 or greater) or drug use, shall be terminated.
- A CDL employee who tests positive for alcohol use greater than 0.04 or drug use, but is not terminated must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with his/her alcohol or drug problem. Failure to comply will result in immediate termination.

- The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable).
- Employees may be placed on sick leave or leave without pay status during the treatment period, whichever is appropriate.
- CDL employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
- Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

### **Information/Training**

- All current and new employees will receive written information about the testing requirements and how and where they may receive assistance for alcohol or drug misuse.
- All employees must receive a copy of this policy and sign the Confirmation of Receipt – see attachments.
- All personnel responsible for supervising and managing CDL employees must attend at least two hours of training on alcohol and drug misuse symptoms and indicators used in making determinations for reasonable suspicion testing.
  - Supervisors and managers will be instructed on the detection of abuse problems and the enforcement of the testing policy. Periodic, on-going training will also occur after implementation of the policy.
- This policy will be posted on employee bulletin boards and will be available to all employees.
- Educational information will be made available periodically which will focus on the potentially dangerous effects of drug and alcohol use and abuse, the procedures associated with pre-employment drug screening and "reasonable suspicion" testing, the effects on job performance measured in loss of productivity, and the potential safety hazards presented to the individual employee, other employees and the public.
- All recruitment advertising will include the statement "Drug/alcohol screening is a condition of employment" at the bottom of the advertisement/posting with the EEO statement.

- All final candidates for employment will be given a copy of this policy, and be given the opportunity to read the policy in its entirety.

## **Record Keeping**

- Van Zandt County will keep detailed records of its drug and alcohol program per DOT Regulations.
- These records are confidential. Test results will only be released to the county, the substance abuse professional or the MRO. Any other release will only be made with written consent of the CDL driver or in response to court order.

## **APPEAL OF TEST RESULTS**

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Van Zandt County, but causes serious individual health consequences to those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.
- B. Any driver testing positive for the presence of a controlled substance will be contacted by the County's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.
- C. Within 72 hours after the driver has been notified of a positive test result for drugs he/she may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the County's Alcohol and Drug Program Administrator will be notified. A retest may be initiated as appropriate.

## **CONFIDENTIALITY**

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.

Drivers are entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests. Copies will be provided within 5 days.

Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to insure that all tests can be correctly traced to the driver. Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the Alcohol and Drug Program Administrator.

Alcohol test results will be forwarded by the MRO to the Alcohol and Drug Program Administrator for confidential record keeping.

## **1D-6 WORKPLACE VIOLENCE**

Van Zandt County is committed to providing a workplace free of violence. Van Zandt County will not tolerate or condone violence of any kind in the workplace. The County will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all violence, suspicious conduct or comments to their immediate supervisor. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor or the Sheriff's Department. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the Sheriff's Department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination and prosecution.

## **1D-7 SOCIAL MEDIA**

For purposes of this policy “social media” includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, and MySpace. Van Zandt County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if it: interferes with the employee’s work; is used to harass supervisors, co-workers, customers or creates a hostile work environment; or harms the goodwill and reputation of Van Zandt County. Van Zandt County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce adverse consequences.

Where no policy or guideline exists, employees are expected to use their best judgment and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, check with your supervisor.

- If your posts on social media mention Van Zandt County make clear that you are an employee of Van Zandt County and that the views posted are yours alone and do not represent the views of Van Zandt County.
- Do not mention Van Zandt County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Van Zandt County, respond respectfully with facts, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment.
- Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
- Employees may not use Van Zandt County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Van Zandt County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws, cite/reference sources accurately.
- Do not link to Van Zandt County’s website or post Van Zandt County material on a social media site without written permission.
- All Van Zandt County policies that regulate off-duty conduct apply to social media activity including policies related to harassment or code of conduct.
- Any confidential information obtained through your position at Van Zandt County must be kept confidential and should not be discussed in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

It is the policy of Van Zandt County that supervisors do not engage in social media activities with their employees.



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# **SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS**

## **A. EMPLOYEE PAYROLL**

### **2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR**

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

All hourly employees who are classified as exempt or non-exempt should use the Easy Clocking system to account for all work time. It is the responsibility of each employee to clock in and out at the appropriate times to capture all work time. Employees can use the Easy Clocking system to request absences for approval by their supervisor. The time tracking system must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Should an employee notice an error, it is their responsibility to contact their supervisor so that records can be amended if required.

When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.

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 in the Easy Clocking time keeping system. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report by not clocking in to the time keeping system. Any 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 Treasurer and Human Resources.

It is a violation of Van Zandt County policy for any employee to falsify data in the Easy Clocking time keeping system. 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 in the Easy Clocking time keeping system to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report 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 your Elected Official or Department Head and then to the Human Resources Director, County

Courthouse, Room 105, 121 East Dallas Street, Canton TX, 75103 telephone (903) 567-7383. Falsifying time in the Easy Clocking system, a governmental record, is a criminal offense; Texas Penal code Section 37.10 (5).

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 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: 1) absence from work for one or more full days for personal reasons, other than sickness or disability, with approval by supervisor or 2) full day disciplinary suspensions for infractions of our written policies and procedures; or 3) full day for violating safety rules of a major significance; or 4) Family and Medical Leave or Military Leave absences; or 5) to offset amounts received as payment for jury and witness fees or military pay; or 6) the first or last week of employment in the event you work less than a full week.

If you are an exempt employee, in any workweek in which you performed any work, your salary will not be reduced for any of the following reasons: 1) partial day absences for personal reasons, sickness or disability; or 2) your absence because the facility is closed on a scheduled work day; or 3) your absence because of the County's operating requirements; or 4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or 5) any 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 Treasurer's Office, County Courthouse Room 101, 121 East Dallas Street, Canton TX, 75103 telephone (903) 567-2551. 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. Please see policy 1A-9 in this Handbook.

## **2A-2 Internal Revenue Service (IRS) FRINGE BENEFITS**

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

## **2A-3 COMPENSATION**

Van Zandt County Commissioners' Court annually sets the maximum compensation for each employee in accordance with Texas State Law.

Van Zandt County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

Law Enforcement personnel are treated in accordance with the §207(k) exemption under the Fair Labor Standards Act. The Commissioners' Court has adopted this exemption.

All non-exempt County employees shall be paid an hourly wage and have the classification of hourly, non-exempt for FLSA purposes. All non-exempt employees; Full time, Part time and Seasonal/Temporary employees, shall be paid hourly at least the minimum wage established by the Fair Labor Standards Act, as amended.

## **2A-4 PAYROLL DEDUCTIONS**

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the County Human Resources Office.

## **2A-5 WORK WEEKS AND WORK PERIODS**

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Van Zandt County shall begin at 12:01 a.m. on each Sunday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under the FLSA §207(k) exemption shall have a work period of 14 days and 86 hours as established by the Van Zandt County Commissioners' Court.

## **2A-6 TIME TRACKING**

Each employee, Exempt or Non-Exempt with the exception of seasonal Election clerks and judges, will be entered into the Easy Clocking time tracking system. Employees can clock in and out of the Easy Clocking time keeping system for each shift and breaks, they can also view their time card and request absences for approval by their supervisor. Employees can clock their time by scanning their fingerprint or using a code at the various time clocks around the County, or may be authorized by their supervisor to have access to cell phone clocking or clocking in with their desktop computer system. All work time must be captured by the Easy Clocking time keeping system so the reports can get to the Treasurer's Office to pay each individual. The Easy Clocking system generates a time card for each employee.

The time tracking system will show an accurate time card record of all time worked and leave taken, whether paid or unpaid, for the pay period for each employee. Any changes or corrections should be addressed with your supervisor to ensure that the data in the Easy Clocking time keeping system is accurate.

**Exceptions:** Seasonal Election clerks and judges will utilize a paper time sheet to record their time and turn in their time sheets to the County Clerk's office. Supervisors can request that some Exempt employees be authorized to utilize a paper Absence from Duty Report instead of using the Easy Clocking system to record time. This is by exception and not normal procedure. To request this method of time keeping the supervisor should contact Human Resources or the Treasurer's Office.

Each Department Head, Elected Official or duly appointed representative has the responsibility to review their employees' time throughout the pay period and as the pay period closes, must go into the Easy Clocking system to approve employee time cards. Only then will the record be ready for the Treasurer's Office to pay employees. Employee time sheets or time cards and the records in the Easy Clocking time keeping system are governmental documents and as such require accurate and truthful information. Falsifying a time sheet/time card, a governmental record, is a criminal offense; Texas Penal code Section 37.10 (5).

## **2A-7 PAY PERIODS**

The pay period for Van Zandt County shall be a two week pay period with the pay period dates established by the Commissioners' Court. Supervisors should approve employee time cards in the time tracking system, Easy Clocking, at any time after the pay period closes so the Treasurer's Office can process payroll. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

## **2A-8 WORK SCHEDULES**

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. Each department head shall determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

## **2A-9 ADMINISTRATIVE TIME**

Elected Officials may put their employees on Administrative time at their discretion. An employee on Administrative time can be paid or unpaid, accruing vacation and sick time, but not required to report to work. All benefits continue. Administrative time with pay may not exceed 80 hours per calendar year without prior approval of Commissioners' Court.

## **2A-10 HOURS WORKED**

Hours worked shall include all time actually spent in the service of the County as defined in the FLSA and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later. Normal travel between home and work is not considered hours worked.

## **2A-11 LAW ENFORCEMENT PAY AND OVERTIME**

Van Zandt County Commissioners' Court has adopted the §207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Law enforcement employees' pay per period covers all hours up to 86 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

The work period is based on 14 consecutive calendar days beginning on the first day of each pay period, at 12:01 a.m. A law enforcement employee will be paid an hourly pay rate just like all other non-exempt County employees, as outlined in policy 2A-3, plus overtime for any authorized hours worked over 86 during a work period. Overtime may be paid as compensatory time or paid time off as determined in the County's annual budget. Overtime will not accrue in any work period during which an employee reports sick, vacation, holiday or compensatory time until the number of actual hours worked reported during the work period exceeds 86.

A full time law enforcement employee must account for 86 hours during each work period, by reporting actual hours worked or sick, vacation or compensatory time. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Law enforcement will be paid an hourly pay rate for actual hours worked. These employees annual budgeted amount will be divided by 2,236 hours to determine the employee's hourly rate.

Example: Annual Budgeted Salary is \$31,304 / 2,236 = \$14.<sup>00</sup> hourly rate  
Overtime may be paid as compensatory time or paid time off as determined in the County's annual budget.

Except in an emergency situation, as determined by the Commissioners' Court or the Sheriff, an employee must obtain advanced authorization from his or her supervisor before working more than 86 hours in any work period to receive overtime compensation.

## **2A-12 OVERTIME CALCULATIONS AND RULES**

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on "Law Enforcement Pay and Overtime").

Paid leave, holiday, sick time, comp time and administrative time shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from his/her supervisor before working overtime.

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours and 480 hours for law enforcement. Employees who come close or reach the maximum will be paid out a portion of that time quarterly to reduce accumulated time.



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 with supervisor approval. Van Zandt 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, they shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

Van Zandt 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. Van Zandt 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 (1 ½) the employee's regular rate of pay.

### **2A-13 DEMOTIONS**

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

### **2A-14 TRANSFERS**

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary. Elected officials, appointed officials or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners' Court.

### **2A-15 PROMOTIONS**

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary. Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-16 SEPARATIONS**

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Van Zandt County shall be designated as one of the following types: 1) resignation; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with Van Zandt County and the separation does not fall into one of the other categories. Employees who desire to resign in good standing and be eligible for reinstatement should submit a written resignation and give two weeks' notice of intent to leave employment with the County.

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 and human resources of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

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

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

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

## **2A-17 RETIREE REHIRES**

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

The retiree must have a bona fide separation of employment and have been retired for a minimum of three calendar months. A bona fide separation means there is no prior agreement or understanding between Van Zandt County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4

adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

## **2A-18 TRAVEL REIMBURSEMENT**

County officials and employees who are required to travel in the performance of County business shall be reimbursed as detailed here. An official or employee using a private motor vehicle for transportation shall be reimbursed at the rate of 50 cents per mile. Mileage will be allowed for the most direct route on major highways.

When using air travel or other forms of public transportation (including rental automobiles), the maximum reimbursement will be computed by multiplying the round-trip map mileage, plus any local business miles driven in a rented vehicle at the destination, by the rate per mile allowed for private motor vehicle use. The round trip shall be computed from the Van Zandt County origin to the destination, using the shortest highway mileage between the two points as shown on the official highway travel map of the State Department of Highways and Public Transportation. When public transportation is used, receipts must accompany the expense report. Reimbursement will be paid for actual travel costs up to the maximum computed. You cannot claim mileage on rented vehicles but can be reimbursed for the rental cost.

When two or more employees and/or officials travel in the same vehicle, only one may claim mileage reimbursement. This provision shall not preclude any

passenger from receiving reimbursement for other eligible expenses. When two or more employees from the same department are traveling to the same destination to attend the same function, the department head will determine the most practical and economical method of transportation and who will be reimbursed for transportation expense.

Air travel or other forms of public transportation may be eligible for reimbursement of the total cost when it is in the County's best interest, even though it costs more than private motor vehicle. Such air travel must be approved in advance by the governing body in order to be eligible for reimbursement.

Reimbursement for travel and other expenses associated with seminars, conferences, and other meetings shall not exceed the amount provided in the Department's budget.

Reimbursement for lodging for officials and employees shall be actual single occupancy rates not to exceed \$150.00 per day. Lodging receipts must accompany the expense report. If the employee and/or official share a room with another person(s), the expense report must contain proof of the single occupancy rate.

If two or more employees and/or officials share a room, each occupant may claim reimbursement as described above with the additional limitation that the combined reimbursement to all parties shall not exceed the total cost of the room.

If an employee and/or official attends a training session, school, seminar, conference or similar meeting scheduled by the State of Texas, an Agency of the State or a County Association, for the benefit of county employees and/or officials, the maximum lodging reimbursement will be limited to the single occupancy rate at the host hotel.

Officials or employees traveling outside Van Zandt County overnight shall be reimbursed for meals on a per diem basis at the rate of \$45.00 per day for each full day in travel status. Claims for reimbursement must be filed with the Treasurer's Office within 45 calendar days.

Officials or employees traveling outside the county who incur expenses for less than three meals in any one day shall be reimbursed at the following rates:

- Breakfast                    \$10.00
- Lunch                            \$15.00
- Dinner                          \$20.00

## **B. EMPLOYEE BENEFITS**

### **2B-1 HEALTH, DENTAL AND VISION PLANS**

All full time regular employees of Van Zandt County shall be eligible for the group medical plan and dental/vision plan benefits. Regular part time, temporary seasonal, temporary short term part time, and regular variable hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance.

Premiums for the health insurance coverage for eligible employees shall be paid entirely by the County. Premiums for the dental and/or vision coverage for eligible employees are paid for by the employee. Van Zandt County does not provide any paid coverage for dental or vision coverage.

Eligible employees may cover their qualified dependents for health insurance and/or dental/vision insurance by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

Details of coverage under the group medical insurance plan as well as dental or vision plans are available in the County Human Resources Office and may be obtained during the normal working hours for that office.

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

### **2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL**

Van Zandt County may provide a limited amount of life insurance on eligible employees. Van Zandt County offers additional/supplemental insurance coverage from various companies. All supplemental insurance coverage premiums are the responsibility of the employee. Many of the Supplemental insurance premiums can be paid through payroll deduction. Information regarding these supplemental insurances may be obtained from the Human Resources office.

**2B-3 VACATION**

Employees classified as Full time shall be eligible for the vacation benefit: Part time and temporary employee classifications shall not be eligible for the vacation benefit. Time accrued, listed below, is a percentage of hours. For example, 0.75 hours is equivalent to 45 minutes.

Earned Vacation Schedule:

<u>Years of Service</u>	<u>Vacation Earned</u>	<u>Time Accrued per Pay Period</u>
1	40 hours/5 working days	1.54 hours
2	48 hours/6 working days	1.85 hours
3	56 hours/7 working days	2.16 hours
4	64 hours/8 working days	2.47 hours
5	80 hours/10 working days	3.08 hours
8	104 hours/13 working days	4.00 hours
10	120 hours/15 working days	4.62 hours
12	136 hours/17 working days	5.24 hours
15	144 hours/18 working days	5.54 hours
20	160 hours/20 working days	6.16 hours

Employees whose first check is for a partial pay period will receive a full vacation benefit for their first pay period. Vacation accruals will be adjusted to the next level on the first day of the month that contains the employee's anniversary date, for example; a new employee receives vacation time at the 1.54 hours per pay period rate. When the employee completes her first year (12 months), the very next month the rate will change to the 1.85 hours per pay period rate. Likewise, an employee who has worked continuously for 5 years will receive vacation time at the 3.08 hours per pay period rate and will stay at that rate until they reach their 8th year (96 months) anniversary before moving to the next rate of 4.00 hours per pay period. As an employee begins their anniversary year they qualify for the increased vacation rate. For example; an employee who has worked for two years will receive vacation time at the 3 year rate as soon as they have completed 24 months. Employees who leave before completing a full pay period will receive no vacation time for their last (partial) pay period.

The maximum accumulated vacation leave shall not exceed 20 days (160 hours) at the beginning of an employee's anniversary month. Any accumulated leave balance in excess of 20 days (160 hours) on the first day of the month that contains the employee's anniversary date shall be reduced to 20 days (160 hours) on that date.

While an employee is on leave without pay they will not receive additional time. Vacation time accumulation shall begin at the time an employee begins work in a position eligible to receive vacation, but an employee must work for a minimum of six months in such a position before being eligible to take any vacation.

Scheduling of vacations shall be at the discretion of the 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 amounts. Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

If a holiday falls during an employee's vacation then the employee will not be charged vacation time for the designated holiday days.

If an employee has worked for at least one year in a position which receives vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

## **2B-4 SICK**

The following employee classifications shall be eligible for the sick leave benefit: Full time. These employee classifications shall not be eligible for the sick leave benefit: Part time, Temporary or Seasonal.

Eligible employees shall accrue sick leave at a rate of 3.08 hours per pay period. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

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

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

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. 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 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practical to notify the supervisor within 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 supervisor shall have the right to

require a physician's statement or some other acceptable documentation of injury or illness, for either the employees own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

Employees shall not be allowed to borrow sick leave against future accruals. Employees shall not be paid for unused sick leave at separation.

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

#### **2B-4.1 GET-WELL/CONDOLENCE FUND**

The Get-well/Condolence fund is revenue from a commission on the vending machines in Van Zandt County facilities. These limited funds are available to send flowers and/or cards from Van Zandt County. Flowers/cards may be sent for the death of a County employee or employee's Spouse, parent or child. Flowers/cards can also be sent for a County employee who is hospitalized two or more days.

To request the \$50 credit for any of the above instances please contact the Commissioners Administrative Assistant or the County Judge's Court Coordinator.

#### **2B-5 HOLIDAY**

The following employee classifications shall be eligible for the holiday benefit: Full time. These employee classifications shall not be eligible for the holiday benefit: Part time, Temporary and Seasonal. The County holidays shall be determined by the Van Zandt County 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. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following thirty (30) days. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.



Law Enforcement personnel scheduled to work or called in to work on a holiday because of the needs of the County, shall be paid their regular pay rate for hours worked, plus an additional eight (8) holiday hours. If Law Enforcement personnel are unable to take the holiday they will be paid for it.

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

Holidays do not accrue and if not taken, they will not be paid at termination.

## **2B-6 JURY DUTY**

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

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as his/her court attendance may require. If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

## **2B-7 FUNERAL LEAVE**

All full time employees may be allowed up to three (3) days leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse, children, daughter-in-law, son-in-law, grandchildren, parents, grandparent, mother-in-law, father-in-law, brother or sister. The employee, at the discretion of his/her supervisor, may attend a funeral outside of the immediate family using available vacation, compensatory time or to leave without pay.

## **2B-8 MILITARY LEAVE**

All Van Zandt 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 federal fiscal year with pay to attend authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use annual leave, earned compensatory time, or leave without pay if he/she must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen day maximum.

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

Van Zandt County will provide upon request of the employee a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays left for use during the fiscal year.

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

## **2B-9 RETIREMENT**

All regular employees (full time and part time) shall be eligible for the retirement benefit offered through the Texas County and District Retirement System (TCDRS). Temporary seasonal and temporary short term part time employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deductions. Van Zandt County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Human Resources Office during the normal working hours for that office.

### **2B-9.1 RETIREMENT GIFTS**

All regular employees shall be eligible for retirement gifts after eight years of service to Van Zandt County. Funds for retirement gifts shall come from the Miscellaneous Expenditures accounting line item associated with the Elected Official or Department head where the employee works. Total cost for

gifts/presentations or party supplies shall not exceed \$200 per employee. Expenses that exceed \$100 require that a Purchase Order be submitted and approved prior to purchase of gifts/presentations or party supplies for each retiring employee.

## **2B-10 SOCIAL SECURITY/MEDICARE**

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

## **2B-11 FMLA/MFL**

To be eligible for benefits under the Family and Medical Leave Act (FMLA) policy, an employee must: 1) have worked for Van Zandt County at least 12 months (it is not required that these 12 months be consecutive; however a continuous break in service of 7 years or more will not be counted toward the 12 months); and 2) have worked at least 1,250 hours during the previous 12 months.

Family or medical leave under this policy may be taken for the following situations: 1) the birth of a child and in order to care for that child; 2) the placement of a child in the employee's home for adoption or foster care; 3) to care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition; 4) the serious health condition of the employee that makes the employee unable to perform the essential functions of their job; 5) a qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country; 6) to care for a covered service member with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or 7) to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces 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, a spouse, child, or parent shall be defined as a condition which requires overnight inpatient care at a hospital, hospice, or residential care medical facility, or a condition which requires continuing care by a licensed health care provider.

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

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave: 1) leave may be taken to address any issue that arises because the covered military member was given seven or less days' notice for active duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty; 2) leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member; 3) leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member; 4) leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member; 5) leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active duty status in a foreign country; 6) leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status; 7) leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member; 8) leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible

employees make take up to fifteen (15) days of leave for each instance of rest and recuperation; 9) leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status; 10) leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country; 11) certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty or 12) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

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

If a married couple both work for the County the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 weeks in a single 12-month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.

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

If an employee has accrued leave, the employee shall be required to use the following paid leave in order: compensatory time, vacation, holiday and sick. The remainder of the leave shall be unpaid.

Van Zandt County will always designate work related injuries with lost time as FMLA qualifying.

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, 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.

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

than 30 days after the due date which the County sets or the coverage shall be discontinued.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

Where an employee is placed in another position, it will be one which has equivalent status, pay, benefits, and other employment terms and one which entails substantially equivalent skill, effort, responsibility, and authority.

The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave still available.

Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.

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

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

## **2B-12 LEAVE OF ABSENCE - OTHER**

A leave of absence is an approved absence from duty in a non-pay status other than Military Leave – Active Duty. Employees may request a personal leave of absence to a maximum of 60 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, time off after a disaster, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head. A leave of absence will not be granted unless there is a reasonable expectation that the employee will return to employment with the County at the end of the approved leave period. At the time of the leave request, the employee must provide a written statement indicating intention to return to work with the County on a full-time basis. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan but they are responsible for the entire premium, which includes both their portion and the County portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening. A request for a leave of absence must be filed with the Department Head or Elected Official at least ten (10) days prior to the first day of leave unless emergency conditions exist. A leave of absence shall not be granted until all accrued compensatory time and vacation time are used. If the leave of absence is for a reason that would normally justify using sick leave, all accrued sick leave also must first be used. If an employee is on a leave of absence for over sixty (60) days, their continuous service shall be interrupted and reduced by the absent time upon termination or return to work unless applicable laws or regulations supersede this policy.

# **SECTION 3: EMPLOYEE FORMS**

- Employee Grievance
- Accident/Incident Reporting Forms
- Travel Reimbursement/Expense Report
- Direct Deposit Form