

# **BEE COUNTY PERSONNEL POLICY HANDBOOK**

**REVISED: April 24, 2015**

## ABOUT BEE COUNTY GOVERNMENT

Bee County's government organization is established by the Constitution of the State of Texas and by state statutes. Its operations are governed by the state and federal laws and by actions of the commissioner's court.

The commissioner's court consists of four county commissioners, each elected by the voters of a commissioner's precinct, and the county judge, elected by all of the voters of the county. This is the policy-making body of the county.

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

This document was prepared exclusively for the use of Bee County, Texas. Many of the provisions were originally drafted by Ray Associates, Inc., 508 West 12<sup>th</sup> Street, Austin, Texas 78701, (512) 478-4699. Provisions were drafted to conform to unique conditions at Bee County, Texas, and are not necessarily transferable to other employers or jurisdictions. Ray Associates, Inc., does not have a duty to update these policies except by prior arrangement with Bee County, Texas.

This document is a result of original material prepared by Ray Associates, Inc., policy changes made and approved by the Commissioner's Court of Bee County, Texas since 1993, and current policy changes approved by the Commissioner's Court of Bee County, Texas

May 1, 2008

## NOTICE TO EMPLOYEES

Bee County operates under the legal doctrine of “**employment-at-will**” and, within requirements of state and local law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. Every effort will be made to ensure that employee dismissals are not made in an arbitrary and capricious manner; however, these personnel policies do not constitute an employment agreement between the county and any of its employees and in no way limit or restrict the at-will nature of employment. The county has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the county means Bee County, Texas.

**NOTE: The parenthetical legal references contained in these policies are for information purposes only and are subject to change.**

## WELCOME

Welcome to employment with Bee County. We are happy to have you as one of the team of employees that serves the people of Bee County.

As taxpayers, we ourselves expect nothing less than the highest quality of service from our government. As public servants, our objective is to provide the best possible service to the citizens of our County in a fair, efficient and courteous manner. Your job is important to our overall success.

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

Those of us in public service are, and should be, held to a higher standard in our working and personal relationships

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

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

Other county elected officials and department heads may have additional policies governing their employees. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the countywide policies and procedures, please consult the Human Resources Department.

Sincerely

County Judge and  
Commissioner's Court

## SERVICE TO THE PUBLIC

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

### CODE OF PERSONAL CONDUCT:

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

Finally, public service requires that we not only obey the law, but it is also important that we avoid even the appearance of any improper action or of using our official position to gain any personal advantage.

BEE COUNTY PERSONNEL POLICIES  
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## **1.00 PERSONNEL POLICIES**

**1.01 AUTHORITY.** These policies are established by the Commissioner's Court, and any deletions, amendments, revisions, or additions to the policies must be approved by the Commissioner's Court.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the Commissioners' Court.

In addition to these personnel policies, elected officials and department heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies, as amended, will prevail.

**1.02 SEVERABILITY.** The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this will not affect the validity of the remaining provisions or parts of provisions, which will remain in force and effect.

### **1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES.**

Responsibility for personnel functions in the county is divided among county offices as follows:

- The County Judge oversees general personnel policies
- The Human Resources Department maintains these policies and the official personnel records pertaining to time and attendance, payroll, resignations, and unemployment, and retirement.
- Elected Officials and Department Heads maintain other records on departmental employees and are responsible for the administration of these personnel policies within their own departments or units.

**1.04 PURPOSE.** These policies set forth the primary rules governing employment with the county. The policies contained here 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 by both employees and supervisors, which will result in high quality public service to the citizens of the county.

**1.05 APPLICABILITY OF PERSONNEL POLICIES.** These personnel policies apply equally to all employees of the county unless a class of employees is specifically exempted by these policies.

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

**1.06 DISSEMINATION OF PERSONNEL POLICIES.** The Human Resources Department maintains the official set of all personnel policies with all revisions for reference by employees. In addition, the Human Resources Department will provide a complete copy of this manual and copies of all subsequent revisions to each department head or elected official; will notify employees of policy changes; and will make the updated manual available to employees. If a question arises about a particular policy, the official set of policies maintained by the Human Resources Department should be consulted and will be controlled.

Department Heads must provide a copy of the personnel policies manual to new employees on their first day of employment. Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Within two weeks of employment, every employee is required to sign an acknowledgement of having read the personnel policies manual and understanding the policies contained in it.

**1.07 EQUAL EMPLOYMENT OPPORTUNITY.** It is the policy of the county to prohibit discrimination against any person in job structuring, recruitment, examination, selection, appointment, placement, training, upward mobility, discipline, or an other aspect of personnel administration, based on race, age, sex, religion, color, disability or national origin. Personnel decisions will be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform a specific job.

Retaliation or discrimination against an employee for alleging discrimination on any of these bases covered in this chapter is prohibited.

*(Legal reference: U.S. Civil Rights Acts of 1871 and 1964, as amended; V.T.C.A. Civil Practices and Remedies Code, Chapter 106; Texas Commission on Human Rights, V.T.C.S. Article 5221K; U.S. Age Discrimination in Employment Act of 1967, as amended; U.S. Rehabilitation Act of 1973, as amended; U.S. Americans with Disabilities Act of 1990; U.S. Executive Order 11246; U.S. Equal Pay Act; Texas V.T.C.A. Health and Safety Code, Chapters 591-596).*

**1.08 SEXUAL HARASSMENT.** It is the policy of the County to provide and maintain a work environment, which is free of sexual harassment, sexual exploitation, and intimidation. Bee County has a “ZERO” tolerance policy regarding sexual harassment or any other prohibited harassment. All employees are expected to comply with this policy. Failure to do so will result in disciplinary action, up to and including, termination.

In this section, “sexual harassment” means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person’s exercise or enjoyment of any right, privilege, power, or immunity.

An employee who believes he or she has been subjected to sexual harassment should file a grievance under the special provision of the county’s grievance procedure applicable to grievances based on alleged sexual harassment. Retaliation or discrimination against an employee for alleging sexual harassment is prohibited.

*(Legal reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604.11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986).*

**1.09 PERSONS WITH DISABILITIES.** It is the policy of the county to make its employment application process, employee activities, working environment, employee benefits, employee training, and employee advancement process accessible to disabled persons and will make reasonable accommodation to a qualified individual with a disability who is an applicant or employee unless that accommodation will place an undue hardship on county operations.

**1.10 SMOKING.** Smoking is **prohibited** in any County-owned building or vehicles. Designated smoking areas will be identified outside, away from buildings and building entrances.

**1.11 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS.** These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the Commissioners' Court. In addition, the county auditor's office conducts an annual review of the policies contained in this manual as part of the budget process and submits any necessary or recommended changes to the Commissioners' Court for approval prior to the beginning of the new fiscal year.

Employees are encouraged to make constructive suggestions for improvements in these policies or in work procedures or conditions. Any employee who wished to suggest a personnel policy change should submit his or her suggestion(s) in writing, to the appropriate department head or elected official who will forward the information to the Commissioners' Court, where appropriate, along with the rationale for making the change. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

**1.12 WHISTLEBLOWER ACT.** Any employee who has authority to take, direct others to take, recommend or approve any personnel action, shall not, with respect to such authority, take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences (A) a violation of any law, rule, regulation, or (B) gross mismanagement an abuse of authority, or a substantial and specific danger to public health or safety, if such disclosure is not specifically prohibited by law.

## **2.00 EMPLOYEE RESPONSIBILITIES**

**2.01 GENERAL** The County is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct at all times. Employees are required to give a full day's work for a full day's pay, to carry out efficiently the work items assigned as their responsibility, to maintain good moral conduct, and to do their part in maintaining good relationships with the public, their supervisors, county officials, and their fellow employees.

**2.02 PROFESSIONAL APPEARANCE.** Employees of the County are hired to provide services to the County's citizens and to perform specific tasks in a professional manner. As representatives of the county, employees are encouraged to set and meet high standards, both in performing quality work, and in presenting a professional personal image to the public. While the County does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner, which is appropriate to the particular job being performed. Expensive clothes are not necessary, but a

neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the county's work force.

**2.03 TIMELINESS AND ATTENDANCE.** Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not later than one hour after the time the employee is scheduled to begin work, as a general rule, unless emergency conditions exist. A department head may require a different reporting schedule if it would work better for that particular department. See also the Leave Time Chapter of these policies for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, longer reporting intervals may be approved by the supervisor. Frequent tardiness or unexcused absence is not permissible and is grounds for disciplinary action up to and including termination of employment.

**2.04 OUTSIDE ACTIVITIES.** Employees may not engage in any outside employment, activity, or enterprise determined by the elected or appointed department head (1) to be inconsistent or incompatible with employment with the county; or (2) to affect the employee's job performance adversely.

Any Department Head or Elected Official, at his or her discretion, may require that employees in that department notify the department head or elected official prior to the employee's acceptance of any outside employment, including self-employment.

If a County employee is injured on the job in the course of employment outside of his or her employment with the County, the employee may not file a worker's compensation claim against the county for benefits to the injury, regardless of the fact that a county department head may have approved of the outside employment.

**2.05 GIFTS AND GRATUITIES.** A County officer or employee may not accept any gift or free service that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the county. See "Conflict of Interest" section below.

**2.06. CONFLICT OF INTEREST.**

1. **County Elected Officials.** A member of the commissioner's court and certain other county officials will not participate in a vote or decision affecting a business or real estate in which the member or official has a substantial interest. The details of this prohibition are set out in the county's "Conflict of Interest" Policy for Members of the Commissioner's Court and Certain other County Officials."
2. **County Employees.** An employee may not (1) solicit or accept or agree to accept a financial benefit, other than from the county, that might reasonably tend to influence his or her performance of duties for the county or that he or she knows or should know is offered with intent to influence the employee's performance; (2) accept employment or compensation that might reasonably induce him or her to disclose

confidential information acquired in the performance of official duties; (3) accept outside employment or compensation that might reasonably impair independence of judgment in performance of duties for the county; (4) make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the county; or (5) solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

*(Legal reference: V.T.C.A., Local Government Code, Chapter 171.)*

**2.07 POLITICAL ACTIVITY.** Employees of the county are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies.

An employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office.
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

All County employees, except elected officials, are prohibited from participating in any way in any political activity while wearing a county uniform, regardless of whether the employee is on duty or on his or her own time. In addition, no county-owned property, vehicle, building, and/or office may be used for displaying campaign materials or for conducting any partisan political activity.

Any County employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election (a partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors receive votes in the last preceding election at which presidential electors were selected). County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity, which is financed in whole or in part by loans or grants made by the federal government.

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

*(Legal reference: U.S. Hatch Act of 1940, as amended)*

**2.08 CHAIN OF COMMAND.** Individual County employees are responsible to the appropriate elected or appointed department head or to a supervisor designated by the elected official or department head. Elected officials are responsible to county voters. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances, will follow the chain of command.

**2.09 COMMUNICATIONS.** From time to time, an employee may be given directions from persons other than his or her immediate supervisor or elected or appointed department head. In such cases, it is the employee's responsibility to notify his or her supervisor about the direction, its

purpose, and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action.

Communication with the public about county issues or problems is the responsibility of the appropriate department head or elected official. Employees are to refer the public to the appropriate elected or appointed department head if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

**2.10 TELEPHONE USE.** Telephones are to be used for county business. It is understood that occasionally personal calls are necessary; however, use of telephones for local personal calls is permitted only if the number and length of calls are kept to a minimum.

**2.11 PARKING PROCEDURES.** Parking lots are available at the courthouse and other county offices for use by employees. However, employees should not park in a parking place assigned to someone else. Vehicles parked in violation of this policy will be towed away at the owner's expense. Employees should refrain from parking in locations designated for visitors or the public.

**2.12 UNIFORMS.** The Sheriff's, Corrections, and Road and Bridge Departments require some of their employees to wear uniforms. Each employee is expected to keep his or her uniforms neat and clean.

**2.13 PURCHASING.** Purchases by county employees will be made only as authorized by elected officials or appointed county department heads or the Commissioners' Court and will be made in accordance with state purchasing laws as they apply to counties. (*Legal Reference: V.T.C.A., Local Government Code, Chapter 262*).

**2.14 INDEBTEDNESS TO THE COUNTY.** State law prohibits issuing a paycheck to a county employee if the employee is indebted to the county or to the state. (*Legal Reference: V.T.C.S., Local Government Code, Section 154.025. Applies only to counties with population of 190,000 or less.*

**2.15 SOCIAL NETWORKING.** Policy regarding use of social media by employees communicating with each other and the rest of the world; including, but not limited to instant messaging, texting, and sites such as Facebook, My Space, YouTube, LinkedIn and Twitter.

While Bee County encourages its employees to enjoy their Off-Duty time, certain activities on the part of the employee may become a problem if they have the effect of impairing the work of any employee. Employees must insure that the use of social media does not produce the adverse consequences noted below. For this reason, the County reminds its employees that the following guidelines apply in their use of social media:

Employees should refrain from publishing any personal information about themselves, another employee of Bee County, or constituent in any public media that:

- a. Has the potential or effect of involving the employee, their co-workers, or the county in any kind of dispute or conflict with other employees or third parties;
- b. Interferes with the work of any employee;
- c. Creates a harassing demeaning, or hostile working environment for any employee;
- d. Disrupts the smooth and orderly flow of work within the office, or the delivery of services to the county's clients or customers;
- e. Harms the goodwill and reputation of the county and/or employees among its constituents or in the community at large;



- f. Tends to place in doubt the reliability, trustworthiness, or sound judgment of the person who is the subject of the information;

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

No employee may use county equipment or facilities for furtherance of non-work related activities including social networking.

Only work related items are to reside on your computer and no programs, program add-ons, or attachments from email will be downloaded from outside the office without express permission from the Information Technology Director and the Department Head.

Should any employee decide to create a blog, he or she shall provide a clear disclaimer that the views expressed in the blog are the author's alone, and do not represent any county views.

Social media activities should never interfere with work commitments.

An employee's online presence can reflect on the county. Be aware that your comments, posts, or actions captured via digital or film images can affect the image of Bee County.

Do not ignore copyright laws, and cite or reference sources accurately. Remember that the prohibition against plagiarism applies online as well as written form.

Be respectful to County co-workers and constituents, and be mindful of your physical safety when posting information about yourself or others on any forum. Describing intimate details of your personal and social life, or providing about your detailed comings and goings might be interpreted as an invitation for further communication, or even stalking and harassment that could prove dangerous to your physical safety.

Employees who conduct themselves in such a way that their actions and/or relationships with each other could become the object of gossip among others in the office, or cause unfavorable publicity for the county, should be concerned that their conduct may be inconsistent with one or more of the above guidelines. In such instance, the employees involved should request guidance from their department head or elected official to avoid such problems. Depending on the circumstances, failure to seek guidance may be considered evidence of intent to conceal a violation of the policy and hinder an investigation into the matter.

### **3.00 HIRING PRACTICES**

**3.01 METHODS OF RECRUITMENT AND SELECTION.** The County has four methods of recruiting and selecting persons to fill vacancies: (1) promotion from within; (2) lateral transfer from within; (3) public announcement and competitive consideration of applications for employment; or (4) selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding 180 days). The elected official(s) or appointed department head determines the method of selection to be used in filling each vacancy. However, the Commissioners' Court must approve funding and recruitment for a position before recruitment begins.

If two or more applicants have substantially equal qualifications and one is a current county employee, the current employee may be given preference over the other applicant(s).

The County does not accept applications for employment unless a specific vacancy exists. Persons wishing to apply for a job with the County when a specific vacancy does not exist are informed as to how county job announcements are advertised and that they may return and file an application at any time an advertised vacancy exists for which they consider themselves to be qualified.

**3.02 POSITION ANNOUNCEMENTS.** Elected Officials and Department Heads must send a notice of any position openings for which there will be competitive consideration to the county auditor's office for posting. The county auditor's office will notify current county employees and the general public simultaneously of vacancies by posting a notice in a central place in the county courthouse. Employees are permitted to apply for positions for which they believe themselves to be qualified.

**3.03 QUALIFICATIONS.** The county maintains a job (class) description, which establishes the required knowledge, skills, and abilities for each staff position and the acceptable levels of experience and training for each. The job description sets forth the minimum acceptable qualifications required to fill the position.

**3.04 SELECTION.** Except for positions filled by a vote of the Commissioners' Court, each Elected Official or Department Head is responsible for selection of persons to fill each vacant position within the pay limits set by the Commissioners' Court. Once a selection is made, the Elected Official or Department Head will submit a Change in Status form to the Human Resources Department listing the name of the applicant, the requested classification, beginning salary, and the effective date of employment. A copy of the applicant's resume and application for employment and a copy of the results from the employee's physical examination will be attached to the Change in Status form. The Human Resources Director will submit the Change in Status form to the Commissioners' Court for approval. When a personnel action is approved by the County, the Minutes will contain the employee's name and rate of pay. The Change in Status form will be placed in the employee's personnel file.

The responsible appointing authority (i.e., elected official) is permitted to select the specific individual for each position in the department.

#### **3.04a SELECTION OF VETERANS' SERVICE OFFICER (VSO)**

(a) A Commissioners' Court that maintains and operates an office shall appoint a veterans county service officer and the number of assistant veterans' county service officers that it considers necessary.

(b) To be appointed as an officer a person must:

- (1) Be qualified by education and training for the duties of the office;
- (2) Be experienced in the law, regulations, and rulings of the United States Department of Veterans Affairs controlling cases that come before the Commission; and
- (3) Have the service experience specified by Subsection (c) or
  - (a) Be a widowed Gold Star Mother or unremarried widow of a serviceman or veteran whose death resulted from service or;
  - (b) Be the spouse of a disabled veteran who has a total disability rating based either on having a service-connected disability with a disability rating of 100 percent or on individual unemployability.

(c) To meet the service experience requirement of Subsection (b)(3) a person must have;

- (1) Served on active duty in a branch of the armed forces of the United States;

- (2) Served for at least four months or have a service-connected disability; and
- (3) Been honorably discharged.

(d) An officer serves at the pleasure of the Commissioners' Court.

*(Acts 1987, 70<sup>th</sup> Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 81<sup>st</sup> Leg., ch. 364, Sec. 3, eff. Sept. 1, 1989. Amended by: Acts 2009, 81<sup>st</sup> Leg., R.S., Ch. 1194, Sec. 1, eff. June 19, 2009).*

**3.05 AGE REQUIREMENT.** Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Any prospective county employee under 18 years of age must have written permission (a signed Minor's Release Form) from his or her lawful parent or guardian in the county auditor's office prior to the first day of employment. *(Legal reference: U.S. Fair Labor Standards Act of 1938, as amended)*

Other age limitations will be applied only as required by state and federal law applicable to the County. *(Legal Reference: U.S. Age Discrimination in Employment Act of 1967, as amended)*

**3.06 APPLICATION FOR EMPLOYMENT.** When a specific vacancy exists, each person desiring employment with the County may obtain an application for employment from the department in which the vacancy exists, and the completed application should be returned to that department. To be valid, an application must be made on the County's official application form. When an application is received for a specific departmental position vacancy, the department must separate the EEO statistical data form from the application and file the EEO form by position applied for in a recruitment file. Each employment application must be retained by the county for two years after receipt of the application. *(Legal Reference: 29 Code of Federal Regulation 1602).*

It is the responsibility of the employing department to make appropriate checks to verify education, experience, character, and required certificates and skills of an applicant prior to appointment. In the case of applicants for positions with the county, which require driving a vehicle, the department head must check the prospective employee's driving record prior to offering the applicant employment with the county.

**3.07 EMPLOYMENT OF RELATIVES (NEPOTISM).** Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the county.

No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the Commissioners' Court or to the elected official or department head for whom he or she works. (Prohibited degrees of relationship are defined in the chart at the end of this chapter). No person may continue in County employment that is related in one of the prohibited degrees unless the employee has been employed continuously by the County for a period of:

1. At least 30 days, if the officer or member is appointed;
2. At least six months, if the officer or member is elected at an election other than the general election for state and county officers; or *(Legal reference: V.T.C.S. Article 5996h.)*
3. At least one year, if the officer or member is elected at the general election for state and county officers. *(Legal reference: V.T.C.S. Article 5996a, as amended)*

In addition, no personnel action will be taken that would result in any employee's supervising another employee who is related within the second degree of affinity or the third degree of consanguinity to the supervisory employee.

**3.08 TESTING.** Except for drug and psychological tests for law enforcement officers and any other testing that may be required by state law, the only performance tests administered for employment or promotion will be specifically job-related ("piece-of-the-job") tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy required in the job, tabulating columns of numbers, writing samples, etc.).

**3.09 PHYSICAL STANDARDS.** Knowledge of physical conditions and existing health problems of employees is necessary to avoid occupational injuries and to ensure that it will be possible to differentiate any future job-related injuries from existing medical problems. For these reasons, a person is required to complete a physical examination after a job offer has been made and prior to employment, and will not be placed on the county payroll until he or she has completed the physical exam. Back x-rays are required for persons who will perform physical labor.

In addition to the physical examination required by the County for all prospective employees, prospective employees for law enforcement officer positions must be tested by a licensed physician and declared by the physician in writing to show no trace of drug dependency or illegal drug usage, and examined by a licensed psychologist or psychiatrist and be declared in writing by the psychologist or psychiatrist to be in satisfactory psychological and mental health. (*Legal reference: V.T.C.A., Government Code, Section 415.057*).

Required examinations will be made by a physician and psychologist or psychiatrist of the county's choice and will be paid for by the county.

**3.10 VERIFICATION OF ELIGIBILITY TO WORK.** In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 within three days of his or her first day of employment to provide proof of his or her identity and employment eligibility. (*Legal reference: Federal Immigration Reform and Control Act of 1986, P.L. Number 99-603*).

**3.11 DRIVING RECORD.** Every County employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver's license must maintain a safe driving record and may be required to participate in defensive driving courses at the County's request. Except as restricted by state law, the department head is responsible for initiation by the county of a check of a prospective employee's driving record prior to offering the applicant county employment in a capacity which requires operating a vehicle or piece of equipment.

**3.12 DISQUALIFICATION.** An applicant is disqualified from employment by the County if he or she (1) does not meet the minimum qualifications for performance of the duties of the position involved; (2) knowingly has made a false statement on the application form; (3) has committed fraud during the selection process; (4) is not legally permitted to hold the position; (5) has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process; (6) does not meet physical requirements as a result of the required physical examination; or (7) has not provided proof of citizenship or legal work status in the United States within the first three days of employment. (*Legal reference: Federal Immigration Reform and Control Act of 1986, as amended*).

**3.13 PRIOR SERVICE WITH THE COUNTY.** Employees entering service with the County who have had previous service with the County may be considered for appointment above the customary entry salary level. A break in continuous service with the County also forfeits vacation and sick leave benefits accrued prior to the break.

**3.14 PLACEMENT ON COUNTY PAYROLL.** New employees must fill out employment forms before or during their first day of employment. The Elected Official(s) or appointed Department Head must provide the necessary paperwork to the Human Resources Department prior to the new employee being placed on payroll.

**3.15 TEMPORARY/EMERGENCY EMPLOYEES.** Before a Department Head or Elected Officials may hire a temporary or emergency employee, the department's budget must contain a line item, authorized by the Commissioners' Court, for payment of temporary or emergency employee's salaries. There also must be sufficient funds available in that line item to cover the incoming employee's salary for the specified temporary period of employment.

If the department's budget does not contain a line item for temporary or emergency employee salaries, the Department Head must first obtain authorization from the Commissioners' Court each time prior to hiring any temporary or emergency employee(s).

Under no circumstances will the County issue a paycheck to a temporary or emergency employee if all of these conditions are not met.

**3.16 ORIENTATION AND TRAINING.** The Human Resources Department provides Orientation for new employees about employment with the County. During this Orientation, employees are shown the Personnel Policies Manual, and are required to read it within two weeks, are informed of its continued availability to them and the reference locations, and are given information about County benefits programs.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation conducted by the Elected Official or Department Head for whom he or she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better and its relationship to the overall operation of County government.

Training an employee is the responsibility of the Elected Official or Department Head for whom he or she works. Whenever possible, employees receive on-the-job training under close supervision.

NEPOTISM CHARTS

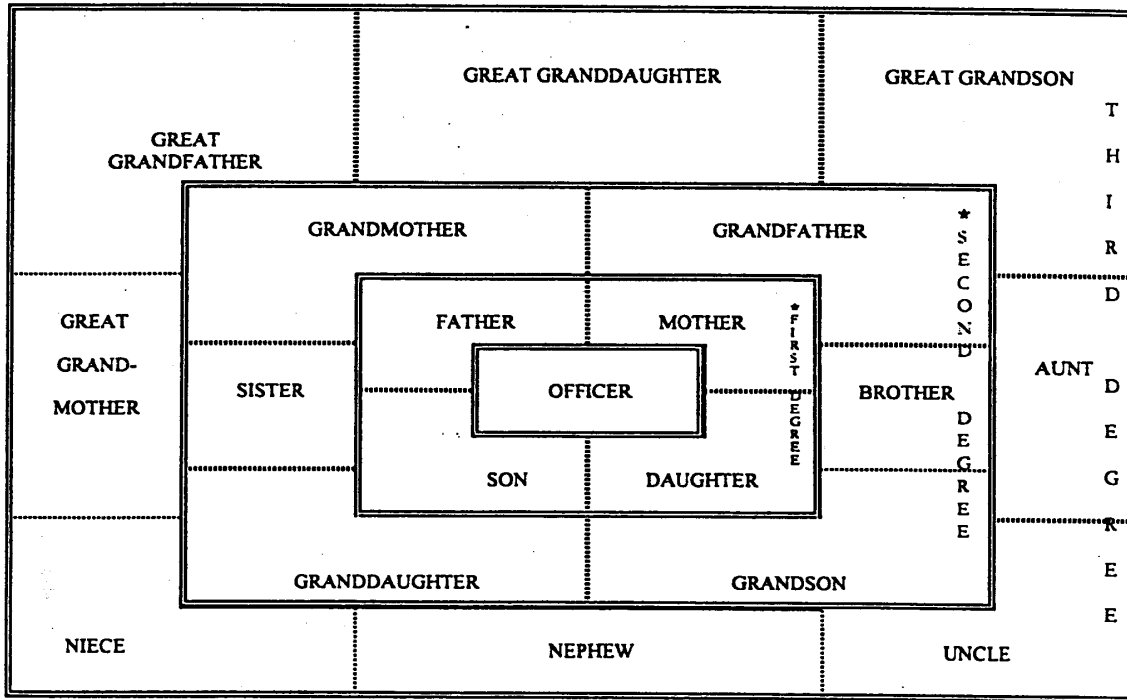


FIGURE 1 – CONSANGUINITY KINSHIP CHART

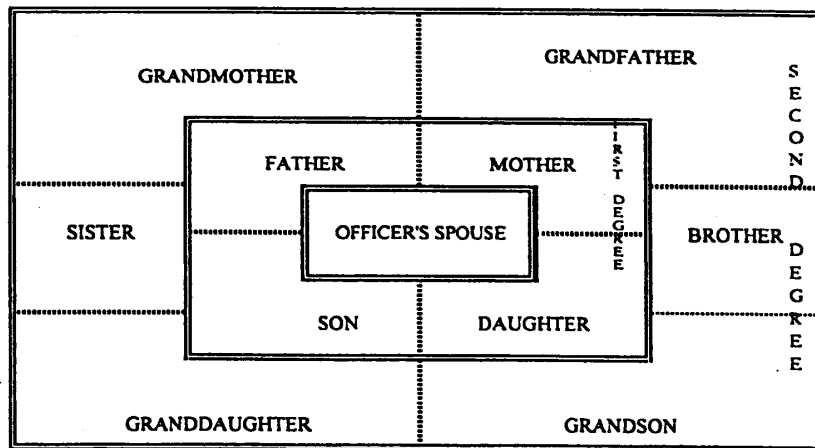


FIGURE 2 – AFFINITY KINSHIP CHART

★ Spouses of relatives within the first or second degree of consanguinity (i.e., son-in-law, mother-in-law, brother-in-law, sister-in-law, etc.) are also included in the prohibition.

## 4.0 TYPES OF EMPLOYMENT

**4.01 CATEGORIES OF EMPLOYMENT.** There are four categories of employment with the County.

Regular Full Time. A regular full-time employee is appointed to an authorized position that involves, on the average, at least 40 work hours per week and that is expected to last at least six months. Regular full-time employees may be either hourly or salaried.

Regular Part-Time. A regular part-time employee is appointed to an authorized position that involves, on the average, 30 but fewer than 40 work hours per week and that is expected to last at least six months. Part-time employees are paid on an hourly basis.

Temporary Full-Time. A temporary full-time employee is an employee hired to work an average of at least 30 hours per week for a period expected to last less than six months. Temporary full-time employees may be either hourly or salaried.

Temporary Part-Time. A temporary part-time employee is an employee hired to work an average of 30 hours per week for a period expected to last less than six months. Part-time employees are paid on an hourly basis.

See **Benefits** Chapter of these policies for details of benefits available to each category of employees.

**4.02 INTRODUCTORY PERIOD.** All new regular employees serve a 90-day introductory period.

In the event that employment is terminated or the employee resigns during the introductory period, he or she will not be paid for any accumulated leave.

**4.03 ASSIGNED STAFF.** Staff who are assigned to the County but are paid directly by another government or private organization are not employees of the County. These employee's benefits are specified in the contract for services. As a condition of their assignments, such staff is governed by all terms of these policies not in conflict with their contract for services.

## 5.0 EMPLOYEE COMPENSATION AND ADVANCEMENT

**5.01 PAY.** Pay for county elected and appointed officials and employees who are paid wholly from County funds is set each year by the Commissioners' Court in the adopted County operating budget. Rules governing salary administration and pay increases are also established by the Commissioners' Court. (*Legal reference: V.T.C.A, Local Government Code, Chapter 152*).

**5.02 SALARY GRIEVANCES.** Appointed employees of the County have access to the chapter of these policies entitled **Grievances** for matters related to compensation.

The remainder of this section **applies only to elected officials**. An elected county or precinct officer who is aggrieved by the setting of his or her salary, expenses, or other allowances by the Commissioners' Court may request a hearing before the Salary Grievance Committee. The Salary Grievance Committee is composed of:

The County Judge, who will be chairman of the Committee but who will not be entitled to vote; and

1. The Sheriff, County Tax Assessor-Collector, County Treasurer, County Clerk, District Clerk, County Attorney or Criminal District Attorney, and the number of public members necessary to provide nine voting members; or
2. Nine public members, if the Commissioners' Court votes on the second Monday in January each year to have nine public members.

Any request for a hearing must be in writing, must be submitted within five days after the date the officer receives notice of salary or personal expenses and must state the manner in which he or she is aggrieved, including the desired change in salary or personal expenses. A formal request must be delivered to the Chairman, the County Judge who will announce the time and place of the hearing, which will be within ten days after the date the request is received.

If, after the hearing, the Committee by a vote of six to eight of its voting members decides to recommend a change in the salary or personal expenses of the person requesting the hearing, it will prepare its recommendation in writing and deliver it to the Commissioners' Court, which will consider the recommendation at its next meeting.

If nine members vote to recommend the increase and sign the recommendation, the committee will deliver its recommendation to the Commissioners' Court. The Commissioners' Court will include the increase in the budget before the budget is filed, and the increase will take effect in the next budget year.

(*Legal reference: V.T.C.A. Local Government Code, Chapter 152, subchapter B*).

**5.03 PAYDAYS.** There are 26 pay periods each fiscal year. Checks are issued every two weeks on Friday for each 14-day pay period ending at twelve midnight or at the end of the shift on the Saturday preceding the pay date. If the payday falls on a holiday, checks will be issued on the last working day preceding the holiday. County checks will be voided after 180 days.



**5.03a LAST PAYCHECK.** If an employee is laid off, discharged, fired, or otherwise involuntarily separated from employment, the final pay is due within six (6) calendar days after the date the employee was discharged. If the employee quits, retires, resigns, or otherwise leaves employment voluntarily, the final pay is due on the next regularly scheduled payday.

*(Legal reference: Section 61.014 (a), (b) PAYMENT AFTER TERMINATION OF EMPLOYMENT. Acts 1993, 73<sup>rd</sup> Leg., Ch. 269, Sec. 1, eff. Sept 1, 1993)*

**5.04 CHECK DELIVERY.** Paychecks will not be issued other than on the days set above.

The Human Resources Department is responsible for the proper distribution of paychecks. Checks may be released only to the individual responsible for their proper distribution within a department.

No Salary advances or loans against future salary will be made to any employee for any reason. *(Legal reference: Texas Constitution, Article III, Sections 51, 52, and 53).*

An employee must bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the Human Resources Department.

**5.05 PAYROLL DEDUCTIONS.** Any deductions must be approved and authorized by the Commissioners' Court. Deductions will be made from each employee's pay for the following:

Federal social security;

Federal income taxes;

Court-ordered child support;

Texas County and District Retirement System (TCDRS) contributions (for regular full-time employees and eligible elected and appointed department heads); and

Any other deductions required by law.

In accordance with policies and general procedures approved by the Commissioners' Court, deductions from an employee's pay may be authorized by the employee for:

The portion not paid by the County of group health/medical or dental premiums for the employee or dependants;

Supplemental deferred compensation; and

Such other deductions as may be authorized by the Commissioners' Court.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the Human Resources Department, the appropriate forms for these changes.

**5.06 PERFORMANCE-BASED INCREASES.** In any year in which the Commissioners' Court sets aside funds for performance-based increases, those increases, based on a percentage of the employee's current salary, may be granted for exceptionally good and consistent performance in the same position. Performance-based increases are not used to recognize

increased duties and responsibilities (a promotion) and are granted without regard to cost-of-living factors or Longevity.

Such increases recognize outstanding performance and thus are granted only in conjunction with the supervisor's recommendation and a performance evaluation of the employee.

A performance-based increase is advancement to a higher step in the same pay group and normally should not exceed two steps. A performance-based increase cannot increase an employee's salary beyond the maximum of the pay group for the position.

**5.07 ACROSS-THE-BOARD PAY INCREASES.** During budget deliberations for the forthcoming year, the Commissioners' Court may authorize an across-the-board pay increase. If an across-the-board or cost-of-living pay increase is approved, the increase will be in the form of a percentage rather than a flat dollar amount. When this is done, each salary amount on the pay schedule and each individual employee's salary are adjusted by the authorized percentage increase, unless a specific employee's salary has been frozen as a result of a determination that the employee is being paid beyond the maximum salary established for the position.

**\*\*\*UNDER REVIEW\*\*\***

**5.08 CLASSIFICATION PLAN.** The County maintains a classification plan, which assigns each class of position to a pay group based on the principle of equity among positions requiring similar knowledge, skill, and abilities and having similar levels of responsibility.

**5.09 PAY PLAN.** Pay ranges for each group are established by a pay plan, which is approved by the Commissioners' Court.

**5.10 PAY GROUP AND STEPS.** Within the general guidelines of the pay plan and the budget, the Commissioners' Court is authorized to determine the appropriate pay group to which each position is allocated and the pay to which the particular employee is assigned. An employee who is designated exempt from the pay plan is paid within maximums set in a budget approved by the Commissioners' Court.

**5.11 CLASSIFICATION AND PAY ADMINISTRATION.** A new employee normally is hired in Step 1 of the pay group to which the position is assigned. A new employee may not be hired above Step 1 without specific written approval from the Commissioners' Court.

**5.12 PROMOTIONS.** A promotion is a change in the duty assignment of an employee, which results in advancement to a higher position requiring higher qualifications and involving greater responsibility. A promoted employee will always receive a pay increase of at least the amount of difference from one pay group to the next (five percent).

**\*\*\*UNDER REVIEW\*\*\***

Promotions are approved by the Elected Official or appointed Department Head within the staffing pattern and budget limits authorized and approved for that department by the Commissioners' Court.

Upon promotion, an employee serves an introductory period of 90 days in the new position and may be returned to a lower position at any time during the introductory period, if performance is inadequate.

**5.13 LATERAL TRANSFERS.** A lateral transfer is the movement of an employee between positions in the same pay group within the county. Lateral transfers may be made within the same department or between departments and are subject to a 90-day introductory period. Lateral transfers may be requested by the employee or the elected official or department head to whose department the employee will be transferred, and must be approved by the Commissioners' Court. An employee will not receive a pay reduction when making a lateral transfer provided that the employee's current salary is within the range approved by the Commissioners' Court for the transfer position. An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation and sick leave.

**5.14 DEMOTIONS.** A demotion is a change in duty assignment of an employee to a lower paid position. Demotions may be made for the purpose of voluntary assumption of a less responsible position; as a result of reclassification of the employee's position, or as a disciplinary measure, because of unsatisfactory performance in a higher position. Disciplinary demotions always involve a decrease in pay.

**5.15 PAY REDUCTION FOR DISCIPLINARY REASONS.** An employee's pay, for continued, unacceptable performance, in the same position, may be reduced, as a disciplinary measure, to a lower rate. The period covered by this type of disciplinary action may not exceed 60 days. See the chapter of these policies on **Discipline** for information about suspension with or without pay for disciplinary reasons.

**5.16 APPROVING AUTHORITY.** The Commissioners' Court is the approving authority for all payrolls and payroll transfers granted under the terms of (1) these policies, (2) the classification and pay plans, and (3) the annual budget. The appropriate elected and appointed department head approves performance-based pay increases provided that funds have been specifically set aside for that purpose by the Commissioners' Court. Any performance-based increases granted by department heads must be consistent with (1) these policies, (2) the classification and pay plans, and (3) the annual budget; and the department head must notify the Commissioners' Court of the change(s).

**5.17 SALARY AND BENEFIT LINE ITEM TRANSFERS.** Department heads and elected Officials may not transfer personnel or benefit line item funds to any other budgetary line item without Commissioners' Court approval, regardless of emergency or unforeseen circumstances.

## **6.00 WORK SCHEDULE AND TIME REPORTING**

**6.01 WORKWEEK AND WORK HOURS.** The official work period for most county employees is a seven-day period beginning Sunday and ending Saturday. Normal working hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch, for a total of 40 hours per workweek. Morning and afternoon breaks of 15 minutes each may be authorized by the responsible elected official, but, if authorized, this time does not accumulate if not taken.

The Sheriff's Department officers, jailers, and dispatchers work varying eight-hour shifts in order to provide services 24 hours each day.

Elected Officials and Department Heads may, within limits of state and federal law, make adjustments to these schedules. The Commissioners' Court encourages that offices remain open during the noon hour to serve the public better. Some employees may have to have their lunch hours staggered in order that the county can provide this service.

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

*(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985; U.S. Equal Pay Act of 1963.)*

**6.02 NUMBER OF HOURS WORKED.** The Commissioners' Court determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and to the provisions of the county's budget.

**6.03 OVERTIME WORKED.** The policy of the County is to allow overtime only in cases of emergencies. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable number of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-law enforcement employees; 171 hours per 28-day work period for certified law enforcement officers and certified jailers.

For all County personnel, overtime will begin to accrue with the 41<sup>st</sup> hour worked during the 7-day work week.

All overtime services by employees covered under FLSA must be authorized in advance by the employee's supervisor and approved by the elected or appointed Department Head.  
*(Legal reference: U.S. FLSA of 1938, as amended)*

**6.04 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION).** Department Heads and other executive, administrative, and professional employees are exempt from the overtime provision of the Fair Labor Standards Act (FLSA) and are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of these positions are established with this assumption in mind. Some additional county positions are exempt from FLSA because of the close relationship of the position and the elected official for whom the employee works. *(Legal reference: U.S. FLSA of 1938, as amended).*

Extra hours worked by executive, administrative, professionals and elected officials' closest staff members may be used as a factor in granting or denying paid leave other than vacation or sick leave. Employees engaged in recreational, seasonal activities which do not operate for more than seven months in any calendar year and meet the other statutory prerequisites are exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees. Each county job description designates whether persons hired in that classification are exempt from or covered by (nonexempt) the overtime provisions of FLSA.

**6.05 OVERTIME COMPENSATION.** In accordance with county policy that existed prior to April 15, 1985, when emergency circumstances necessitate overtime work, non-exempt employees are compensated for the overtime worked by being given (listed in order of the county's policy preference):

1. Equal time off within the same work period (usually one week; 28 days for law enforcement officers and jailers.
2. Compensatory time off at one and one-half times the number of hours worked up to a maximum number of hours which may be accrued (120 hours for law enforcement employees, representing 80 hours of overtime worked, and 60 hours for others, representing 40 hours of overtime worked); or

3. Payment at the rate of one and one-half times the employee's regular hourly rate if specifically authorized by order of the Commissioners' Court and approved by the department head. This is normally only for emergency situations.

**6.06 COMPENSATORY TIME.** Any compensatory time earned must be used within 120 days of the date the overtime was worked. As a general rule, no more than 60 hours of compensatory time (representing 40 overtime hours worked) will be allowed to accumulate without the express written consent of the Commissioners' Court; and any compensatory time accrued must be used or paid within 120 days of the date it was earned. In any event, the maximum compensatory time accrual allowed under FLSA for full-time and part-time employees whose work involves law enforcement is 480 hours (320 hours of overtime worked); for all other employees, the maximum is 240 hours (160 overtime hours). (*Legal reference: U.S. Fair Labor Standards Act of 1938, as amended*).

**6.07 HOLIDAYS WORKED.** The county's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular employee is required to work on a scheduled holiday, he or she will be given an alternate day off, preferably within the same workweek or work period. (See "Work during Holidays" section for a more detailed discussion of this policy.

An employee subject to the overtime provisions of FLSA who is required to work a full 40-hour week during a week in which he or she takes a paid holiday will receive straight-time pay for the hours worked, since a paid holiday is not considered as time worked for the purposes of determining when an employee has reached his or her maximum allowable hours (40 pr week for non-law enforcement personnel; 171 hours per 28-day work period for certified law enforcement officers and certified jailers) without being subject to overtime pay. (*Legal reference: U.S. FLSA of 1938, as amended*).

**6.08 LEAVE OR HOLIDAYS TAKEN AND OVERTIME.** If a full-time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a workweek in which he or she has used Sick Leave, Vacation Leave, or any other type of released time (including holiday time off), the employee will be given either hour-for-hour time off or pay for the extra hours at the employee's regular straight-time rate of pay. However, if the extra hours worked are more than the number of leave time hours taken, the employee will be compensated (with compensatory time off, or in emergencies, with pay) at one and one-half times the regular rate of pay for the number of extra hours worked which were not offset by the Leave time hours taken. (See **Holidays** Chapter of these policies for benefits allowable in "around-the-clock" departments when a holiday falls on a non-workday).

**6.09 TIME REPORTING.** Employees will keep records of all hours worked and released time taken, and, where appropriate, hours credited to particular projects. Forms for this purpose are provided by the county auditor's office.

Employees are responsible for recording and calculating their time on the time sheet. In order to comply with payroll procedures, employees will record the actual time they arrive to work, leave and return from lunch, and leave at the end of the day.(If you arrive at 8:07am, record 8:07 on the time sheet.) Time worked is entered into the payroll system in 15 minute increments.

Timesheets shall be submitted to the Human Resources Department **NO LATER THAN 10:00 a.m.**, on the Monday following the end of the pay period.

Timesheets must be signed by the employee and the appropriate Elected Official or Department Head. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of actual time spent on particular projects.

Timesheets are considered "official government documents" requiring the employee and Department Head or Elected Official to attest to the accuracy of the recorded information, under penalty of perjury.

Each Elected Official or Department Head is responsible for ensuring that all hours worked and leave time taken are reported on the timesheets sent to the Human Resources Department for payroll purposes as well as being recorded on the individual department's records.

## **7.00 BENEFITS**

**7.01 MEDICAL AND LIFE INSURANCE.** Regular full-time employees (at least 40 hours per week) are provided general medical, hospitalization, and life insurance. Medical insurance coverage is available after the first 60 days of employment.

Employees may obtain coverage under the group plan for family members at their own expense.

Medical and Life Insurance will be provided to all full-time eligible employees until all time is utilized, including sick leave pool.

**7.02 SECTION 125/CAFETERIA PLAN.** The County offers a "Cafeteria" Plan at the employee's option. This Plan provides payroll deduction for optional cancer insurance and accident insurance premiums. Open enrollment period for vendors to approach employees with optional insurance is limited between October 1 and November 30 of each year. No vendor shall be granted access to Bee County employees, during business hours, outside of this Open Enrollment period. All vendor enrollment forms shall be submitted to payroll for proper deduction NO LATER THAN December 1<sup>st</sup> of each year.

**7.03 DEFERRED COMPENSATION PLAN.** Nationwide Retirement Solutions is the plan administrator.

**7.04 RETIREMENT.** The County is a member of the Texas County and District Retirement System, known as (TCDRS). Regular full-time and regular part-time employees are eligible for this benefit immediately upon employment. The County matches the employee's contribution. An employee is vested after 8 years of service and attainment of age 60, and may draw full benefit after such time.

**7.05 SOCIAL SECURITY.** All employees of the County are covered by Social Security. The County contributes to the Social Security system on behalf of each employee.

**7.06 WORKERS' COMPENSATION.** Employees who are employed by the County are covered by the workers' compensation insurance program and the county pays the premium. This coverage provides medical and salary continuation payments to employees who receive bona fide on-the-job, work related injuries. Detailed information about workers' compensation benefits is found in the section of this manual under the main heading **Risk Management**.  
(*Legal reference: Article 8306-8309, esp. 8308 et seq. V.T.C.S.*)

**7.07 UNEMPLOYMENT INSURANCE.** All employees of the County are covered under the Texas Unemployment Compensation Insurance program, and the County pays for this

benefit. This program provides payments for unemployed workers in certain circumstances. (*Legal reference: Article 5221b, V.T.C.S.*)

**7.08 LEAVE TIME.** Regular full-time County employees are eligible for holidays, vacation leave, sick leave, and other types of release time under certain circumstances. Detailed information about leave and other types of release time is found in the sections of this manual under the main headings **Leave Time and Holidays**.

### **7.09 LONGEVITY BENEFIT POLICY**

Longevity benefits begin accruing on the first day of full-time employment with Bee County and paid annually during the month of December. After 12 months of employment, benefits will be paid at the rate of \$5.00 for each month of continuous service up to a maximum of twenty-five years through September 30<sup>th</sup> of the current budget year.

The total months worked is counted from the first date of employment through September 30<sup>th</sup> of the current budget year, and longevity checks are issued in December of the budget year.

If employment is terminated with Bee County prior to September 30<sup>th</sup> of the current budget year, Longevity benefits will be forfeited. If the employee is still employed on or through September 30<sup>th</sup>, Longevity benefits will be paid for the years and months worked.

There must be continuous full-time employment with no break in employment. A break in employment is defined as the severance of the employer-employee relationship and becomes effective immediately on the first day of absence without pay following termination.

If you take an approved leave of absence, you will not receive Longevity benefits for the months you are on Leave. This does not apply to Family Medical Leave in which the employee continues to be paid. The leave does not affect your continuous service requirement; you just do not get payments for months you are away from work.

Elected Officials are exempt from the Longevity benefit, and will not receive Longevity pay.

Employees will receive Longevity at the rate of \$5.00 per month for each month of service counted through September 30<sup>th</sup>, which is the last day of the budget year. For Example, after 12 months, the employee would receive \$60.00. After 37 months the employee would receive \$185.00. The maximum Longevity benefit is twenty-five years or \$1,500.00.

This policy shall be reviewed each year during the budget process, and Longevity pay for each fiscal year shall be contingent upon available funding.

The Commissioners' court may grant Longevity benefits at any percentage from (0) Percent to (100) Percent according to fiscal year funding.

Commissioners' Court approved the distribution of Longevity benefits to be done on the first Friday in December of every year. The court approved this on October 8, 2001.

## 8.00 LEAVE TIME

### 8.01 DEFINITIONS.

**Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.

**Holidays.** Holidays are days designated by the Commissioners' Court when county offices are closed on what otherwise would be regular business days.

**Unauthorized Absence.** An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or appropriate elected official or department head. Employees are not paid for unauthorized absences.

**8.02 APPROVAL OF LEAVE.** All leave taken by County employees must be approved by the employee's supervisor and the appropriate elected official or department head. Copies of signed leave forms are sent to the county auditor's office for recording in the central leave records. County payroll records are verified against these leave records. Elected officials and Department Heads are responsible for determining that the Leave has been accrued and is available for use in the amounts requested by an employee. In addition, they are responsible for ensuring that all Vacation and Sick Leave usage is recorded on the timesheet sent to the Human Resources Department for payroll purposes.

**8.03 VACATION LEAVE.** All regular full-time County employees (at least 40 hours per week) are eligible to accrue paid vacation leave. County employees are encouraged to take regular vacations at least annually.

Regular full-time employees earn Vacation Leave at a rate of 80 hours (10 days) per year. Each employee's account is credited with 6.67 hours each month.

County employees will accrue Vacation Leave at the following rates:

	<b><u>Maximum carryover</u></b>
1-5 years of service will receive 80 hours per year.	120 hours (15 days)
6-14 years of service will receive 120 hours per year.	120 hours (15 days)
15 or more years of service will receive 160 hours per year.	120 hours (15days)

Employees with 1-5 years of service will receive 6.67 hours per month.

Employees with 6-14 years of service will receive 10.00 hours per month.

Employees with 15 or more years of service will receive 13.34 hours per month.

New county employees are ineligible for vacation leave benefits during their first six months of employment. After completion of the first six months, employees are eligible to take 40 hours (five days) of vacation leave. After completion of one year, employees are eligible to take an additional 40 hours (five days) of vacation earned during their second six months of employment.

**Accumulation of vacation Leave.** Employees are encouraged to use their accrued vacation leave each year. Pay in lieu of vacation is not permitted. The maximum balance allowed at any time is 160 hours (20 days). Once an employee's vacation leave account balance reaches 160 hours, no additional Vacation Leave will accrue until the employee has used Vacation Leave to bring the balance below 160 hours.



**Carryover of vacation leave.** Employees may not carryover more than 120 hours (15 days) of vacation leave from one calendar year to the next calendar year. Any hours over 120 will be dropped from the system the week following the last pay period of the previous calendar year. (Example: Pay period December 23, 2007 to January 5, 2008. Vacation hours above 120 will be dropped on Monday, January 14. That gives the employee 6 workdays to use the excess over 120 hours). **It is the individual employee's responsibility to insure that the carryover does not exceed the maximum of 120 hours.**

**Payment for Unused Vacation Leave Upon Termination of Employment.** When an employee leaves the service of the County, he or she will be paid for his or her accrued but unused vacation leave balance up to a maximum of 160 hours (20 days). The rate of pay will be determined by the salary rate in effect at the time of termination of employment. Any employee who leaves County employment for any reason during the first year of employment will not be paid for vacation leave.

**Scheduling Vacation Leave.** Elected Officials and Department Heads should encourage their employees to schedule vacations and request leave well in advance, and vacation schedules must accommodate the County's work schedule. Provided departmental workloads will permit, employees should be allowed to select their desired vacation periods. If there is a conflict in vacation schedules involving two or more employees, employees are granted their preference on a "first come, first served" basis. If two requests are received at approximately the same time and cover the same requested vacation period, the employees will be granted their preference in accordance with their seniority. If the desired Leave schedules conflict with County requirements, the County's requirements are given first consideration.

An employee may take earned Vacation Leave in one hour increments.

Department Heads must maintain Vacation Leave records for their employees and must report such leave to the Human Resources Department.

**8.04 COMPENSATORY LEAVE.** See the section of this manual under the main heading **Work Schedule and Time Reporting**, specifically the section on "Overtime Compensation," for information about earning compensatory time and using compensatory leave credits.

**8.05 SICK LEAVE.** An employee with accrued sick leave may use it if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child(ren), or any other relative of the employee who resides in the employee's household and is dependent on the employee for care.

**Accrual of sick leave.** Sick leave accrues at the rate of eight hours per month while an employee is employed by the county on a full-time basis, (at least 40 hours per week).

Regular full-time employees are entitled to paid sick leave after the completion of one full month of employment and will be credited at that time. Thereafter, sick leave accrues on the first day of the next month.

**Use of Sick Leave.** Accrued sick leave can be used by an employee only after completion of the employee's first month of employment. If an employee is absent with permission because of illness during the first month of employment, the missed number of hours pay will be subtracted from the employee's regular pay before a paycheck is issued. Sick leave may be taken in 15-minute increments.

**Notification requirements.** Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance. In all other instances of use of sick leave, the employee must notify his or her supervisor or the appropriated elected official or department head within one hour following the time the employee is scheduled to report to duty on the first day of absences, unless emergency conditions exist, and must request that approval of sick leave be granted. Some departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Employees must complete a sick leave application prior to non-emergency appointments or within two days upon return to work in other instances, as applicable. Departments must promptly forward completed sick leave applications to the county auditor's office.

Failure to provide the required notice may result in the employee's being placed on leave-without-pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as their reasons for leaving have been accomplished.

**Medical Statement.** When an employee is absent due to illness for three or more work days, they will be required to furnish written verification by a physician of medical disability precluding availability for duty and attach it with their timesheet to the Auditor's Office.

**Accumulation of sick leave.** Sick leave not used by employees during the year in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 480 hours (60 days). Annually, on the last day of the calendar year, any sick leave balance in excess of the maximum is reduced to the maximum without compensation to the employee.

**Exhaustion of Sick Leave.** An employee who has exhausted earned sick leave benefits may request to use accumulated vacation time or other paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.

**Illness while on vacation leave.** When an illness or physical incapacity occurs during the time an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity and the charge against vacation leave reduced accordingly. Application for such substitution must be supported by a medical certificate or other acceptable evidence.

**Cancellation Upon Termination of employment.** Unused Sick Leave is canceled upon termination of employment, without compensation to the employee.

**8.06 MILITARY LEAVE.** Regular employees who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time or efficiency rating, vacation time, or salary on all days which they are engaged in authorized training or duty ordered by proper authority, not to exceed 15 days in any one calendar year. Employees will continue to receive pay from the county. Requests for approval of military leave must have copies of the relevant military orders attached. Military leave in excess of 15 days will be charged to vacation

leave or leave without pay. Regular employees who are ordered to extended active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their honorable release from active duty.

*(Legal reference: V.T.C.S., Government Code, Section 431.005; V.T.C.S. Article 6252-4a; 38, U.S. Code Annotated, Chapter 43).*

**8.07 CITIZENSHIP LEAVE.** Employees are granted civil leave with pay for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting.

Employees must notify the appropriate supervisor prior to taking civil leave. When an employee has completed civil leave, he or she must report to the county for duty the remainder of the workday. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of the workday.

**8.08 FAMILY AND MEDICAL LEAVE.**

**Eligible Employees.** To be eligible for family leave, an employee must have been employed continuously by the county for at least the previous 12 months and have worked at least 1,250 hours during those 12 months in a regular position. This policy applies equally to male and female employees. However, if both spouses are employed by the county, and the reason for the leave is to care for a newly arrived child or a sick parent, 12 weeks is the aggregate family leave limit for both. Temporary employees are not eligible for family leave.

**Calculation of 12-Month Period.** The 12-month period for eligibility for leave is calculated on an individual employee basis in a uniform manner for all employees. The 12-month period is measured forward from the date any employee's first Family and Medical Leave Act (FMLA) leave begins.

**Eligible Circumstances.** An eligible employee is entitled to 12 unpaid workweeks of leave during any 12-month period for three reasons: (1) birth or placement for adoption or foster care of a child (only within 12 months of the birth or placement); or (2) a serious health condition of a spouse, child, or parent; or (3) the employee's own serious health condition. A serious health condition is one that requires either inpatient care or continuing treatment by a health care provider.

**Servicemember Family Leave:**

**Definitions:**

**Active Duty:** The term "active duty" means duty under a call or order to active duty under a provision of law referred to in Section 101(a)(13)(B) of title 10, United States Code.

**Contingency Operation:** The term "Contingency Operation" has the same meaning given such term in section 101(a)(13) of title 10, United States Code.

**Covered Service Member:** The term "Covered Servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

**Outpatient Status:** "The term "Outpatient Status" with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to-

- (a). a military medical treatment facility as an outpatient; or
- (b). a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

**Next of Kin:** The term “Next of Kin” used with respect to an individual, means the nearest blood relative of that individual.

**Serious Injury or Illness:** The term “Serious Injury or Illness”, in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member unfit to perform the duties of the member’s office, grade, rank, or rating.

An eligible employee shall be entitled to a total of 12 workweeks of leave during a 12-month period for the following: Because of any qualifying exigency ( as the Secretary shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

Subject to section 103 of the Family Medical Leave Act of 1993 as amended, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period.

**Notice for Leave due to active duty of family member:** In any case in which the necessity for leave under “Exigency” is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practical.

**Definitions of Family Members.** “Son or daughter” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child or a person standing in the place of a parent. The child must be under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability. “Spouse” means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage.

**Limitations/Restrictions.** Leave may be taken on an intermittent or reduced basis for the birth or adoption of a child only if the arrangement is agreed to by the county. However, leave for serious health conditions—either of an eligible family member of the employee or the employee—may be taken intermittently or on a reduced schedule if medically necessary, provided the other conditions of these policies are met.

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

**Maximum Duration.** The total cumulative maximum period of time which an employee may be absent from work on family leave during any 12-month period is 12 weeks, regardless of whether all or a portion of the leave is paid or unpaid. If an employee has accrued sick, vacation, or personal leave on the books at the time family leave commences, the employee must exhaust those leave balances before being eligible for unpaid family leave. Once the employee’s leave balances have been exhausted, the county will then provide enough unpaid family leave to total

12 weeks. During the unpaid portion of an employee's family leave period, the employee accrues no additional vacation leave, sick leave, or any other type of leave.

**Part-Time/Variable Hour Employees.** Where an employee normally works a part-time schedule or variable hours, the amount of Leave to which an employee is entitled is determined on a pro-rated or proportional basis.

**Notice.** In the case of Leave for birth or placement of a child, an employee must provide at least 30 day's advance notice before the date on which the leave would begin. If the employee is unable to provide 30 day's notice, he or she must provide as much notice as practicable, usually within on or two business days of the date the employee is aware of the need to request leave. In the case of leave for a serious medical condition, if the leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the county's operations. The same advance notice requirements apply.

**Certification of Condition.** An employee requesting a paid or unpaid leave of absence for extended illness or temporary disability must submit to the Commissioners; Court a medical doctor's statement as to the date upon which the employee is no longer able to perform his or her duties or a statement that the employee is needed to care for a spouse, parent, or child, with the expected length of the recuperation period or an estimate of the time required to care for the family member, and appropriate medical facts regarding the condition. In addition, the employee must also provide the Commissioners' Court with a written statement from the employee concerning his or her intentions about returning to work at the County. An employee on family leave must contact the appropriate elected official or department head at least once each workweek to report on his or her condition. The County may also require subsequent re-certifications as reasonably needed. Failure to provide required medical status reports or to contact the office on the schedule required by the Commissioner's Court are grounds for disciplinary action.

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

**Return to Work/Assurances.** After completion of an approved family leave period, an employee will be returned either to the same position he or she held before the leave began or to a position equivalent to the previously held position in pay, benefits, and other terms and conditions of employment. This policy may be modified for "key employees", defined as those salaried employees in the top 10 percent of the county's workforce. Key employees will be notified in advance of their status. Regardless of whether the family leave period is paid, unpaid, or a combination of paid and unpaid, the employee's health insurance coverage will be continued in the same manner and at the same level as it would have been had the employee continued in employment for the duration of the family leave period. If the employee has dependent health coverage and is on unpaid leave, the employee is responsible for the cost of that coverage, and shall reimburse Bee County each period in which automatic deductions are made. However, should the employee decide, at any time after family leave begins, that he or she will not return to work at the county, the employee must reimburse the County for all health coverage premiums paid by the County on behalf of the employee during the family leave period unless the reason for not returning to work is the continuation, recurrence, or onset of a serious health condition, or something else beyond the employee's control. This is subject to certification.

**Retention of Benefits.** An employee on family leave does not lose any previously accrued seniority or employment benefits, but does not earn any Leave credits or other benefits during the unpaid portion of the Leave. After returning to work from family leave, and employee receives an adjusted employment date and adjusted anniversary date which reflect the period of time the employee was on unpaid family leave. The adjusted date will be used for the purpose of calculating leave accrual and any other benefits based on longevity.

**Summary of Act.** The County has posted a summary of the Family and Medical Leave Act on its central bulletin board for employee's information.

*(Legal reference: Family and Medical Leave Act of 1993 (P.L. 103-3)*

**Request for Extension of Family and Medical Leave.** If an employee requests additional unpaid leave beyond the 12-week maximum allowable under the Family and Medical Leave Act provisions of these policies, any extension granted will be under the terms set out in the section of these policies headed **Other Leaves of Absence Without Pay**. Employees should read the referenced section carefully and understand the difference between these two types of leave before requesting an extension.

**Documentation.** All documentation regarding family leave will be filed in the employee's medical file, which is maintained separate from the personnel files and is accessible to a limited number of persons only on a need-to-know basis. *(Legal reference: U.S. Americans with Disabilities Act of 1990).*

**8.09 OTHER LEAVE OF ABSENCE WITHOUT PAY.** Leave of absence without pay is an approved absence from duty in a non-pay status for not more than six months, unless, an extension is approved by the Commissioner's Court. Extensions of leave, including using this type of leave to extend family and medical leave beyond the 12-week limit, may be authorized by the Commissioner's Court in no more than one-month intervals, and a careful review must be conducted prior to authorizing any extension. The reason(s) for granting the extension must be documented in writing in the employee's personnel or medical file, as appropriate.

Granting a leave of absence without pay is at the discretion of the elected or appointed official. Such leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the county at the end of the approved period; approval of the leave must be documented with a copy of the documentation to be placed in the employee's personnel or medical file, as appropriate. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit program or by these policies. Medical insurance can be continued if the employee pays the premiums (including the county's portion) in full in a timely manner. The county's insurance company may limit the length of time the medical benefits may be continued.

**Revocation of Leave Without Pay.** A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented, or has ceased to exist.

**Authorized Reasons for Leave Without Pay.** A leave of absence without pay may be appropriate for the following reasons:

- Military Service (see also section on this type of leave)
- Recovery from extended illness or temporary disability beyond the 12-weeks allowable under the Family and Medical Leave Act section of these policies;

- Public Service assignments; or
- Any other reason which, in the judgment of the Commissioners' Court, merits a leave of absence without pay.

**Conditions.** An employee requesting an unpaid leave of absence must provide the county with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed. In addition, the employee must furnish the county with a written statement from the employee concerning his or her intentions about returning to work at the county. In determining whether or not to approve the request for leave without pay, the county will consider the employee's length of service, past performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

**Reporting Requirements.** An employee on extended leave must contact the appropriate county supervisor at least once each week to report on his or her status. Failure to provide required medical status reports or to contact the office on the schedule required by the county may result in the county revoking the leave and taking disciplinary action up to and including dismissal.

**Documentation.** A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave will be prepared by the Commissioners' Court or his or her designee and placed in the employee's personnel or medical file, as appropriate.

**Return to Work After Leave Without Pay.** Upon returning to work after an authorized leave of absence without pay, an employee receives an adjusted employment date and adjusted anniversary date, which reflects the period of time that the employee used for leave of absence. This adjusted date will be used for the purpose of calculating vacation leave accrual and any other benefits that may be based on longevity. At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or comparable, position. However, if no vacancy exists and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits. (See also section on Military Leave for specific provisions relating to leave of absence without pay for military service).

**8.10 EMERGENCY LEAVE.** Up to three days of Emergency Leave (per occurrence) with pay may be granted to regular employees by an elected official or department head in the event of a death in the family, or a life threatening illness of a member of the employee's immediate family who requires the employee's personal care and attention if sick leave is not or if the employee elects not to use it for this purpose. For purposes of emergency leave, family includes spouse, child, parent, brother, sister, aunt, uncle, grandparents, or grandchildren of an employee or an employee's spouse. It also includes any relative living in the employee's household who is dependent on the employee for care. The length of time granted for a specific emergency leave must be approved by the appropriate elected official or department head in advance and will depend on the circumstances; and the terms of the reason for the leave must be documented and filed in the employee's personnel file.

**8.11 INJURY LEAVE.** For information on occupational disability or injury leave for bona fide on-the-job, work-related injuries, please see the section in this manual under the main heading Risk Management.

**8.12 USING LEAVE IN COMBINATION.** A regular employee who is requesting extended leave to extend family and medical leave beyond the 12-week limit must exhaust all of his or her accrued Sick and Vacation Leave in order to be eligible for Leave Without Pay. Use of appropriate leave balances may be required as a condition of other leaves of absence without

pay. A request for this type of leave without pay must be approved in advance by the Commissioners' Court.

If an employee is sick or temporarily disabled for non-work related reasons, and he or she exhausts accrued sick leave, the county will automatically begin applying any accrued vacation leave credits unless notified differently by the employee.

Sick Leave cannot be used for vacation purposes when Vacation Leave is exhausted. With the approval of the appropriate Elected Official or Department Head, other types of Leave may be used in combination or coupled with holidays if it is determined to be in the best interest of the county and the employee.

**8.13 ABANDONMENT OF POSITION.** Unauthorized absence from work, for a period of three consecutive working days, will be considered, by the elected official or department head, as a resignation. Unless the county official determines otherwise, the resignation is not in good standing and the employee is not eligible for reemployment.

#### **8.14 SICK LEAVE POOL POLICY.**

**Purpose.** The purpose of this policy is to provide a Sick Leave Pool that will enable eligible County employees to voluntarily transfer sick leave time earned by the employee to a county sick leave pool that permits employees to draw time in the event of a catastrophic injury or illness.

**Definitions.** Eligible employees are those regular full-time employees who have completed one year of County service and who are eligible to earn Sick Leave.

Catastrophic illness or injury is one that prevents an employee from performing the functions of his or her job for an extended period of time. Examples of qualifying catastrophic illness or injuries generally considered include, but are not limited to:

- Stroke with residual paralysis or weakness
- Incapacitating heart attack
- Major surgery (hysterectomy, mastectomy, heart bypass, prostate).
- Cancer
- Hepatitis, broken hip, car wreck requiring hospitalization.

Examples of illnesses or injuries that generally would not be considered to be severe enough to be catastrophic include, but would not be limited to:

- Broken limb
- Cold/allergy
- Minor surgery with no complications such as appendectomy, tonsillectomy, day surgery.
- Pregnancy with minor or no complications.

Administrator means the person designed by the Commissioners' Court to administer the County's sick leave pool. The Administrator's duties include developing forms, record keeping, communicating with employees concerning general questions and ensuring proper administration under the policy.

**Procedures.** A committee of three, composed of the County Auditor, the County Emergency Risk Manager and the County Judge's appointee shall review all requests for use of the special sick leave to determine if it qualifies. Qualifying requests will be forwarded to the administrator



for processing. The committee will notify employees in writing as to their eligibility and or if their request is denied.

To be eligible to for use of the Sick Leave Pool, an employee must have contributed a minimum of eight (8) hours during the calendar or plan year.

Eligible employees (those earning sick leave) and who have been employed for one year may make a contribution (1-3) days at the following times; on the anniversary of their first year of employment, at the beginning of each calendar year or if neither of those are chosen and/or they did not contribute the maximum amount possible (3 days) they may make a contribution at the time of termination of employment of from (1-3 days), not to exceed a total of 3 days for the calendar/plan year.

An Eligible employee must have exhausted their regular Sick Leave and Vacation Leave. Employees who have exhausted their regular Sick Leave and Vacation Leave and have contributed to the Sick Leave Pool may make an application to the Sick Leave Pool to the extent **not to exceed the lesser of one third of the total sick pool days or the number of allowable workdays computed as indicated below.**

POOL LEAVE	Number of Hours Contributed		
	8	16	24
Months of Bee County Service	Allowable Workdays *		
13-24	20	30	40
25-48	30	40	50
49-60	40	50	60
61-96	50	60	70
97 Plus	70	80	90
*For the purpose of pool leave, workdays shall be based on eight hours per day for full-time employees.			

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

Sick Leave Pool requests may only be made because of the employee's catastrophic illness/injury or, effective April 23, 2004, because of a catastrophic illness/injury of the employee's immediate family member who requires the employee's personal care and attention. The immediate family is defined as the employee's spouse, child(ren), or any other relative of the employee who resides in the employee's household and is dependent on the employee for care. All regular sick, vacation leave, and compensatory time must have been used. Employees may make an application to the sick leave pool for an illness/injury of the employee's immediate family member to the extent they are eligible for employee leave, not to exceed the maximum of 30 days. Any time not used within one year will be returned to the pool.

Employees shall provide a doctor's recommendation (excuse) to the Sick Leave Pool Committee.

**8.15 BIRTHDAY LEAVE POLICY:** One day of birthday leave shall be granted to a full-time employee, with coordination by each Department Head or Elected Official. The paid day off must be taken during the month in which the employee's birthday falls. (Example: Birthday is May 30, the employee may request any day from May 1 to May 31). If a full time employee, by nature of the work assignment, is not on duty in the month in which their birthday falls, they shall be allowed to take Birthday Leave during the first month of scheduled work assignment following that birthday with the coordination and approval with the Department Head or Elected Official.

**8.16 ADMINISTRATIVE LEAVE:** At the discretion of the County Judge, or the Commissioners' Court, employees may be granted Administrative Leave to insure the safety, welfare, and health of the employee. These instances include, but are not limited to, severe weather, flooding, building conditions, communicable disease control, or other health risks.

When Administrative Leave is granted to employees, those, who because of the nature of their duties are required to work, will be granted Administrative Leave Time at a rate of one hour for each hour of Leave granted to all other employees.

Administrative Leave Time shall be taken within one year of accrual or the time will be removed from the employee's time records.

## **9.00 HOLIDAYS**

**9.01 GENERAL POLICY.** Paid holidays are established each year by the Commissioners' Court. A list of holidays approved by the Commissioners' Court for the current year, specifying days of the week and dates, may be obtained from the department head or the County Judge's Office.

Temporary employees and regular part-time employees are not paid for holidays not worked.

An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

**9.02 WORK DURING HOLIDAYS.** It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts in an "around-the-clock" operation. Any elected official or department head who finds it necessary to do so may direct some or all of employees of the department to report for work on any holiday.

When a regular full-time or regular part-time nonexempt employee is required to work on a holiday, he or she will be compensated in one of the following ways:

- Paid at the straight time rate of pay for the holiday hours worked and granted the same number of hours off on an alternate workday; or
- Receive compensatory leave credits equal to one and one-half time the number of hours worked on the holiday; or
- Paid at one and one-half times the employee's regular hourly rate for the total number of hours worked on the holiday.

This policy applies regardless of whether the employee has worked the maximum number of hours allowable under FLSA (40 hours per week for non-law enforcement employees; 171 hours per 28-day period for law enforcement officers) during the period in which the holiday work occurred.

**9.03 HOLIDAYS FALLING ON NON-WORKDAYS.** Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will be paid his or her regular salary amount for the pay period involved, and will receive either another day off in lieu of the holiday or an additional day's pay at the regular, straight-time hourly rate.

**9.04. HOLIDAY DURING VACATION.** If an official holiday falls within a regular employees' vacation, the employee will be granted the holiday and not charged for a day of vacation.

## **10.00. RISK MANAGEMENT**

### **10.01 RISK MANAGEMENT PROGRAM.**

**Risk Management Policy.** Bee County recognizes the following facts concerning the physical, human, fiscal and environmental resources of the jurisdiction.

1. As a result of conducting business, County resources are routinely exposed to risks that can result in loss.
2. Said resources are valuable assets to the County and the citizens of the county.
3. Protection of these resources, especially its employees, within the limits of the funds available is imperative.
4. Unless preventive and protective measures are taken, losses will occur.
5. A significant amount of time, money, resources, and staff must be committed to manage, preserve, and protect resources in the most cost-effective manner.

### **Risk Management Goals**

1. In carrying out the County's business, the long-term goal is to minimize harm to the physical, human, fiscal and environmental resources of the County, and minimize the total cost of risk to the jurisdiction.
2. To minimize the harm and the cost of the risk, the County shall:
  - a. Attempt to routinely identify all significant known perils and risks to which the County may be exposed.
  - b. Develop and implement the most appropriate combination of loss control and risk financing techniques consistent with the activities of the jurisdiction, thereby reducing and controlling the adverse human and financial consequences of risk;
  - c. Avoid unnecessary and unreasonable exposures to the extent practicable;
  - d. Take all reasonable and practical steps to prevent harmful events and losses.
  - e. Provide for the health and safety of the employees and promote a safe working environment.

**Risk Management Authority and Responsibility.** The County Judge, with approval of the Commissioners' Court, shall designate a risk manager, who shall serve under the direction of the County Judge. The Risk Manager shall be given the authority to, and shall be responsible for, the County's Risk Management Program. The Risk Management Program includes planning, organizing, coordinating, implementing, monitoring and controlling health and safety training.

The Risk Manager's authority and responsibilities shall not cross over into other functional areas of the County, but shall act in an advisory capacity to assist the department heads in identifying and controlling possible losses to County assets under their command.

**10.02 Comprehensive Safety Program** As unsafe acts and unsafe conditions are the primary cause of personal injury and property damage, Bee County is dedicated to providing a safe working environment for all employees. The Comprehensive safety program is an integral part of departmental operations and includes all aspects of job safety and accident prevention. An effective program will reduce the number of injuries to personnel and will reduce the cost of operating county vehicles in the form of vehicle damage, loss of time, and general maintenance, thereby contributing significantly to overall effective and economical operations.

**Comprehensive Safety Program Responsibility** The responsibility for oversight of the county's comprehensive safety program is delegated to the Risk Manager and administered through the various department heads of the County government.

**Safety Committee:** The County Risk Manager and the County Safety Committee will study and evaluate all safety practices and reported injuries, and make appropriate recommendations to improve safety. The Committee members will comprise of two county commissioners appointed by the County Judge; one employee from the Human Resources Department who works closely on all Workers' Compensation issues; one employee from the Auditor's office who works closely with the external insurance claims.

Selective evaluation of on-the-job injuries, including fleet accident injuries, will be initiated by the Risk Manager and Department Heads, so employees may know "why" and "how" injuries occur and steps that can be taken to reduce the injury potential.

**Employee Responsibilities and Reports.** Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety and the safety of other employees.

An employee must report any on-the-job injury, no matter how minor, to his or her department head immediately, or as soon as possible after seeking emergency medical attention.

Supervisors shall notify the County Risk Manager within 24 hours of any accident or injury and follow up with a written accident report within two working days.

The following Rules are designated to promote the safety and well-being of County employees and are to be observed by employees at all times.

- No employee shall engage in horseplay, wrestling, or practical joking while on the job or operating county equipment.
- Employees should maintain awareness of potentially dangerous situations that may cause injury to themselves, fellow employees, or the public.
- Employees must report immediately to their supervisors any condition that, in their judgment, threatens the health or safety of employees or the public.
- An employee who is unable to perform his or her duties safely due to illness must promptly notify his or her supervisor.
- Employees should immediately seek proper first aid treatment for all on-the-job injuries, including minor injury, and must immediately report all injuries to their supervisor when emergency circumstances exist.

Failure to report an on-the-job injury, no matter how minor, is grounds for disciplinary action.

## **FLEET SAFETY PROGRAM**

### **Definitions:**

**Occurrence.** An occurrence is any event, whether intentional or unintentional, on public or private property, involving a Bee county vehicle, or leased vehicle that produces injury, death, or property damage. This includes both incidents and fleet collisions.

**Fleet Incident.** An occurrence causing damage from using a County vehicle as a tool for legal intervention, training, fire, theft, vandalism, criminal mischief, flying objects, normal vehicle wear and tear, damage to tires and/or wheels-only, collisions with animals on the roadway, or acts of nature where there is no injury or death.

**Fleet Collision.** Any occurrence not classified as a fleet incident caused by a collision involving a County vehicle and another vehicle or object. It also includes damage incurred to a county vehicle through acts of negligence by the driver, which do not involve a collision, i.e., driving through or into high water on the roadway. All occurrences involving legal intervention will be classified as a fleet collision.

**Reportable Fleet Occurrence.** Any occurrence as described above is considered a reportable occurrence, regardless of the amount of damage or extent of injury.

**Fleet Safety Officer.** The Bee County Risk Manager shall be designated as the Fleet Safety Officer and is responsible for reviewing all fleet collisions, occurrences and incidents involving County vehicles and employees.

**Fleet Safety Review Board.** The fleet safety review board shall be the same as the Safety Committee described in 10.01.05 of this chapter.

**Disciplinary action.** On the determination that a fleet occurrence was preventable on the part of the county employee, disciplinary action may be taken against the affected employee.

**Remedial action.** Remedial driver and safety training may be recommended when an employee is involved in a preventable fleet occurrence or when involved in numerous occurrences, regardless of preventability.

### **Fleet Safety Program Administration**

1. Department Heads or their designee shall annually submit a Driving Record Request to the Texas Department of Public Safety on each employee who drives a Bee County vehicle or who receives compensation for using their personal vehicle for County business, and submit a copy to the Risk Manager for review.
2. County Drivers. All drivers of county owned vehicles must know and comply with all rules and policies in this chapter regarding motor vehicle fleet operations. They must satisfactorily complete all prescribed driver training programs as scheduled.
3. Immediate Supervisors. Immediate supervisors will observe the driving performance of their personnel to detect deficiencies and take appropriate corrective action. Immediate supervisors, with the assistance of the Risk Manager, are responsible for conducting periodic driver safety meetings. They shall insure that all fleet occurrences are thoroughly and objectively investigated.

4. All occurrences shall be immediately reported to the employee's supervisor by the most expeditious means possible, who will initiate an investigation regarding the circumstances. The immediate supervisor of the affected employee shall make a determination as to whether the occurrence was preventable on the part of the County employee, along with a recommendation of remedial training or disciplinary action. A completed report of investigation will be forwarded to the Risk Manager and the County Auditor's office within 5 working days of the occurrence.
5. All occurrences considered reportable accidents according to the Texas Transportation Code, shall be reported immediately to the appropriate law enforcement agency.
6. In the event of serious bodily injury or death, the Risk Manager shall be notified immediately and be responsible for conducting a complete investigation regarding the circumstances surrounding the incident. The report shall include a recommendation as to the preventability of the occurrence on the part of the County employee. A completed report of investigation will be forward to the Fleet Safety Review Board, the County Auditor's office and the County Judge within 5 working days of the occurrence.
7. The Fleet Safety Review Board will review reports of all occurrences and make recommendation to the Department Head of the affected employee, as to the preventability of the occurrence on the part of the County employee involved.
8. A copy of the completed report shall be returned to the Department Head of the affected employee. In accordance with Chapter 12, the Department Head shall make a determination as to whether disciplinary action is warranted.

**Fleet Safety Awards Program** Bee County will recognize and issue awards to fleet drivers who have completed one full year of driving without being involved in a preventable occurrence. Fleet drivers will be recognized and awarded as follows:

- 1 year
- 5 years
- 10 years
- 15 years
- 20 years
- 25 years
- 30 years
- 35 years
- 40 years

**Use of seat belts:** County employees **shall** wear seat and shoulder belts, if the vehicle is equipped by the manufacturer, any time the vehicle is being operated or is in motion, regardless of seating position in the vehicle.

**Use of cellular phones and other devices:** Driving safely and defensively takes all of the faculties of the driver of a motor vehicle. Bee County employees are reminded of the danger of using cellular telephones, or other devices while operating a vehicle owned by the County, or operating their personal vehicle if they are receiving compensation for its use. Employees are encouraged to use hands-free cellular phones and devices.

Bee County employees Will not "Text" while operating a County vehicle or personal vehicle on Bee County business.

### **Employee Safety Training Program**

A. All employees are required to attend scheduled, job specific, safety training sessions, as scheduled by the Risk Manager for Bee County, through the various Departments.

B. Safety training will be conducted, but not limited to, the following areas.

1. General Safety Practices
2. Fire Safety and Evacuation
3. General Health and wellness
4. Driver Safety
5. Heavy Equipment Operation
6. Hand tools and small equipment
7. Infectious Disease Control
8. Lifting, carrying, and climbing

C. All training will be documented, and employees will be required to sign in on a certified roster for each training class attended.

D. A record of all training will be maintained by the Risk Manager. Employees who receive training from other sources shall submit a copy of their certificate or proof of training to the Risk Manager for inclusion in the records. Department Heads who conduct safety briefings or safety training shall forward a record of such training to the Risk Manager for inclusion in the files

**10.03 Employee Suggestions.** Employees are encouraged to make suggestions to their supervisors for improvements that would make the County workplace safer or healthier.

### **10.04 On the Job injuries**

**Medical Attention.** An employee who sustains a bona fide, on-the-job injury may seek medical attention from the medical facility or professional of his or her choice. The County encourages employees to return to work as soon as they are able to do so. An employee returning to work must submit a physician's statement of medical condition and release to return to work. As determined by the Commissioners' Court, at the County's expense, an employee may be required to submit to examination by an independent physician. (*Legal reference: Worker's Compensation Act, V.T.C.S Article 8308.*)

**Insurance.** The County provides worker's compensation insurance for all of its employees. This insurance provides medical expenses and a weekly payment if an employee is absent from

work because of a bona fide, on-the-job injury for more than one week. All workers' compensation insurance claims forms must be submitted to the Human Resources Department immediately for appropriate action to be taken. (*Legal reference; Worker's Compensation Act, V.T.C.S. Article 8308.*)

**Statutory Benefits.** Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Worker's Compensation Act. These benefits include compensation payments; medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s); and/or death benefits.

**State Law.** State Law provides that an employee will be eligible for weekly indemnity payments beginning on the eighth calendar day of lost time following an occupational injury. Weekly indemnity payments for compensable injuries are temporary benefits, which will continue until the doctor certifies that the employee has received maximum medical improvement. Weekly indemnity payments for compensable injuries are made at 70 percent of the difference between the employee's average pre-injury weekly wage and the employee's earnings after the injury. For employees who earn less than \$8.50 per hour, the rate of payment for the first 26 weeks of temporary benefits is 75 percent of the difference between the employee's average weekly wage before the injury and the employee's earnings after the injury. Under the "low wage earner" provision, temporary benefits cannot exceed 100 percent of the employee's actual wages for the previous year.

Compensation benefits are subject to a seven-calendar day waiting period. After 28 calendar days of lost time, the seven-day waiting period will be paid retroactively under workers' compensation.

**Exclusions.** Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God in certain limited circumstances (i.e., assigned to official duty during a hurricane, lightning storm, etc.) or act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay. (*Legal reference: Workers' Compensation Act, V.T.C.S. Article 8308.*)

**Initiation of Injury Leave.** An employee who is put on leave for a bona fide, on-the-job, work related injury will be provided with a copy of the county's policy on "on-the-job injuries" prior to or as soon after the beginning of the leave as is feasible. Injury leave begins on the first scheduled workday of absence due to on-the-job injury and continues until the employee returns to work, his or her eligibility expires, or the employee is removed from injury leave coverage by the Commissioner's Court.

**Compensation.** If a full-time employee sustains a bona fide on-the-job, work related injury which renders him or her unfit for performing the duties of the job, that employee will receive their regular salary check for a period of up to 8 weeks from the County. Workers' Compensation will be paid directly to the employee. Employee must complete proper forms to receive this benefit. After the initial 8 weeks, the employee will be entitled to Workers' Compensation benefits only.

An employee receiving Workers' Compensation payments does not accrue vacation or sick leave and is not entitled to receive holiday pay.

**Continuation of Group Medical Insurance for Employee and/or Dependant.** To continue medical insurance for the employee and/or employee's dependant(s) when the employee is on injury leave and no longer receiving a regular county paycheck, the county will continue to pay the county's portion of the employee's medical insurance for a period of time not exceed six



months following the employee's injury. Thereafter, the employee and/or the employee's dependant (s) will convert to COBRA benefits for a maximum period of 18 months.

**Duration of Injury Leave.** At the end of the initial six-month period after the injury, an injured employee unable to return to regular duty will be terminated and will be eligible for rehire. If the employee is rehired within a one-year period from the date of injury, the employee will not lose any accrued benefits.

**Reporting requirements.** While on leave because of a bona fide, on-the-job, work related injury, each time the employee sees the physician for consultation or treatment, he or she must provide a progress report to the county auditor's office, which submits the report to the commissioner's court. Any change in the employee's condition, which might affect his or her entitlement to workers' compensation payments, must also be reported to the county auditor's office. In addition, the injured employee must contact his or her supervisor periodically to report on his or her condition. Failure to provide the required medical status reports or to contact the supervisor on the schedule required by the elected official or department head is grounds for revoking the employee's leave and for taking disciplinary action.

**Termination of Injury Leave.** Injury leave with pay may be terminated at any time without prior notice. Evidence that the employee, while able to return to work, has not done so, will be submitted to legal and medical advisors prior to terminating the leave.

**Return to Service.** A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type (s) of work he or she is capable of performing as well as any limitations (s) must be received by the County before an employee may return to work. All employees on Injury Leave must report to work after approval of either the employee's attending physician or an independent physician paid by the County. Failure to return to work when directed will result in appropriate disciplinary action including discharge.

The employee's supervisor must notify the Human Resources Department upon the employee's return to duty so that the Human Resources Department may resume recordkeeping for purposes of payroll, benefits, and leave and length-of-service accruals.

**Temporary Light Duty Status.** During the course of an on-the-job injury leave of absence, if an employee is released by his or her physician for light duty, the employee's job or alternative job assignment(s) will be evaluated for a determination of whether a temporary position is available in which the county can use the employee's limited services for a temporary period of time.

An employee who is able to return to work in light duty status is a temporary employee and may be required to work in a different department and perform the duties not contained within his or her current job duties. When an employee is assigned to temporary light duty status and performing different duties, he or she will be paid according to the level of pay that he or she would receive for the temporary light duty job if the assignment were the result of a reorganization. A light duty assignment cannot exceed 90 days. In addition, the employee may receive workers' compensation payments in a reduced amount.

**Reasons for Termination of Employment during Injury Leave.** An employee may be terminated while on Leave for an on-the-job injury for the following reasons.

1. Participating in activities that would be injurious to recovery or failing to limit activities to those that will aid on healing.

2. Failing to follow prescribed treatment including medical appointments.
3. Failure to accept a “light duty” assignment; and
4. Refusal to return to duty on the workday on which the employee has been released by the treating physician.

**Final Release or Settlement.** At the time of final release or settlement of a worker’s compensation claim, the employee must furnish the County with a certificate from the employee’s physician stating that the employee is able to return to work. The certificate must also specify any limitation(s) on the employee’s physical condition and the estimated duration of the limitation(s). The county will then evaluate the employee’s physical condition and determine whether he or she can perform the duties of the job previously held. If (a) the employee cannot perform his or her previous duties, or (b) no vacancy exists, or (c) no other suitable position is available, and (d) a reasonable effort has been made to place the employee in a suitable position, then he or she will be separated and paid accrued benefits. If the employee is separated from County employment at this point, the Human Resources Department will:

1. Send him or her a certified, return receipt requested letter;
2. Explain the circumstances, outlining the reasonable effort made to place the employee in a suitable position; and
3. Inform the employee that he or she has been separated from county employment and that he or she will be mailed a final paycheck, if applicable, for any accrued and payable leave benefits.

**Total Disability/Retirement.** A determination of total disability may be rendered at any time during the course of the occupational disability or injury leave. Upon such a determination, the Human Resources Department, in consultation with the Commissioners’ Court, will make the necessary arrangements for the employee’s retirement under the “on- the-job disability” clause of the coverage provided by the County’s retirement plan.

#### **10.05 DRUG-FREE WORKPLACE.**

1. All employees of the County are hereby notified that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace of the County. Employees who violate this policy will be subject to immediate disciplinary action up to and including discharge.
2. The County has established a drug-free awareness program providing information about the dangers of drug and alcohol abuse in the workplace, the county’s policy of maintaining a drug-free and alcohol-free workplace, information about available drug and alcohol counseling and rehabilitation, and information about the penalties that may be imposed on employees for drug or alcohol abuse violations occurring in the workplace.
3. Each employee of the County will be given a copy of this policy.
4. All employees of the County will abide by the terms of this policy and will notify the county of any drug state conviction for a violation occurring in the workplace no later than five days after such conviction.

5. The County will notify any funding agency which requires notification within 10 days after receiving notice under the above paragraph from an employee or otherwise receiving actual notice of such conviction.
6. Any employee so convicted will be subject to disciplinary action up to and including immediate discharge.
7. The County will make a good faith effort to continue to maintain a drug-free and alcohol-free workplace through the implementation of this policy.

*(Legal Reference: U.S. Drug-Free Workplace Act of 1988, as amended, and Texas Worker's Compensation Commission Act, V.T.C.S. Article 8308.)*

## **10.06 DRUG-FREE WORKPLACE POLICY**

**PURPOSE:** The purpose of this policy is to prohibit the distribution, possession, or the use of drugs and alcohol at the workplace or during working hours.

**POLICY:** Employees of Bee County shall be unimpaired by the effects of drugs or alcohol during working hour or at the workplace and shall abide by the requirements of the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D).

**DISCUSSION:** The misuse of drugs or alcohol on the job is an unsafe and counterproductive work practice. An employee found using, selling, trading, or offering for sale, drugs or alcohol while on duty or while on the premises of the Bee County Courthouse or any property owned by, or under the control of Bee County or its affiliations, will be subject to termination of employment.

All Bee County Employees are required to notify the County Judge of any conviction of a criminal drug or alcohol statute if the violation occurred in the workplace or while the employee was on duty. The employee must notify the County Judge no later than five days after such conviction. Such conviction shall be grounds for termination of employment.

An employee reporting for work visibly impaired or unable to properly perform required duties will not be allowed to work. If possible, the employee's supervisor should seek another supervisor's opinion of the employee's impairment. The supervisor should then confront the employee with the observation, to rule out any problems that may have been caused by prescription drugs. If it is determined that the employee is impaired, the employee should be sent home or to a medical facility by taxi or other safe transportation alternatives, accompanied by the supervisor or another employee if necessary. An impaired employee should not be allowed to drive.

Prescription drugs prescribed by the employee's physician may be taken during work hours. The employee should notify the supervisor if the use of properly prescribed prescription drugs would affect the employee's work performance. Abuse of prescription drugs will not be tolerated.

It is each supervisor's responsibility to confront any subordinate whenever changes in performance suggest a drug or alcohol abuse problem. The supervisor may suggest that the employee voluntarily seek assistance from a rehabilitation program or decide that the severity of the observed problem is such that an involuntary referral to a rehabilitation program should be made.

Any Bee County employee who may have a drug or alcohol problem may voluntarily notify the County Judge within five days of issuance of this policy. If the employee is voluntarily willing to undergo treatment for the problem, the County Judge may grant the employee leave without pay for a reasonable period of time.

In order to educate employees of the dangers of drug abuse in the workplace, educational reading material shall be available at the Bee County Judge's office. Information regarding drug counseling, drug rehabilitation, and employee assistance program shall also be made available to any employees in need of this assistance.

A video shall be made available to all departments within the Agency stressing the dangers of drugs or alcohol in the workplace, as well as the importance of enforcing policies to prohibiting the distribution, possession, or use of drugs or alcohol during working hours.

All Bee County Employees must abide by the terms of this policy statement as a condition of their employment with Bee County.

#### **10.07 HIV/AIDS AND RELATED CONDITIONS IN THE WORKPLACE** **Adopted by the Bee County Commissioner's Court 6/11/91**

The Texas Legislature has determined that the creation of workplace guidelines is necessary to ensure that the rights and privileges of individuals infected with the Human Immuno-deficiency Virus (HIV) are protected. Senate Bill 959 was enacted by the 71<sup>st</sup> Legislature to require state agencies to develop these guidelines.

Bee County recognizes issues and concerns faced by employees with HIV and its related condition, including AIDS or sero-positive test results. The agency also recognizes the issues and concerns pertaining to employees who work directly with employees or clients with HIV/AIDS and related conditions in the workplace.

#### **GUIDELINES:**

- The Federal Privacy Act, Texas Commission on Human Rights Act, the Texas Communicable Disease Prevention and Control Act require the confidential treatment of all medical information concerning a diagnosis of HIV/AIDS. Information about a person's health is private; therefore, the agency shall ensure every reasonable precaution is taken to protect this information. Unauthorized disclosure that an employee or client has HIV/AIDS is a criminal offense under the Texas Communicable Disease Prevention and Control Act
- Section 504 of the Rehabilitation Act of 1973, as amended, recognizes HIV/AIDS as a medical disability or handicap and prohibits HIV/AIDS based discrimination by recipients of federal funds. Under the law, persons with HIV infection are entitled to the same rights and opportunities as persons with other communicable diseases.
- As long as employees with HIV/AIDS are able to meet job performance standards, Bee County Department Heads must ensure that they are treated as any other employee. Moreover, according to Section 504 requirements, reasonable accommodations shall be granted for employees with HIV/AIDS, unless granting the request poses an undue hardship on the agency.

- The agency ensures that development of HIV-related policies is consistent with current information from public health authorities, such as the Center for Disease Control of the United States Public Health Service, and with state and federal law and regulations.
- To respond to an employee's concerns, the agency requires that all employees receive education about HIV/AIDS. Knowledge and understanding about HIV/AIDS help increase employee's sensitivity to their colleagues with HIV/AIDS and increase the potential for more compassionate service delivery to the clients.

As part of this education, the agency has in its possession, a video pertaining to HIV/AIDS. The video shall be viewed upon request from the department heads within the agency. The agency shall also have available, in the County Judge's office, reading material in English/Spanish for utilization by clients, as well as employees.

- Upon request, the agency shall refer employees to organizations or community support groups, which offer counseling and support services.
- The agency shall also assist in providing information about health insurance and other benefits to employees with HIV/AIDS.

The agency's existing grievance procedures and equal employment opportunity policy are available to employees who believe they have been discriminated against. A statement shall be included to specifically prohibit discrimination against employees or clients with HIV/AIDS or related conditions.

## **10.08 BOMB THREAT POLICY/PROCEDURES**

**Adopted by the Bee County Commissioners' Court 5/10/99**

**PURPOSE.** To establish policy and procedures for a bomb threat at properties owned, occupied or operated by Bee County. Due to the recent bomb threat at the courthouse, it has become apparent that a bomb threat procedure should be implemented.

**PROCEDURES.** While it is true that the majority of bomb threats are hoaxes, we should prepare for the eventual real threat, and treat each threat as if it were real. The following procedures, if followed, should prevent panic and injury in the event of future bomb threats.

- Persons receiving the threat: Remember, you are the most important person to the investigator(s) in the evaluation of the threat. When you receive the threat, "**DON'T PANIC**". Report the threat to your supervisor, who should in turn report it to the Sheriff's Department (362-3221) immediately. Then report the threat to the County Judge's Office (621-1550) and to the Emergency Management Office (621-1550). If the threat is in the courthouse, use the telephone intercom system to notify the County
- If the threat is written: Save everything, including the envelope and all contents.

Keep the contents in your possession, with minimal handling. The documents may have the suspect's fingerprints on them. Preservation of the documents could be very important in establishing a suspect and any subsequent prosecutions.

Upon arrival of law enforcement, turn the documents over to the investigator for processing as evidence.

- If the threat is by telephone: The most important thing you can do is **LISTEN**. Everything said by the caller has a meaning and a value in the filing of charges once the person has been identified.
  1. Write down everything the caller said. **Use the Bee County Bomb Threat Checklist provided in this chapter.**
  2. If your telephone is equipped with a recorder, turn it on.
  3. Let the caller say everything he/she wants to say without interruption.
  4. When it appears he/she has said all he/she is going to say, then, as calmly as possible, talk to the caller and ask the questions provided on the Checklist, even if he/she has already mentioned them.
  5. You may not get an answer to all or any of the questions, but it doesn't hurt to ask. The caller will most likely hang up as soon as you start questioning him/her.
  6. Try to notify your supervisor as soon as possible, even while the caller is still on the phone, **but not through a third party.**
  7. **DO NOT** use the same telephone line on which the threat was received to notify the Sheriff Office, County Judge, or Emergency Management. **DO NOT** use the phone line for anything until the Sheriff's Office investigator authorizes the use of the phone line. (If a line trace code is activated at the courthouse or any other county facility, wait 10 seconds and dial the designated code, this will trace the call or identify the line where the call was made.
  8. **DO NOT** leave your area until you are asked by your supervisor or ordered by the county property custodian (County Judge).
  
- **Elected Officials and Non-elected Department Head Responsibilities:**
  1. Should you or any employee of your department receive or be notified of a bomb threat, do the following:
    - Notify the Sheriff's Department, County Judge, and Emergency Management offices immediately.
    - Conduct a search of your area for anything that does not belong there or is not normally there.
    - Report any suspicious items, objects, etc. to your supervisor or the investigator. **DO NOT TOUCH IT!!!!**
  2. Should the County Judge be unavailable to coordinate the bomb threat operations, contact any County Commissioner that is available to perform the duties.
  3. Should an order be given to evacuate a county building, instruct all employees and visitors to take all carry-in personal items, such as lunch containers, purses, briefcases etc. with them. This will save later searches from being required to search such items. REMEMBER, the bomb search squad does not open such items in the conventional manner, and if your personal items are left behind, they may never be the same again. **If you are in doubt about whether an item belongs there or not, REPORT IT!!!!.**

- Instruct employees to remove their personal vehicle from the area and parking lots and report to the Bee County Coliseum and remain there until further notice.
  - Elected officials and non-elected department heads are designated as representatives, with keys to their spaces, and will remain until all employees have left the area and conduct one last search of their area for any suspicious items, lock their spaces, leave the building and remove their personal vehicle from the area or parking lot and report to the bomb threat coordinating center, located in the Bee Community Center.
4. If instructed or ordered to evacuate the building, **DON'T PANIC**, use the passageways and stairs to exit the building, do not risk being stuck in an elevator. The operating elevator or elevator controls are possible sources that may be used to trigger the detonating device of a bomb.
  5. When instructed to evacuate the building or office area, **DO NOT** turn off any electronic equipment, computers, or lights. Deactivation of any switch, computer or electronic equipment could be a possible source to activate a bomb.
- Sheriff's Office Responsibilities:
    1. Upon receiving a bomb threat call from any county office or building, the sheriff's office dispatcher will notify immediately:
      - Notify the Bee County Sheriff, if not immediately available, then notify the chief Deputy or Chief Investigator of the bomb threat
      - Dispatch at least one patrol unit to respond to the call to establish security at the location and assist in establishing a bomb threat coordination center.
      - Restrict all radio communications and cell phone use within 100 feet of the suspect building.
      - Provide advice to the County Judge or designated representative on decision making for bomb threat coordination efforts.

## **10.09 MATERIAL SAFETY DATA SHEET (MSDS)**

**An MSDS is a document that contains the following information:**

- A. Manufacturer's Name, Address, and Telephone Numbers.
- B. Hazardous Ingredients
- C. Physical and Chemical Characteristics
- D. Fire and Explosion hazard data
- E. Reactivity Data
- F. Health Hazards
- G. Safe handling and Use
- H. Control Measures

**MSDS sheets themselves must be:**

Prepared per OSHA standards

Prepared by the manufacturer or distributor and supplied to the purchaser.

Maintained by the employer in the workplace where the chemical is used and readily available to employees. Upon request, MSDS sheets must be provided to the Director of the Department of State Health Services and the local fire chief.

## **SUPERVISOR'S RESPONSIBILITY**

MSDS must be maintained in a central location for easy access by the employee.

MSDSs must be kept current and there must be one corresponding MSDS readily available for every hazardous chemical used or stored on the work site.

When new hazardous substances are received at any work site, the supervisor of that area is to ensure that an MSDS is included. If not, the supervisor will contact either the original manufacturer or the Risk Manager for the MSDS for the product.

Because MSDS and proper labeling are required on all hazardous chemicals, employees are not allowed to bring hazardous chemicals from home to use at work. This policy does not extend to items for personal use such as nail polish remover.

**Texas Tier Two Report:** The Public Employer Community Right-To-Know Act, Chapter 506 of the Health and Safety Code, requires all employers to compile a list of all hazardous chemicals present in the workplace in excess of certain quantities and submit this list annually to the Department of State Health Services.

The Bee County Road and Bridge Department is the only department of Bee County that stores chemicals that meet the above criteria. It is the responsibility of the Department Head of the Bee County Road and Bridge Department to submit the required Tier Two Reports to the Texas Department of State Health Services.

A copy of the report shall be provided to the Risk Manager, and the local fire chief.

**10.10 Building Inspection Program.** The purpose of a building inspection program is to document unsafe conditions that may exist in facilities owned and operated by Bee County and used by county employees or the public, and insure compliance with Texas Accessibility Standards and the Americans with Disabilities Act.

The goal of the Building Inspection program is to correct any unsafe condition that may be found and enhance the safety of our employees and the public.

Department Heads shall complete an annual Building Inspection Checklist (Annex 3) in May of each year, for each building used or under the control of the Department. The completed Building Inspection Checklist shall be forwarded to the Risk Manager no later than May 31st of each calendar year.

If the building houses multiple Department Heads, then each department is responsible for inspecting the area occupied by its employees and equipment. Common areas will be inspected by risk management or maintenance supervisor.

The Risk Manager shall inspect those items listed that constitute an immediate hazard to employees or the public, and make recommendations to the Commission's court on how to mitigate the hazard.



**10.11 Building Modifications.** The purpose of this policy is to insure that any modifications or additions of equipment in facilities owned or used by Bee County, are in compliance with all of the standards required in the Americans with Disabilities Act, and The Texas Accessibility Standards.

No employee will make any modification or add any equipment to any facility owned or used by Bee County without the consent of the Bee County Commissioners' Court, and after an evaluation by the County Risk Manager, that the modification complies with all standards existing for that modification.

**10.12 Staff Emergency Notification System (Panic Button Test):** The purpose of this policy is to ensure a safe work environment. The County Courthouse Senior Bailiff will conduct a systems check on all the assigned panic buttons in the Courthouse and the Justice Building on a quarterly schedule. The Senior Bailiff will also conduct a systems check on the panic button system one week before any major trial that takes place in the Bee County Courthouse. If any assigned panic button fails to operate correctly, a Work order or outside vendor purchase order shall be prepared as soon as possible.

**Threshold Limits for Drugs**

**Initial Test Cutoff Levels (ng/ml) Shall be as Follows:**

<b>Marijuana metabolites</b>	<b>50</b>
<b>Cocaine metabolites</b>	<b>300</b>
<b>Opiate metabolites</b>	<b>*300</b>
<b>Phencyclidine</b>	<b>25</b>
<b>Amphetamines</b>	<b>1000</b>

**\*25 ng/ml if immunoassay specific for free morphine**

**Confirmatory Test Cutoff Levels (ng/ml) Shall be as Follows:**

<b>Marijuana metabolite 1</b>	<b>15</b>
<b>Cocaine metabolite 2</b>	<b>150</b>
<b>Opiates:</b>	
<b>Morphine</b>	<b>300</b>
<b>Codeine</b>	<b>300</b>
<b>Phencyclidine</b>	<b>25</b>
<b>Amphetamines:</b>	
<b>Amphetamine</b>	<b>500</b>
<b>Methamphetamine</b>	<b>500</b>

**1-Delta-9-tetrahydrocannabinol-9-carboxylic acid**

**2-Benzoylcegonine**

## GENERAL GUIDELINES FOR BUILDING INSPECTION

## 1. General Area

- |  |  |
|--|--|
| <p>A. Are aisles and hallways clear of boxes, cartons, and other obstructions?</p> <p>B. Is there a safety step stool or stepladder available to reach high shelves?</p> <p>C. Are plastic chair mats turned when edges curl more than 1/4 inch from the floor?</p> <p>D. Are floor surfaces, carpets, stairways, ect., free from defects?</p> <p>E. Are aisles or walkways clear of electrical, computer, or telephone cords?</p> <p>F. Are warning signs posted when floors are being wet mopped or waxed?</p> <p>G. Are portable fans guarded with a fine mesh screen with openings no more than 1/2 inch in diameter?</p> <p>H. Are "NO SMOKING" signs posted in areas which have potential fire hazards?</p> <p>I. Are flammable materials properly marked?</p> <p>J. Are there signs of "Step-up" or "Step down"?</p> <p>K. Are pedestrian walk areas properly marked?</p> | <p>1 ABC-Electrical and Explosive for fuel and general areas.<br/>2 Halon for communications area.</p> <p>S. Is area reasonably free of oil and grease?</p> <p>T. Are the water and air hoses in place?</p> <p>U. Are there water leaks around water outlet?</p> |
|--|--|

## II. Illumination-Wiring

## Area Where Bulk Gasoline Tanks are Located

- |   |   |
|---|---|
| <p>L. Condition of gas hose.</p> <p>M. Condition of gas filler nozzle.</p> <p>N. Leaks around gas pump.</p> <p>O. Condition of stand-on overhead bulk tank.</p> <p>P. Warning signs.</p> <p>1 No Smoking</p> <p>2 Shut off Engine</p> <p>3 Flammable Material</p> <p>O. Are there other flammable materials stored in close proximity of gas pumps or gas tank?</p> <p>R. Is there a proper fire extinguisher nearby?</p> | <p>A. Is the illumination level adequate for the work activity being performed?</p> <p>B. Are fluorescent light bulbs protected with a plastic cover or plastic guards?</p> <p>C. Is the use of lightweight electrical extension cords prohibited?</p> <p>D. Is the routing of extension cords through doors, ceilings, walls, or windows prohibited?</p> <p>E. Is the use of electrical plug adapters (2/3 way), plastic plug-in cubes, etc., other than surge protectors, prohibited?</p> <p>F. Are electrical wall plug and light switch covers in place?</p> <p>G. Are unused wall plugs properly safeguarded?</p> <p>H. Is there exposed wiring, broken plug, or missing prongs on electrical wiring or equipment?</p> <p>I. Are fuses or circuit breaker wiring and connections exposed?</p> <p>J. Are fuse/circuit breakers identified as to what they control?</p> <p>K. Have problems occurred from electrical overloads (breakers tripping or arcing, etc.)?</p> <p>L. Are portable electrical heaters unplugged when not in use or unattended? Are they U.L. approved and are wiring and heater coils in good condition?</p> |
|---|---|

## III. Housekeeping

- A. Is the general housekeeping satisfactory?
- B. Are water or liquid spills on the floor promptly mopped up?
- C. Are floors too slick due to buffing or wax application?

**IV. Structural/Grounds**

- A. Is there evidence of roof leaks (ceiling panels, walls, floors, etc.)?
- B. Are ceiling panels loose, deteriorated, missing, or in danger of falling?
- C. Are parking areas properly striped?
- D. What are the conditions of the sidewalks?
  - 1. Cracks in sidewalks which could cause accidents?
  - 2. Are the sidewalks properly scraped and salted when there is ice or snow on them?
  - 3. Oil or grease on sidewalk?
  - 4. Do tree limbs or shrubbery prevent full access to sidewalks?
  - 5. Does water stand on sidewalk due to height of lawn?
- E. Are there water leaks around faucets?
- F. Are there car stops around buildings where parking is permitted close to the building?
- G. Is personal safety equipment available, serviceable, and properly stored or the maintenance personnel are it being utilized?

**V. Tools**

- A. Are tools clean and properly stored?
- B. Are power tools properly wired and grounded?
- C. Are guards and shields properly installed on all power equipment?

**VI. First Aid**

- A. Is there a first aid kit available and properly stocked?
- B. Are persons identified who have CPR or first aid training?

**VII. Fire Protection**

- A. Are emergency phone numbers and evacuation plans current and posted?
- B. Is there a procedure or alarm system to warn employees and citizens in case of fire/emergency evacuation? Was the alarm system tested?
- C. Are emergency egress routes and exits properly marked and identified?
- D. Are there obstructions in egress routes or exits?

- E. Are fire extinguishers properly mounted, easily accessible, and inspected at appropriate intervals (yearly)?
- F. Are employees trained to use portable fire extinguishers?

**VIII. Security**

- A. Radio Tower
  - 1. Is there a fence or ladder adjustment to prevent climbing on the tower?
  - 2. Is there proper warning around tower to warn of falling ice when conditions prevail?
- B. Ammunition
  - 1. Is the storage facility properly secured by door lock or padlock?
  - 2. Is a fire extinguisher available in case of emergency?
- C. Data Security
  - 1. Are employees aware of and complying with data security policies, procedures, standards, and guidelines?

**IX. Equipment**

- A. Do mechanical ventilation and air conditioning systems provide an adequate flow of air (poor air movement, stale odors, etc)?
- B. Are broken or defective chairs or equipment removed from use?

**X. Material Storage**

- A. Are file cabinet drawers closed when not in use?
- B. Are employees cautioned to open only one drawer of a multidrawer filing cabinet at a time?
- C. Are shelves and filing cabinets, which may tip over, secured?
- D. Are there combustible or flammable materials stored in equipment room or stairwells?

**XI. Miscellaneous**

- A. Do employees assist maintenance personnel by maintaining a clean work area?
- B. Are motor pool vehicles properly maintained and equipped?

**BEE COUNTY  
BUILDING INSPECTION CHECKLIST**

Inspector \_\_\_\_\_ Date \_\_\_\_\_

Building Location/Department \_\_\_\_\_ Department Head \_\_\_\_\_

**1 General Area**

- \_\_\_\_\_ 1. Floors
- \_\_\_\_\_ 2. Special purpose flooring or mats
- \_\_\_\_\_ 3. Aisle, Clearance Markings
- \_\_\_\_\_ 4. Floor Operrings, Covered
- \_\_\_\_\_ 5. Railings, stairs, Temp/Perm
- \_\_\_\_\_ 6. Gasoline Island
- \_\_\_\_\_ 7. Storage Space
- \_\_\_\_\_ 8. Ventilation
- \_\_\_\_\_ 9. Shop/Work Area- Flammable Material
- \_\_\_\_\_ 10. Signs, Directions
- \_\_\_\_\_ 11. Space Utilization/Overcrowding
- \_\_\_\_\_ 12. Other \_\_\_\_\_

- \_\_\_\_\_ 53. Safe storage
- \_\_\_\_\_ 54. Lawn Mowers/edgers
- \_\_\_\_\_ 55. Unattended Machines Operating
- \_\_\_\_\_ 56. Emergency Stops not operational
- \_\_\_\_\_ 57. Platforms, ladders, catwalks
- \_\_\_\_\_ 58. Instructions to operate/Stop Posted
- \_\_\_\_\_ 59. Maintenance being performed on Machines while in operation
- \_\_\_\_\_ 60. Safety Guards in Place
- \_\_\_\_\_ 61. Pinch Points
- \_\_\_\_\_ 62. Other \_\_\_\_\_

**II Illumination/Wiring**

- \_\_\_\_\_ 13. Unnecessary/Improper Use
- \_\_\_\_\_ 14. Lights on during shutdown
- \_\_\_\_\_ 15. Frayed or defective wiring
- \_\_\_\_\_ 16. Overloaded circuits
- \_\_\_\_\_ 17. Machinery/circuits not gounded
- \_\_\_\_\_ 18. Hazardous location
- \_\_\_\_\_ 19. Wall Outlets
- \_\_\_\_\_ 20. Protective covers/closet lights
- \_\_\_\_\_ 21. Excess Extension cords
- \_\_\_\_\_ 22. Circuits labeled
- \_\_\_\_\_ 23 Other \_\_\_\_\_

**VI. First Aid**

- \_\_\_\_\_ 63. First Aid Kits
- \_\_\_\_\_ 64. Stretchers/fire blankets
- \_\_\_\_\_ 65. Other \_\_\_\_\_

**VII. Fire Protection**

- \_\_\_\_\_ 66. Fire hose hung properly
- \_\_\_\_\_ 67. Extinguisher Charged (proper Location Usage)
- \_\_\_\_\_ 68. Exit lights/Door/Signs
- \_\_\_\_\_ 69. No Smoking signs/Gas Pumps
- \_\_\_\_\_ 70. Fire Alarm \_\_\_\_\_

**III. Housekeeping**

- \_\_\_\_\_ 24. Floors
- \_\_\_\_\_ 25. Machines
- \_\_\_\_\_ 26. Break Areas, Latrines
- \_\_\_\_\_ 27. Waste Disposal/Garbage
- \_\_\_\_\_ 28. Vending machines/food production
- \_\_\_\_\_ 29. Rodent, Insect, Vermin control
- \_\_\_\_\_ 30. Deicing Material used
- \_\_\_\_\_ 31. Mop closet signs
- \_\_\_\_\_ 32. Mechanical Room Condition
- \_\_\_\_\_ 33. Other \_\_\_\_\_

**VIII. Security**

- \_\_\_\_\_ 71. Doors/Windows. Etc Secured when required
- \_\_\_\_\_ 72. Department Shutdown Security
- \_\_\_\_\_ 73. Equipment secured
- \_\_\_\_\_ 74. Unauthorized Personnel
- \_\_\_\_\_ 75. Ammunition and Tear Gas Storage
- \_\_\_\_\_ 76. Evacuation Plan Posted
- \_\_\_\_\_ 77. Security devices
- \_\_\_\_\_ 78. Data Security
- \_\_\_\_\_ 79. Other \_\_\_\_\_

**IV. Structural/Grounds**

- \_\_\_\_\_ 34. Floor cracks
- \_\_\_\_\_ 35. Sidewalk cracks
- \_\_\_\_\_ 36. Sidewalk settling
- \_\_\_\_\_ 37. Wall Cracks/Interior
- \_\_\_\_\_ 38. Wall cracks/exterior
- \_\_\_\_\_ 39. Parapet walls mortar
- \_\_\_\_\_ 40. Caulking
- \_\_\_\_\_ 41. Lawn Maintenance/Landscaping
- \_\_\_\_\_ 42. Repainting/ Offices, Doors, trim
- \_\_\_\_\_ 43. Physical damage
- \_\_\_\_\_ 44. Parking space/Adequate
- \_\_\_\_\_ 45. Asphalt Cracks/grass Growth
- \_\_\_\_\_ 46. Sprinkler system operative
- \_\_\_\_\_ 47. Foor Condition/Leak, deterioration
- \_\_\_\_\_ 48. Outside lights
- \_\_\_\_\_ 49. Plumbing Fixtures/condition
- \_\_\_\_\_ 50. Other \_\_\_\_\_

**IX. Equipment**

- \_\_\_\_\_ 80. A/C Heating Equipment Condition
- \_\_\_\_\_ 81. Filter Replacement Schedule
- \_\_\_\_\_ 82. Equipment Maintenance Schedule
- \_\_\_\_\_ 83. Maintenance Records
- \_\_\_\_\_ 84. Energy Conservation
- \_\_\_\_\_ 85. Emergency Generator Condition/age
- \_\_\_\_\_ 86. Emergency Generator Run Schedule
- \_\_\_\_\_ 87. Emergency Water Supply
- \_\_\_\_\_ 88. Water conditioner
- \_\_\_\_\_ 89. Water heater condition
- \_\_\_\_\_ 90. Spare parts
- \_\_\_\_\_ 91. Other \_\_\_\_\_

**V. Tools/Machinery**

- \_\_\_\_\_ 51. Power Tool Wiring
- \_\_\_\_\_ 52. Condition of Hand tools

**X. Material storage**

- \_\_\_\_\_ 92. Hazardous & Flammable Material
- \_\_\_\_\_ 93. Improper Stacking/Loading/Security
- \_\_\_\_\_ 94. Ventilation, Lighting, Warning Signs
- \_\_\_\_\_ 95. Other \_\_\_\_\_

**XI. Miscellaneous**

- \_\_\_\_\_ 96. Maintenance Support
- \_\_\_\_\_ 97. Building and Equipment Maintenance Budget
- \_\_\_\_\_ 98. Other Deficiencies \_\_\_\_\_

<b>1 Satisfactory</b>	<b>3 Other</b>
<b>2 Corrective Measues Needed</b>	<b>4. Does not apply</b>
<b>Ratings 2 or 3 Requires Comments</b>	

Field Inspector's Comments on Back



# BEE COUNTY BOMB THREAT CHECKLIST

(Place near telephone)

Questions to Ask:

Exact Wording of the Threat:

1. When is the bomb going to explode? \_\_\_\_\_  
\_\_\_\_\_
2. Where is the bomb right now? \_\_\_\_\_  
\_\_\_\_\_
3. What does it look like? \_\_\_\_\_  
\_\_\_\_\_
4. What kind of bomb is it? \_\_\_\_\_  
\_\_\_\_\_
5. What will cause it to explode? \_\_\_\_\_  
\_\_\_\_\_
6. Did you place the bomb? \_\_\_\_\_ Sex of caller: \_\_\_\_\_ Race: \_\_\_\_\_ Age: \_\_\_\_\_  
\_\_\_\_\_
7. Why? \_\_\_\_\_ Length of call: \_\_\_\_\_ Phone # where received \_\_\_\_\_  
\_\_\_\_\_
8. What is your address? \_\_\_\_\_ Time: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_
9. What is your name? \_\_\_\_\_  
\_\_\_\_\_

**CALLERS'S VOICE**

- |                |                       |
|----------------|-----------------------|
| _____ Calm     | _____ Whispered       |
| _____ Angry    | _____ Stutter         |
| _____ Excited  | _____ Raspy           |
| _____ Slow     | _____ Clearing Throat |
| _____ Loud     | _____ Deep Breathing  |
| _____ Laughing | _____ Ragged          |
| _____ Soft     | _____ Cracking voice  |
| _____ Crying   | _____ Disguised       |
| _____ Normal   | _____ Accent          |
| _____ Distinct | _____ Nasal           |
| _____ Slurred  |                       |

\_\_\_\_\_ Familiar

**Background sounds:**

- |                             |                 |
|-----------------------------|-----------------|
| _____ Street                | _____ Factory   |
| _____ Voices                | _____ Animals   |
| _____ Clear                 | _____ PA system |
| _____ Static                | _____ Music     |
| _____ Household             | _____ Motor     |
| _____ Machinery             | _____ Booth     |
| _____ Other: Describe _____ |                 |
| _____                       |                 |
| _____                       |                 |

Report call immediately to your supervisor, the supervisor shall report the threat to the Sheriff's Office, County Judge's Office and Emergency Management Office.

Elected officials or non-elected department head shall implement the Bee County Bomb Threat Policy/Procedures.

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Call received by: \_\_\_\_\_ Signature: \_\_\_\_\_

\_\_\_\_\_  
(Print Name)

**BEE COUNTY**  
**ACCIDENT / INCIDENT REPORT**

Date/Time \_\_\_\_\_  
Date and time reported

Reported to: \_\_\_\_\_  
To Whom was Incident Reported

Employee: \_\_\_\_\_

Department: \_\_\_\_\_

Type of Incident: \_\_\_\_\_  
Motor Vehicle, Fire, Slip, Trip, Fall, Sting, Fracture, Heat illness, etc.

Type of Injury: \_\_\_\_\_  
Strain, Contusion, Fracture, laceration, Burn, etc.

Location: \_\_\_\_\_  
Hwy, road, street, building, stairs, etc. Use a physical address if possible

Date and time of incident \_\_\_\_\_

Medical Treatment required: Yes \_\_\_\_\_ No \_\_\_\_\_ Ambulance called? \_\_\_\_\_

Brief Description of Incident: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Motor Vehicle Accident Information**

County Vehicle: Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ License #: \_\_\_\_\_

Operator's Name: \_\_\_\_\_ Unit #: \_\_\_\_\_

Driver's License #: \_\_\_\_\_ Expires: \_\_\_\_\_ Vin #: \_\_\_\_\_

Other Vehicle: Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ License #: \_\_\_\_\_

Operator's Name: \_\_\_\_\_ Vehicle Owner's Name: \_\_\_\_\_

Driver's License #: \_\_\_\_\_ Expires: \_\_\_\_\_ Vin #: \_\_\_\_\_

Insurance: Yes \_\_\_\_\_ No \_\_\_\_\_ Company Name: \_\_\_\_\_

Investigated: Yes \_\_\_\_\_ No \_\_\_\_\_ City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_

Was wrecker called: Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, what company: \_\_\_\_\_

Were photographs taken: Yes \_\_\_\_\_ No \_\_\_\_\_ By Whom: \_\_\_\_\_

**DAMAGES:**

County Vehicle: \_\_\_\_\_  
\_\_\_\_\_

Other Vehicle: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Driver Signature

\_\_\_\_\_  
Supervisor Signature

ORIGINAL TO COUNTY AUDITOR; COPY TO RISK MANAGER AND SUPERVISOR



**BEE COUNTY  
NON-EMPLOYEE ACCIDENT/INCIDENT REPORT**

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: \_\_\_\_\_  
Provide exact location (steps in front of building, sidewalk on west side, room#, etc)

Full Description of what occurred: \_\_\_\_\_

Type of Accident/Incident: \_\_\_\_\_  
Slip, trip, fall, object fell, burn, exposure to chemicals, equipment, etc.

Name of Person involved: \_\_\_\_\_

Address: \_\_\_\_\_  
Street address (include suite or room)                      City                      State                      Zip Code

Telephone Number: \_\_\_\_\_ Alternate Number: \_\_\_\_\_

Type of Injury: \_\_\_\_\_  
Be Specific ( Burn to right hand, Fracture of left arm, laceration of scalp, etc)

Medical Treatment Required?    Yes    \_\_\_\_\_    No    \_\_\_\_\_    Ambulance: \_\_\_\_\_

Taken to: \_\_\_\_\_                      Transferred to: \_\_\_\_\_

Witnesses:

Name	Address	Phone number
_____	_____	_____
Name	Address	Phone number
_____	_____	_____
Name	Address	Phone number
_____	_____	_____
Name	Address	Phone number
_____	_____	_____

Statements Taken:    Yes    \_\_\_\_\_    No    \_\_\_\_\_    Photographs taken:    Yes    \_\_\_\_\_    No    \_\_\_\_\_

## **11.0 USE OF COUNTY PROPERTY**

**11.01 GENERAL POLICY.** The county attempts to provide each employee with adequate tools, equipment, and vehicle for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

### **11.02 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES.**

Employees who are assigned tools, equipment, vehicles, or any other county property by their departments are responsible for them and for their proper use and maintenance. Repairs to vehicles must be done under the direction of Elected Official or Department Head to whose department the vehicle has been assigned.

No personal or political use of any County property, materials, supplies, tools, equipment, or vehicles is permitted. If an employee is in doubt about a circumstance, he or she must check with the appropriate elected official or department head before proceeding. Violations of this policy may result in discharge and possible prosecution.

**11.03 VALID DRIVER'S LICENSE.** All operators of County vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle and to keep the department head or elected official informed of any changes in the status of the license. Elected officials or department heads will periodically check the driving records of all employees who operate county vehicles or are required to use their personal vehicle to conduct county business. Failure to maintain a safe driving record may result in disciplinary action. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation.

Suspension or revocation of the driver's license of an employee who is assigned as a vehicle or equipment operator may result in a demotion or discharge.

**11.04 VEHICLE INSURANCE.** The County maintains up-to-date insurance coverage on all vehicles owned by the county. Elected or appointed officials or employees who drive a personal vehicle on county business are required to provide the county auditor with proof of automobile liability insurance as required by the State of Texas and to maintain up-to-date insurance coverage. Failure to do so may be grounds for disciplinary action up to and including discharge.

**11.05 ACCIDENT REPORTING.** Any employee operating county equipment or vehicles must report all vehicular accidents and property damage or liability claims to his or her supervising elected official or department head and to the appropriate law enforcement authorities immediately, or, in the case of injury to the employee, as soon as the employee is able.

Each vehicular accident, no matter how minor, must be reported to appropriate law enforcement authorities so that an official accident report can be filed. The Department Head or Elected Official in charge of the department must notify the Human Resources Department and risk manager's office of the accident if it occurred on a business day, and on the first business day following the accident if it occurred after hours or on a non-workday.

A copy of any accident report involving county equipment or vehicles must be forwarded to the Commissioners' Court and the County Risk Manager as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

**11.06 USE OF COUNTY CREDIT CARDS FOR GASOLINE PURCHASES.** Employees who operate county-owned vehicles may be issued credit cards to purchase gasoline and for minor emergency repairs such as adding necessary fluids or replacing headlights. (Purchase of more expensive items or repairs must be made in accordance with the county's purchasing policy). Purchase of gasoline should be made at reputable service stations with competitive prices.

Employees are responsible for submitting credit card receipts to their supervisor for each purchase charged to a company credit card. Each receipt must indicate the number of gallons purchased; the vehicle's odometer reading at the time of the purchase; the vehicle license plate number; and the employee's signature. Gasoline purchases by county credit card will not be allowed if the vehicle's odometer is inoperative.

Credit cards are issued to authorized employees by their supervising elected official or department head who will monitor use of the credit cards; and will submit documentation of usage to the county auditor's office at the end of each month.

Unauthorized or personal use of county credit cards is strictly prohibited.

## **12.0 DISCIPLINE**

**12.01 GENERAL.** Employees of the county serve "at will" and, within the provisions of state and federal law regarding public employment, can be dismissed at any time, with or without notice for any reason or no reason. Some of the actions that may result in disciplinary action include, but are not limited to, the following:

- Insubordination;
- Absence Without leave including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;
- Use of Alcohol or Illegal Drugs while on duty or in a county vehicle;
- Alcohol or Drug Abuse while on duty which may affect the performance or safety of the employee or other persons;
- Unauthorized Use or Theft of Public Funds or Property;
- Conviction of a felony;
- Conviction of Official Misconduct, oppression, or perjury;
- Falsification of Documents or Records;
- Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- Unauthorized or Abuse of Official Authority;
- Violation of the Sexual Harassment Policy;
- Incompetence or Neglect of Duty;
- Disruptive Behavior which impairs the performance of others; or

- Other Violation of any of the Requirements of these Personnel Policies or any departmental policies not in conflict with these policies.

**12.02 PROGRESSIVE DISCIPLINE.** An Elected Official or Department Head may take disciplinary action, including dismissal, against an employee at any time. The severity of the discipline depends upon the nature of the infraction. The County may, but not necessarily will, use a progressive discipline system.

The progressive discipline system is as follow:

- Verbal Warnings with records of each warning maintained by the appropriate Elected Official or Department Head;
- Conference with Appointed Official or Department Head, employee, and supervisor, with a written summary of the conference to be prepared by the supervisor, with one copy to the employee and one copy to the employee's personnel file.
- Written Reprimands which the employee's supervisor must in all cases cause to be transmitted through the elected official or department head to the employee's personnel file.
- Reduction in Pay without demotion;
- Suspension from duty, with or without pay, for up to 30 days and renewable after informal review of the circumstances;
- Demotion; and/or
- Separation by involuntary dismissal.

Actions other than oral or written warnings require the advanced approval of the appropriate Elected Official or Department Head unless an emergency situation exists.

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal see the following sections of this manual relating to **Separations**.

## **13.0 SEPARATIONS**

**13.01 TYPES OF SEPARATIONS.** All separations of employees are designated as one of the following types"

- Resignation;
- Retirement;
- Reduction in Force;
- Dismissal;
- Disability; or

- Death

**13.02 RESIGNATION.** An employee who intends to resign is requested to notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the appropriate Elected Official or Department Head immediately.

**13.03 RETIREMENT.** The same notice requirement for resignation apply in the case of retirement except that a longer period of advance notice may be required to start retirement payments promptly.

See the Texas County and District Retirement System's online information at [www.tcdrs.org](http://www.tcdrs.org) for all additional information on Retirement. The Human Resources Department also has literature and brochures on County employee retirement.

**13.04 REDUCTION IN FORCE.** An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering (1) the relative necessity of each position to the organization, (2) the performance records of each employee, (3) qualifications of the employee for remaining positions with the County, and (4) the employee's length of service with the County.

**13.05 DISMISSAL.** Bee County operates under the legal doctrine of "employment-at-will" and, within requirements of state and local law regarding employment, can dismiss an employee at any time, with or without notice, for any reason or no reason. Every effort will be made to ensure that employee dismissals are not made in an arbitrary and capricious manner; however, these personnel policies do not constitute an employment agreement between the county and any of its employees and in no way limit or restrict the at-will nature of employment. The county has the right to change these policies at any time, without prior notice to employees.

**13.06 DISABILITY.** In cases of long-term disability where an employee is unable to return to work for a period of time which would cause an undue hardship to the County to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the County, the employee will be separated from employment with the County. (*Legal reference: U.S. Americans with Disabilities Act of 1990.*)

(See sections of this manual under the main heading of **Risk Management** for details on occupational disability resulting from bona fide, on-the-job, work related injuries.)

**13.07 DEATH.** If a County employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

**13.08 EXIT INTERVIEWS AND RECORDS.** Reason(s) for separation are stated in writing, signed by the appropriate Elected Official or Department Head, and except in unusual or emergency circumstances, initialed by the employee on the county's exit interview form. The Elected Official or Department Head of an employee who is separated will discuss with the employee the reason(s) for the separation in an exit interview whenever possible (see "Dismissal" section in this manual for additional requirements in the event of an involuntary dismissal). The Elected Official or Department Head also must sign the exit interview form. The exit interview record is important and may be instrumental in determining the county's liability, or lack of liability, for unemployment insurance costs.

**13.09 CONTINUATION OF GROUP INSURANCE.** The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health and dental insurance, at the individuals' full expense, under specified conditions, beyond the date on which it would otherwise terminate. Insurance information from the county's group insurance carrier is given each employee at the time of employment and explains these options under the county's carrier at the time the employee is hired. Later revisions in group insurance coverage are explained in subsequent insurance information distributed to each employee at the time the coverage revision is effective.

Each covered employee is responsible for notifying the Human Resources Department of any change in family status-separation, divorce, or a child becoming eligible or ineligible for dependent's coverage. If the change would cause the employee or a covered dependent to become ineligible for county-supplemental group insurance, the County will provide an "Insurance Coverage Continuation Form" to be completed by the appropriate person(s). In order to qualify for continued coverage, specific time periods must be met, and full premiums must be paid in a timely manner by the employee or the applicable spouse or child. (*Legal reference: U.S. C.O.B.R.A. of 1985*).

If the affected person's payment for continuation of group health insurance is not received by the 10<sup>th</sup> of the month, the county will notify the insurance carrier that the payment was not received. If this occurs, the county will neither pay the person's premium nor enter into payment arrangements for this coverage.

## **14.0 GRIEVANCES**

**14.01 POLICY.** It is the policy of the County, insofar as possible, to prevent the occurrence of grievances and to deal promptly with those, which occur. No adverse action will be taken against an employee for reasons of his or her exercise of the grievance right.

A grievance may be filed by a regular employee on one or more of the following grounds: improper application of rules; regulations; and procedures (but not the rules, regulations, and procedures themselves); unfair treatment; illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin; improper application of fringe benefits; or improper working conditions.

The county follows a progressive grievance procedure which ensures regular employees, who have satisfied the introductory period, due process in the county's consideration of their work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

**14.02 FINAL AUTHORITY.** Grievances can be appealed through the employee's supervisor to the appropriate elected official when an Elected Official is the Department Head. If, the department head is appointed by the Commissioners' Court the matter may be appealed to the Commissioner's Court, whose decision is final.

If the grievance alleges either discrimination on one of the prohibited grounds or sexual harassment, and the matter is not resolved to the employee's satisfaction at the department head level (whether the department head is elected or appointed), the employee is required to notify the Commissioners' Court, providing them with copies of all documentation of the grievance from initial filing through final action by the elected official or department head.

**14.03 PROCEDURE.** The following procedures are applicable to regular employees. For procedures to be followed in the event of a grievance by an elected official, see Chapter 149, Local Government Code.

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

**Formal Grievances.** Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another County employee of his or her choosing provided that the employee chosen has not been an employee representative in any other grievance proceeding within the previous 12-month period.

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

If an employee whose supervisor is someone other than the elected official or department head either receives no written resolution from the supervisor within 10 working days from the date the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the elected official(s) or department head within 10 working days. The Elected Official(s) or Department Head will review the facts and the file, and will investigate the charges personally or through a committee or a designated person; and the person(s) conducting the investigation will meet with the parties involved. The elected official(s) or department head will respond in writing to the employee within 10 working days of the date the appeal was received in the Elected Official's or Department Head's office.

If the Department Head is appointed by the Commissioners' Court, and the employee either receives no written resolution from the Department Head within 10 working days from the date the grievance was appealed to the appointed department head, or the employee is not satisfied with the appointed department head's proposed resolution of the matter, the employee must file a written appeal with the Commissioners' Court within 10 working days. The Commissioners' Court will then review the facts and the file and conduct an investigation if deemed appropriate before rendering a decision in the matter. The Commissioners' Court's decision is final.

**Documentation.** Copies of all documentation relating to the grievance will be forwarded to the county auditor's office immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

**Grievances Relating to Sexual Harassment or Discrimination.** Any employee may file a grievance related to alleged sexual Harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the elected official, department head, or the Commissioners' Court, as appropriate. In such an instance, to allow adequate time for investigation by the appropriate authority, the department head, or the person(s) he or she

designates to conduct the investigation, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.

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

**Requirement for Appeal if Dissatisfied.** If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal presumes that the employee is satisfied with the latest resolution.

## **15.0 JOB (CLASS) DESCRIPTIONS AND PERFORMANCE EVALUATIONS**

**15.01 JOB DESCRIPTIONS.** The Commissioners' Court establishes and periodically reviews an official job description for each position in the county.

**15.02 DISTRIBUTION.** The job description for each employee's position will be (1) given to the employee, (2) reviewed by the employee, and (3) placed in the employee's personnel file along with a signed certification statement that the employee has received it. In addition, each employee is given a copy of the job description to keep.

**15.03 REQUESTS FOR CLARIFICATION.** In the absence of any request for clarification, each employee is considered to understand the responsibilities assigned to the position, which he or she occupies.

**15.04 EMPLOYEE PERFORMANCE EVALUATIONS.** Supervisory personnel will conduct a written performance evaluation and an evaluation interview of each county employee at least annually. Performance evaluation records are maintained in each employee's personnel file. Directors and Elected Department Heads may develop their own standardized evaluation, or may use the format adopted by the Commissioners' Court.

The County Judge or Commissioners' Court should complete a written evaluation on each Department Head that is in a non-elected position, or other employees that are directly supervised.

Department Heads will complete a written evaluation of each supervisor within their department.

Department Heads may complete written evaluations on the employees within their department or designate supervisors to complete written evaluations on subordinates.

The written evaluation will be discussed with the employee in a one-on-one meeting with the rater. Department Heads may choose to participate in that process with supervisors who are evaluating their subordinates.

Written evaluations will be signed by the evaluator and the employee at the time of the one-on-one interview. The employee's signature does not indicate that they concur with the evaluation.



An employee who does not agree with an evaluation should refer to the “Grievance Procedures” as set forth in Chapter 14 of this Policy Manual.

Written evaluations will be completed in January of each calendar year for the preceding year or additionally at the discretion of the Department Head or Elected Official.

## **16.0 PERSONNEL FILES**

**16.01 GENERAL.** Personnel records, except medical records, are maintained by the Human Resources Department or his or her designee. Medical records are filed in a confidential file maintained by the Human Resources Department or his or her designee.

Information in an employee’s personnel file is public information and must be disclosed upon request unless specific items are accepted from disclosure by law. No information from any record placed in an employee’s file will be communicated to any person or organization except by the Human Resources Department or an employee authorized to do so by the Human Resources Department.

Each employee may choose whether the County discloses the employee’s home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or private is available at the Human Resources Department. (*Legal reference: Texas Open Records Act, V.T.C.S. Article 6252-17a.*)

An employee or his or her representative designated in writing may examine the employee’s personnel file upon request during normal working hours at the county offices.

Employees must inform the Human Resources Department of any changes or corrections to information recorded in their individual personnel files such as home address, telephone number, persons to be notified in case of emergency, or other pertinent information.

**16.02 CHANGE IN STATUS FORM.** The Change in Status Form is the official document for recording and transmitting to the personnel files each personnel action. This form is used to promote uniformity in matters affecting:

- Employee Category
- Position Title and Classification
- Pay Group and Rate; and
- Other Actions Affecting the Employee Status.

The Change in Status Form is completed on the employee’s first day of work and is updated when there is any change in his or her status, which relates to employment or benefits. Each Change in Status Form becomes a permanent part of the employee’s personnel file, and a copy is given to the employee each time an action occurs.

**16.03 CONTENTS OF PERSONNEL FILES.** Elected Officials and Department Heads must provide, in writing, appropriate payroll and employee information to the Human Resources Department as a condition of hiring or promoting a person into a budgeted position. An employee’s official personnel file may contain at least the following:

- An employment record form summarizing the employee's history with the County
- I-9 form
- W-4 form
- A copy of the employee's application for employment
- A copy of the court order for appointment
- A copy of the employment offer letter and acceptance
- Signed copies of the employee's acknowledgments of having received a copy of the **Personnel Policies Manual** and any other policy-related materials
- Employee's job description(s) (if any)
- Election to Disclose or Keep Confidential Home Address and Home Phone Number Form
- Change in Status Form Retirement application, including supplemental death policy
- Leave application forms
- Records of any citations for excellence, awards for good performance
- Records of disciplinary action(s)
- Annual Performance Appraisals
- Any other pertinent information having a bearing on the employee's status, and
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug testing. (*Legal reference: U.S. Americans with Disabilities Act of 1990*).

**16.04 LEAVE RECORDS.** Official records of Vacation Leave and Sick Leave accrual, and of leave usage, are kept for each employee by the Human Resources Department or his or her designee. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which the employee is entitled.

## **17.0 TRAVEL AND SUBSISTENCE**

**17.01 REQUESTS FOR TRAVEL:** Prior to traveling, a "Travel Request" form must be submitted to the County Auditor's Office 7 working days prior to Commissioners' Court meeting.

Conference brochure or agenda that indicates date, time, cost, and purpose of the trip must be submitted with the travel request.

Advance checks will be processed with regular monthly bills. If an unexpected trip is made or an economic hardship exists, an exception can be made upon approval by the County Judge. Each department will pick up the travel check from the Auditor's Office.

If the trip is to be reimbursed by the State of Texas or other organization, it is recommended that an advance not be requested from Bee County unless there is economic hardship.

Travel using grant funds will be paid in compliance with the grant contract.

**17.02 MILEAGE:** Mileage is paid at the rate currently authorized by the State of Texas, using standard distances between the Bee County Courthouse and the destination address using "Map Quest". Additional mileage may be reimbursed from your hotel or first destination to other locations that are necessary for official business. **The business purpose for additional mileage**

**must be documented with Odometer readings.** The Commissioner's Court will determine if the additional mileage is allowable. No personal mileage will be paid.

Department Heads, staff (including BCAA), and elected officials are encouraged to utilize official vehicles for travel in lieu of personal vehicles requiring mileage reimbursement.

**17.03 PER DIEM-OVERNIGHT TRAVEL.** Per Diem is provided for daily expenses. All personal telephone calls, tips, valet services, refreshments, laundry service, are personal expenses and not paid by Bee County. Per Diem rates are set by the Commissioner's Court and according to the current Federal Register.

**Note: A list of per diem rates is available from the Auditor's Office upon request.**

**17.05 PARTIAL PER DIEM FOR NON-OVERNIGHT TRAVEL:** Reimbursement of non-overnight travel expenses requires the employee be away from the assigned duty area for a minimum of six (6) hours. **This policy does not include regular work assignment inside Bee County.** If the employee is away from duty station for more than six (6) hours but less than twelve (12), the rate of meal reimbursement shall be actual cost not to exceed \$10.00. If away more than twelve hours, meal reimbursement will be actual cost not to exceed \$28.00. Receipts are required for all reimbursement and the receipts shall be attached to the Bee County Expense Reimbursement form and submitted to the Auditor's Office within seven (7) days prior to next Commissioners' Court Meeting.

**17.06 CONFERENCE REGISTRATION FEES:** Conference registration fees will be made payable to the organization sponsoring the conference. If an employee pays the registration, a copy of canceled check or receipt must be submitted for reimbursement.

**17.07 LODGING & COMMERCIAL CONVEYANCE:** Each department is responsible for making their own travel arrangements, and should make reservations as soon as possible in order to get the reduced room rate. Bee County pays actual cost of lodging. When making reservations, ask for the sales tax rate for the city in which you will be staying.

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Hotel parking fees, shuttle or taxi from the airport are reimbursed when a receipt is provided to the County Auditor. Tips to carry luggage will not be paid by the County. Actual commercial conveyance rate is paid.

The original hotel receipt must be turned in to the County Auditor's Office within 1 week. If the receipt is not turned in, the employee will be responsible for reimbursing the county for the cost of the hotel.

**17.08 REIMBURSEMENT POLICY:** An "Expense Reimbursement Form" is required for reimbursement of additional mileage, non-overnight meals, and other expenses. Reimbursement will be made at the time regular monthly bills are processed and must be in the Auditor's Office 7 working days before Commissioner's Court.

**17.09 PROHIBITED EXPENDITURES:** Costs of personal entertainment, spouse's expenses, family member expenses, amusements, social activities, alcoholic beverages, gratuities, tips, personal loans, tobacco products, traffic citations, or illegal activities are not allowable for reimbursement.

**17.10 ALLOWANCES FOR MEALS AND INCIDENTAL EXPENSES:** Bee County provides meal and incidental expense reimbursement on a per diem/partial per diem basis according to the number of hours that an employee or official is required to be in travel status each day.

If a full meal is provided as part of a conference registration package, the employee or elected official should participate in that event and reduce his or her per diem reimbursement or advance request accordingly, with the exception of a continental breakfast meal. If a meal is served after 5 p.m. the employee or elected official will be given the option to sign a waiver of not attending.

For conferences attended, a copy of the conference outline/program agenda shall be attached to the travel request which will reflect the meals provided.

Current Per Diem Rates:

Breakfast:	\$ 8.00
Lunch:	\$10.00
Dinner:	\$18.00
Incidentals:	\$ 2.00

## **18.00 COMPLAINTS AGAINST BEE COUNTY EMPLOYEES**

**18.01: PURPOSE:** The purpose of this policy is to insure that all complaints against Bee County employees are received, investigated, and brought to a successful conclusion with consideration to the employee, the complainant, the good of the community, and Bee County.

**18.02: RECEIVING COMPLAINTS:** Any time a complaint is received from the public regarding a Bee County employee, the receiving employee shall record the person's name, address, and telephone number, and the name of the Bee County employee who is the subject of the complaint, and immediately report this information, in writing, to his or her supervisor, or refer the complainant to the employee's immediate supervisor.

The supervisor will contact the complainant, document the allegation and request the complainant prepare a written, signed statement regarding the date, time, location, and substance of the complaint. The complainant should be told that refusal to submit a written statement could affect the outcome of the investigation. **Whether written or not, all complaints will be investigated.**

If the complainant refuses to submit a written statement, the supervisor shall prepared a written summary of the allegation and refer it to the appropriate department head for investigation. If the complaint is against a department head, the information shall be referred to the County Judge and each member of the Commissioners' Court.

Complaints against elected officials or allegations of illegal acts shall be referred to the County Attorney for consideration. Because of statutory requirements, complaints against commissioned peace officers shall be immediately referred to the commissioning authority. (Example: Complaints against a deputy sheriff shall be referred to the Bee County Sheriff).

**18.03: COMPLAINT NOTIFICATION:** Within five (5) working days, the affected employee shall be notified, in writing, that a complaint has been filed against them, with a copy being forwarded to the Commissioners' Court. The notification shall include the date, time, and location of the alleged incident as well as the name of the complainant. The notification will

include the nature of the complaint, and the specific violation of rule, policy, or law, alleged to have been violated. This notification process applies regardless of whether this is an Informal or Formal Inquiry.

The only **exception** to this notification process is, in the event of a continuing unlawful act, notification of which would significantly affect the investigating authority's ability to determine the type and degree of violation being committed.

The affected employee may respond, in writing, within five (5) working days after receipt of the complaint notification letter. If the written response is not received within five (5) working days, it will be assumed the employee has chosen not to respond at this time.

Once the employee has been notified of the complaint, he or she shall have no contact with the complainant, and will not discuss this issue with anyone except their Department Head or the investigator.

**18.04: COMPLAINT INVESTIGATION:** Generally, complaint investigations shall be classified in one of two categories: **Informal Inquiry** or **Formal Inquiry**.

An **Informal Inquiry** may be conducted for **minor** infractions of rule or policy, in particular, those that can be handled by the department head, the employee, and the complainant. This might include instances when the employee or complainant did not understand the rule or policy, or there was a lack of effective communication between the employee and the complainant.

If resolution to the issue can be accomplished by explanation of the rule or policy to the employee or complainant, counseling, or mutual agreement, the **Informal Inquiry** process may be used. The Department Head or designee, who investigates this type of complaint, shall make a written report as to the terms of resolution, and the report shall be signed by the employee, the complainant, and the Department Head, and forwarded to the Human Resources Department for inclusion in the employees' permanent personnel file, with a copy to the Commissioners' Court.

The **Formal Inquiry** procedure shall be utilized when there is a serious violation of rule, policy or law alleged in the incident. The **Formal Inquiry** will be used for all allegations of **discrimination or sexual harassment**.

When a violation of rule or policy is alleged, the investigation is considered **Administrative** in nature, and is not bound by the same rules as a criminal investigation. Employees are required to cooperate with the investigator and shall be truthful in all statements made. **A written, sworn statement shall be taken from the employee, the complainant, and all witnesses to the alleged event.**

To protect our employees from false or frivolous allegations, if the complainant refuses to swear to the complaint, that information shall be considered in the **Classification** of the complaint.

The investigator will complete the investigation within twenty-one (21) working days from the date of receipt or assignment unless an extension is requested and granted by the Department Head or County Judge if the complaint is against a non-elected department head.

**18.05: COMPLAINT CLASSIFICATION:** All **Formal Inquiries** will be classified using the following criteria;

If the evidence in the investigation supports the allegation of a violation of rule, policy, or law, the complaint shall be classified as “**SUSTAINED**”

If the evidence in the investigation finds the employee did not violate a rule, policy, or law, or the allegation was false, the complaint shall be classified as “**UNFOUNDED**”.

If there is insufficient evidence to support or refute the allegation, or if the investigation does not find against the employee, then the complaint shall be classified as “**NOT-SUSTAINED**”

If the investigation finds the violation of rule, policy or law did occur, but the circumstances surrounding the event justifies the violation, then the complaint shall be classified as “**EXHONORATED**”.

Once the complaint is classified, the affected employee shall be notified in writing of the classification and the determination of disciplinary action to be taken, if any, and a copy said notice to be included in the employees’ permanent personnel file, with a copy to the Commissioners’ Court.

The complainant shall be notified, in writing, of the classification of the complaint, but **will not** be notified of the disciplinary action to be taken.

**After classification of the complaint, the Department Head, Commissioners’ Court, or County Judge shall be guided by Chapter 12 of this Bee County Policy Manual for disciplinary action.**

**The Bee County Policy Manual also provides relief to the employee if they do not agree with the classification of a complaint. The employee is offered that relief in accordance to Chapter 14, of the Bee County Policy Manual.**

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