FALLS COUNTY

EMPLOYEE HANDBOOK

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FALLS COUNTY
EMPLOYEE HANDBOOK

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EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

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

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

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

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

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

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

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

_____
Signature of Employee

_____
Printed Name of Employee

_____
Date Signed

i.

FALLS COUNTY
COMMISSIONERS COURT ORDER

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

WHEREAS the Falls County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County.

THEREFORE, BE IT RESOLVED that the Falls County Commissioners Court hereby approve and adopt the FALLS COUNTY EMPLOYEE HANDBOOK.

Adopted on this 10th day of October, 2022.

County Judge

Commissioner, Precinct 1

Not present
Commissioner, Precinct 2

Commissioner, Precinct 3

Commissioner, Precinct 4

Witnessed and Attested By:

County Clerk

ii.

RESOLUTION FOR FALLS COUNTY

By signing below, I acknowledge that I have read and understand the Falls County Employee Handbook.

As an Elected Official or Department Head, I agree to abide by the terms and conditions that are adopted by Falls County Commissioners Court, as witnessed by my signature below.

_____

Elected Official

and/or

Department Head

Falls County Employee Handbook

Welcome to Falls County!

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

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

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

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

Welcome aboard!

Sincerely,

County Judge

Commissioner
Precinct 1

Not present
Commissioner
Precinct 2

Commissioner
Precinct 3

Commissioner
Precinct 4

SECTION 1: GENERAL POLICIES

A. COUNTY EMPLOYMENT

1A-1 EMPLOYMENT AT-WILL

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

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

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

1A-2 EMPLOYEE STATUS POLICY

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

Regular Full Time: A full time employee shall be any employee in a position who has a normal work schedule of at least thirty (30) hours per week. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. Employees may be non-exempt, hourly employees or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Falls County makes exempt status determination based on the Fair Labor Standards Act.

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

Temporary Seasonal: A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to lifeguards, summer mowers, and election workers. The county must define and document the season that the employee is being hired. Seasonal employees can be either part time or full time, and they do not qualify for health insurance through the county under the Affordable Care Act. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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

Temporary Part Time: A temporary short-term part-time employee shall be any employee who is expected to work less than thirty (30) hours each week in a position that is expected to last for a specific period or until a specific project is completed, but no longer than 12 months. If this project goes beyond12 months, the employee will move into a regular part time status. Temporary short-term part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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

Temporary Regular Variable Hour: A temporary variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee's start date. This position will be expected to last for a specific period of time or until a specific program is

completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into either a Regular Full-Time position or a Regular Part Time position. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act. If an employee's schedule becomes regular, then the employee shall be reclassified as temporary full time or temporary part time depending on the hours worked. Temporary variable hour employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

1A-3 EQUAL EMPLOYMENT OPPORTUNITY

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

1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT

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

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

1A-5 PERSONNEL FILES

The Falls County Auditor's department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, orientation packet, policy manual as well as records concerning performance, discipline, and compensation.

It is important that the personnel records of Falls County be accurate at all times. In order to avoid issues such as compromising your benefit eligibility or having W2's returned, Falls County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

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

1A-6 NEPOTISM

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

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

Texas Nepotism Charts

The charts below depict the relationships that violate the Texas nepotism statute.
(Texas Government Code, Chapter 573)

Consanguinity (The Elected Official is related to the person by blood)

It is a violation to hire an employee to work for you if you are related to them:

FIRST DEGREE:	Parent	Child

SECOND DEGREE:	Grandparent Grandchild	Sister Brother

THIRD DEGREE:	Great Grandchild Nephew Neice	Great Grandparent Aunt Uncle

Affinity (Marriage Relations)

It is a violation of the statue if the:
Elected official's spouse is the person you want to hire.
or
Elected official's spouse is related to the person you want to hire by:

FIRST DEGREE:	Parent	Child

SECOND DEGREE:	Grandparent Sister	Grandchild Brother

Note: The spouses of two persons related by blood are not by that fact related. The affinity chart supposes only one marriage relationship between the elected official and the person you want to hire through either of their spouses.

B. WORK RULES AND EMPLOYEE RESPONSIBILITY

1B-1 ATTENDANCE

As a Falls County employee, you are expected to be punctual and demonstrate consistent attendance.

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

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor **at least two (2) hours** prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

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

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

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

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

1B-2 DRESS CODE

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

You are required to always act in a professional manner and extend the highest courtesy to colleagues and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

1B-3 SMOKE FREE WORKPLACE

Falls County endeavors to provide a healthy environment. Therefore, any form of tobacco, vaping, or e-cigarette consumed in county buildings is strictly prohibited. Additionally, no smoking of any type is allowed within fifty (50) feet of the exterior entranceways. Smoking shall be restricted to officially designated areas if established by the Commissioners Court.

1B-4 CONFLICT OF INTEREST

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

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

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

1) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County.

2) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties.

3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County.

4) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the County.

5) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

1B-5 HARASSMENT

Falls County is committed to a workplace free of harassment. Harassment includes unlawful or unwelcome words, acts, or displays based on sex, including lesbian, gay, bi-sexual, or transgender status, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to or rejection of the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating, or hostile working environment or interferes with work performance.

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

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

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

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

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

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

1B-6 SEXUAL HARASSMENT

Sexual harassment is strictly prohibited by Falls County, whether committed by elected official, appointed official, department head, co-worker or non-employee the county does business with. It is the policy of Falls County to provide a work

place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

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

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

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

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

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

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

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

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

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

1B-7 POLITICAL ACTIVITY

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

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

1B-8 OUTSIDE EMPLOYMENT

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

1B-9 BREAKS

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. The Texas Right to Express Breast Milk in the Workplace Act also

imposes duties on public employers and, under other state law, is applicable for the duration of a nursing mother's need to express breast milk. Falls County supports the practice of expressing breast milk.

Falls County will provide reasonable paid breaks for a nursing mother to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

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

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

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

1B-10 GRIEVANCES

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

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

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

1B-11 DISCIPLINE

Each supervisor shall have the authority to administer discipline to employees in their department for poor performance, violation of policies, disruptive behavior,

or any other behavior or activity which the supervisor feels is not acceptable as it relates to the employee's job or the best interest of the department or County.

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

Examples of reasons for administering discipline shall include, **but not be limited to:**

This list can include anything that the County feels is appropriate to include. An increasing number of employers are electing to leave such a list out of a policy on discipline for fear it would be viewed by a court as an all-inclusive list.

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

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

1B-12 LICENSE AND CERTIFICATIONS

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

1B-13 WEATHER CLOSINGS AND EMERGENCIES

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

The County Judge will notify the following entities for a public announcement: newspapers, news stations, and radio stations. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

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

1B-14 CONFIDENTIALITY

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

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

1B-15 WHISTLEBLOWER

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

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

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

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

An employee with a question regarding this policy should contact the County Attorney.

C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY

1C-1 COUNTY PROPERTY USAGE

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

1C-2 COUNTY VEHICLE USAGE

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

If personal use of a county vehicle is permitted the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations. THIS LOG MUST BE SUBMITTED ALONG WITH EMPLOYEE'S TIMESHEET.

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

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

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

and the County Judge. The supervisor shall notify the Auditor, and post-accident drug testing shall be submitted to (See Post Accident Testing herein).

1C-3 CELL PHONE USAGE

Falls County determines on a case-by-case basis the need for county providedcell phones. County cell phones are to be used for business purposes only.

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

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

Employees in possession of a Falls County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism.

Each department may set their own rules and regulations regarding personal cell phone usage while at work.

1C-4 COMPUTER AND INTERNET USAGE

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

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

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

Falls County owns the rights to all data and files in any computer, network, or other information system used in the county. Falls County also reserves the right

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

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

D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY

1D-1 WORKERS COMPENSATION

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

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

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

Any employee who suffers a job-related illness or injury is required to notify his/her supervisor as soon as possible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

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

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

1D-2 EMPLOYEE SAFETY

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

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

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

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

1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES

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

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

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

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

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

An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An

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

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

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

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

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

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

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

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program will result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive or refuses the volunteer drug test during this post rehabilitative program the employee will be terminated.

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

Pre-employment drug testing –

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

Suspicion-Based Testing

Under the Influence shall be defined as having a blood alcohol concentration of .04 or more.

Reasonable Suspicion – If an employee is having work performance problems or displaying behavior that may be alcohol or drug related or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy where immediate action is necessary, the elected official or supervisor will require that employee to submit to breathe test or urinalysis. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

- Abnormally dilated or constricted pupils
- Glazed stare – redness of eyes (sclera)
- Flushed face
- Change of speech (faster, slower, slurred)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle Marks
- Change in personality (i.e., paranoia)
- Increased appetite for sweets
- Forgetfulness, performance faltering, poor concentration
- Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slow reaction rate

Elected Officials or supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated and that the substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

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

Post-Accident Testing –

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment shall submit to drug/alcohol testing.

Testing Procedures –

1. The employee will be escorted and driven to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, he or she may do so within 2 hoursof the specimen being collected and the same specimen will be used. The cost of this request shall be paid for by the employee. All initial costs will be paid for by Falls County.
4. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to his or her residence.

5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

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

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

1D-4 DRUG AND ALCOHOL- CDL EMPLOYEES

CDL Drivers are an extremely valuable resource for Falls County's business. Their health and safety are a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CLD employees from being under the influence of or using illegal drugs or alcohol during working hours.

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

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

A detailed policy and procedure are available at the County Auditor's office.

1D-5 WORKPLACE VIOLENCE

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

immediate supervisor or the sheriff's department. No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Falls County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

1D-6 SOCIAL MEDIA

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, TikTok, QQ, Instagram, WhatsApp, WeChat, and MySpace.

Falls County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Falls County among the community at large. Falls County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

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

- If your posts on social media mention Falls County make clear that you are an employee of Falls County and that the views posted are yours alone and do not represent the views of Falls County.
- Do not mention Falls County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Falls County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.

- Employees may not use Falls County computer equipment for non-work-related activities without written permission. Social media activities should

not interfere with your duties at work. Falls County monitors its computers to ensure compliance with this restriction.

- You must comply with copyright laws and cite or reference sources accurately.
- Do not link to Falls County's website or post Falls County material on a social media site without written permission from your supervisor.
- All Falls County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at Falls County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

A. EMPLOYEE PAYROLL

2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR

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

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

Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your timecard. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your timecard. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs you to work without documenting your time worked, you must promptly inform the County Auditor.

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

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

to time, the salary will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

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

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

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

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to County Auditor, Falls County Courthouse, Marlin, Texas 76661. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney or County Judge at the County Courthouse, Marlin, Texas 76661. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

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

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

2A-3 COMPENSATION

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

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

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

All non-exempt County employees shall be paid an hourly wage.

Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month.

For part time regular employees, the monthly salary compensates the employee for all hours worked in each workweek of that month up to the amount designated by the County for the position.

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

2A-4 PAYROLL DEDUCTIONS

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

2A-5 WORK WEEKS AND WORK PERIODS

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Falls County shall begin at 12:01 a.m. on each Sunday and end seven (7) consecutive days later. Law Enforcement employees who fall under the FLSA 207(k) exemption shall have a work period of 28 days and a minimum of 160 hours as established by the Falls County Commissioners Court.

2A-6 TIMESHEETS

Each employee must fill out a time sheet to be turned in to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. **Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet is a criminal offense.**

2A-7 PAYPERIODS

The pay period for Falls County shall be a semi-monthly pay period with the pay period dates being the 15th day of each month for hours worked between the 1st day and the 15th day and the last day of each month for hours worked between the 16th day and the last day, such established by the Commissioners' Court. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

2A-8 WORK SCHEDULES

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

2A-9 HOURS WORKED

Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

2A-10 LAW ENFORCEMENT PAY AND OVERTIME

Falls County Commissioners' Court has hereby adopted the extended work period for law enforcement personnel authorized by the Fair Labor Standards Act §207(k). Law enforcement personnel include deputies and jailers. The work period is based on 28 consecutive calendar days.

A law enforcement employee will be paid a salary based on a minimum of one hundred sixty (160) hours. Overtime may be earned as compensatory time or paid time off as determined by commissioners' court. An employee will be paid his or her full salary if the employee reports at least one hundred sixty (160) hours during a work period. Overtime will not accrue in any work period during which an employee reports sick, vacation, or compensatory time used.

A law enforcement employee must account for a minimum of one hundred sixty (160) hours during each work period by reporting actual hours worked plus sick, vacation or compensatory time used. If an employee reports more than one hundred sixty (160) actual hours worked during a work period, he or she will receive no additional salary compensation for the actual hours worked between one hundred sixty-one (161) and one hundred seventy-one (171) hours. Overtime will accrue as compensatory time on any hours physically worked over one hundred seventy-one (171) hours during a 28-day cycle. Effective Sunday, January 08, 2023, overtime will accrue as compensatory time on any hours physically worked over one hundred sixty-five (165) hours during a 28-day cycle.

Except in an emergency, as determined by the commissioners' court or the sheriff, an employee must obtain advanced authorization from his or her supervisor before working more than one hundred seventy-one (171) hours in any work period to receive overtime compensation. Effective Sunday, January 08, 2023, an employee must obtain advanced authorization from his or her supervisor before working more than one hundred sixty-five (165) hours in any work period to receive overtime compensation.

2A-11 OVERTIME CALCULATIONS AND RULES

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

Unbudgeted Overtime. A department head or other supervisor shall not authorize an employee to incur overtime or compensatory time above any budgeted amount in the current county budget. An employee shall not work overtime or compensatory time above any budgeted amount in the current county budget. Before authorizing any overtime or compensatory time, a department head or other supervisor shall confirm with the County Auditor that budgeted overtime is available.

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

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked. The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 80 hours for regular employees and 160 hoursfor law enforcement. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

Accrued compensatory time will be applied to any paid leave taken before accrued vacation or accrued sick leave is applied. The only exception is if the employee has reached the maximum accrual of vacation or sick leave and will forfeit vacation or sick leave actually accrued, or become ineligible to accrue vacation or sick leave, if the leave is not applied.

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with supervisor approval.

Falls County shall have the right to require employees to use earned compensatory time at the convenience of the county.

If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, they shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

Falls County shall retain the right to "buy back" all or part of an employee's unused compensatory time by paying the employee for that time at the employee's current regular rate. Falls County shall retain the right to pay all, or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 ½) the employee's regular rate of pay.

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period. However, total weekly hours on a time sheet should not exceed forty (40) hours when adding compensatory time used nor should the monthly total of hours exceed one hundred sixty (160).

2A-12 DEMOTIONS

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

2A-13 TRANSFERS

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

2A-14 PROMOTIONS

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

2A-15 SEPARATIONS

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

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

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

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

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

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

2A-16 RETIREE REHIRES

Retired employees shall be eligible to apply for open positions with Falls County as long as the following provisions are met: 1) The retiree has been retired for at least twelve (12) calendar months; 2) No prior arrangement or agreement was made between Falls County and the retiree for re-employment; and 3) Strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.

The retiree must have a bona fide separation of employment and have been retired for a minimum of Twelve (12) calendar months. A bona fide separation means there is no prior agreement or understanding between Falls County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.

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

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of

the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

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

2A-17 LONGEVITY PAY

Purpose. The purpose of this Guideline is to establish guidelines for longevity pay for County employees. Elected Officials are specifically excluded as their continued employment is depended on the voters of the county rather than the elected officials themselves.

Application. This Guideline statement shall apply to all regular, full-time employees (other than as addressed in the next sentence), except elected officials. This policy does not apply and longevity pay is not available to adult and juvenile probation personnel and personnel funded through a grant.

Statement of Procedures

A. Longevity pay is to be awarded as follows:

$5.00 per month, per year of continuous service for all regular, full-time County employees, including Department Heads, however excluding Elected Officials. This is limited to full-time employees who receive salaries paid out of county funds and Elected Officials are specifically excluded. The distribution of longevity pay starts with the last paycheck of the month of October (October being the first month of the fiscal year), after the employee has worked a full year consisting of 365 calendar days, as of the first of that October. For example, an employee who begins working for the county on October 12th, would not have worked the full calendar year by the beginning of the following fiscal year, and therefore would not be eligible for longevity pay until the last paycheck for last day of October in the following fiscal year.

B Longevity pay will be added to the regular annual salary and the total will be divided by twelve to calculate a total monthly salary and included in the last paycheck of the month.

C. A break in service starts the employee over for longevity pay services if later re-hired. Service from a past employment with the County will not count towards the longevity pay calculation.

D. The County reserves the right to revise this policy in the future should budget considerations require.

2A-16 COUNTY REHIRES

Returning past employees shall be eligible to apply for open positions with Falls County as long as the following provisions are met: 1) The rehire has been separated from the County for a minimum of one hundred twenty (120) days; 2) No prior arrangement or agreement was made between Falls County and the rehire for re-employment; and 3) Strict adherence to normal leaving employment procedures were followed at the time of the employee's prior termination. The Falls County Auditor's Office must review and approve the return of a past county employee due to IRS regulations and retirement procedures.

B. EMPLOYEE BENEFITS

2B-1 HEALTH AND DENTAL PLANS

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

2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL

Falls County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Falls County may provide supplemental insurance coverage from a variety of carriers. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from the County Auditor's Office

2B-3 VACATION

The following employee classifications shall be eligible for the vacation benefit: regular full-time. These following employee classifications shall not be eligible for the vacation benefit: all others.

Employees who have worked for less than Ten (10) years in a position eligible to receive vacation shall earn vacation at the rate of 6.67 hours per month, which is equivalent to 80 hours per year. Employees who have worked for 10 or more uninterrupted years in a position eligible to receive vacation shall accrue vacation at the rate of 10 hours per month, which is equivalent to 120 hours per year. Employees who have worked for 20 or more uninterrupted years in a position

eligible to receive vacation shall accrue vacation at the rate of 13.33 hours per month, which is equivalent to 160 hours per year.

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of Six (6) months in such a position before being eligible to take any vacation.

The maximum amount of unused vacation an employee shall be allowed to have at one time is 120 hours for an employee with less than 10 years with the county, or 160 for more than 10 years with the county, or 200 hours for employees with more than 20 years with the county. When an employee reaches the maximum accrual, he/she shall not be allowed to accrue additional vacation time until the employee takes vacation hours to reduce the balance below the maximum allowed under this policy.

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

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

If a holiday falls during an employee's vacation, then the employee will not becharged for the vacation.

If an employee has worked for at least Six (6) months in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

Each employee shall be responsible for accurately recording all vacation time used on their time sheet. However, total weekly hours on a time sheet should not exceed forty (40) hours when adding vacation time used nor should the monthly total of hours exceed one hundred sixty (160).

2B-4 <u>SICK</u>

The following employee classifications shall be eligible for the sick leave benefit: all full-time. These employee classifications shall not be eligible for the sick leave benefit: all part-time.

Eligible employees shall accrue sick leave at a rate of Eight (8) hours per month. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.
The maximum amount of unused sick leave an employee shall be allowed to have at any time is 320 hours.

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

Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

Employees shall not be allowed to borrow sick leave against future accruals. Employees shall not be paid for unused sick leave at the termination of employment. Sick leave may not be used as vacation or any other reason not addressed inthis policy.

Each employee shall be responsible for accurately recording all sick time used on their time sheet. However, total weekly hours on a time sheet should not exceed forty (40) hours when adding sick time used nor should the monthly total of hours exceed one hundred sixty (160).

2B-5 HOLIDAY PAY

The following employee classifications shall be eligible for the holiday benefit: Full-time. These employee classifications shall not be eligible for the holiday benefit: all besides regular full-time.

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

If a paid holiday occurs during the vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation

balance. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following Seven (7) days. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

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

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

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

2B-6 JURY DUTY

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

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

2B-7 FUNERAL LEAVE

All employees shall be allowed up to Three (3) days (not more than 24 total work hours) leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include the employee's spouse and the child, foster child, parent, brother or sister of the employee or the employee's spouse. Employees may be allowed time off with pay, up to a maximum of Four (4) hours, to attend the funeral of a relative who is not a member of the immediate family or the funeral of a friend. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay.

2B-8 MILITARY LEAVE

All Falls County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per Federal Fiscal year with pay for the active duty or to attend active or inactive authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use vacation leave, earned compensatory time, or leave without pay if they must attend Reserve or National Guard Training sessions or exercises in excess of fifteen-day maximum.

Any Falls County employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to seven (7) days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

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

Upon request of the employee, Falls County will provide a statement that contains the number of workdays used for military leave in the fiscal year as well as a statement of the number of workdays lefts for use during the fiscal year.

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

2B-9 RETIREMENT

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

2B-10 PAID QUARANTINE LEAVE FOR FIRE FIGHTERS, PEAC OFFICERS, DETENTION OFFICER AND EMERGENCY MEDICAL TECHNICIANS

Falls County shall provide paid quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by Falls County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This includes fire fighters, peace officers, detention officers and emergency medical technicians, as defined by this policy, who are employed by, appointed or elected to their position.

"Detention officer" means an individual appointed or employed by a county as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county jail.

"Emergency medical technician" means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code; and employed by the county.

"Fire fighter" means a paid employee of a municipal fire department or emergency services district who holds a position that requires substantial knowledge of firefighting; has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and performs a function listed in Section 143.003(4)(A).

"Health authority" has the meaning assigned by Section 121.021, Health and Safety Code. A health authority is a physician appointed under the provisions of Chapter 121 to administer state and local laws relating to public health within the appointing body's jurisdiction. A health authority must be a competent physician with a reputable professional standing who is legally qualified to practice medicine in the state and a resident of the state. They must take an official oath and file with the department. For counties that do not establish a local health department or public health district, they may appoint a physician as health authority to administer state and local laws relating to the public health in the county's jurisdiction.

"Peace officer" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by the county.

Eligible employees who are on qualifying paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, shall be reimbursed for reasonable costs related to the quarantine, including lodging, medical, and transportation. An employee on qualifying paid quarantine leave will not have their leave balances reduced.

Off duty exposures will not be covered under this policy.

2B-11 SOCIAL SECURITY/MEDICARE

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

2B-12 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)

The federal Family and Medical Leave Act of 1993 (FMLA) requires an employer to provide eligible employees with unpaid leave under certain circumstances. There are two types of leave available:

(1) the basic 12-week FMLA entitlement; and
(2) the Military Family Leave (MFL) entitlement described in this policy.

ELIGIBILITY:

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

1) have worked for Falls County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in serviceof 7 years or more will not be counted toward the 12 months); and
2) have worked at least 1250 hours during the previous 12 months.

An employee with any questions about his or her eligibility for FMLA leave should contact the County Auditor's Office for more information.

QUALIFYING EVENTS:

Family or medical leave under this policy may be taken for the following situations:

1) the birth of a child and in order to care for that child;
2) the placement of a child in the employee's home for adoption or foster care;
3) to care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition;
4) the serious health condition of the employee that make the employee unable to perform the essential functions of their job;
5) a qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country;

6) to care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or

7) to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteranbegan that medical treatment, recuperation or therapy.

SERIOUS HEALTH CONDITION:

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

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

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

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

QUALIFYING EXIGENCY LEAVE:

Eligible employees may take FMLA/MFL exigency leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active-duty status in a foreign country. Leave may be taken to:

1) Address any issue that arises because the covered military member was given seven or fewer days' notice for active-duty deployment in support of

contingency operation. Eligible employee may take up to seven days beginning on the date the covered military member receives the call or order to active duty.

2) Attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active-duty status in a foreign country of a covered military member.
3) Attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active-duty status in a foreign country of a covered military member.
4) Arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active-duty status of a covered military member.
5) Make or update financial or legal arrangements to address the covered member's absence while on active duty or call to active-duty status in a foreign country.
6) Act as the covered military member's representative before a governmental agency to obtain, arrange or appeal military service benefits while the covered military member is on active duty or call to active-duty status in a foreign country, for a period of 90 days following the termination of the covered member's active-duty status.
7) Attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child if the need for counseling arises from the active-duty status or call to active-duty status in a foreign country of a covered military member.
8) For a maximum of 15 days each occurrence, to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment.
9) Attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active-dtystatus.
10) Address issues that arise from the death of a covered military member while on active-duty status in a foreign country;
11) Conduct certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty.
12) Address any other additional events that may arise out of the covered military member's active duty or call to active-duty status in a foreign country if the County agrees the leave qualifies as an exigency and to both the timing and the duration of the leave.

LENGTH OF LEAVE: An employee may use up to 12 weeks leave per 12-month period under this policy. Falls County sets the 12-month period used under this policy as the 12-month period measured forward from the date any employee's first FMLAleave begins.

A married couple who both work for the county is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth or placement of a child, or care for a parent with a serious health condition. The combined limit for a married couple employed by the county is 26 weeks in a single 12-month period if leave is to care for a covered service member or veteran with a serious injury or illness.

An eligible employee is entitled up to 26 weeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period:

1) The single 12-month period begins on the first day the eligible employee takes FMLA to care for covered service member or covered veteran and ends 12 months after that date.
2) An employee forfeits unused leave under this section if the eligible employee does not take all of their 26 weeks during this 12-month period to care for the covered service member or covered veteran is forfeited;
3) Leave entitlement under this section is applied on a per-injury basis. An eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service member or veteran or to care for the same covered service member or veteran with a subsequent serious illness or injury. An employee may not take more than 26 weeks in any single 12-month period.

WORK RELATED INJURY:

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

PAID AND UNPAID LEAVE:

If an employee has accrued leave, the employee is required to use his or her accrued leave as detailed below.

The remainder of the leave shall be unpaid.

1) An employee taking leave because of his or her own serious health condition, or the serious health condition of an eligible family member is required to first use ***compensatory time, vacation time, then sick time*** with the remainder of the 12-week leave period being unpaid leave.

2) An employee taking leave for the birth of a child is required to use ***compensatory time, vacation time, then sick time*** for the recovery period after the birth of the child and before being placed on unpaid leave.
3) After the recovery period from the birth of a child, an employee is required to first use ***compensatory time, vacation time, then sick time*** with the remainder of the 12-week leave period being unpaid leave.

4) An employee taking leave for the placement of a child in the employee's home for adoption or foster care is required to use ***compensatory time, vacation time, then sick time*** with the remainder of the 12-week leave period being unpaid leave.

5) An employee taking leave for a qualifying exigency for a covered military member is required to use ***compensatory time, vacation time, then sick time*** with the remainder of the 12-week leave period being unpaid leave.

6) An employee taking leave for the care of a covered service member or veteran is required to first use ***compensatory time, vacation time, then sick time*** with the remainder of the 26-week leave period being unpaid leave.

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

CONTINUED EMPLOYEE BENEFITS:

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the county no later than 30 days after the date of the pay period in which the premium comes due. The county may cancel unpaid coverage by providing the employee advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

At the end of the 12-week leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, an eligible employee will be:

1) Offered COBRA if they are unable to return to work.

INTERMITTENT LEAVE AND REDUCED SCHEDULE:

An employee may only take intermittent leave under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member or the care of a covered military member or veteran.

An employee may only work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy will be deducted from the employee's 12-week or 26-week leave eligibility in a single 12-month period.

CERTIFICATION REQUIREMENTS:

The county has the right to ask for certification of the serious health condition of the employee or the employee's eligible family member when the employee requests or is using leave under this policy.

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have his or her physician complete and return the medical certification within 15 days of the employee's receipt of the form to be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

The employee must respond to the county's request for certification within 15 days of receipt of the request or provide a reasonable explanation for the delay in writing before the 15th day after receipt of the request. If an employee does not provide certification or otherwise respond, the county may deny leave under this policy.

An employee is required to provide certification of his or her serious health condition of the employee by having the employee's treating health care provider complete and submit an FMLA form WH-380-E. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.

An employee is required to provide certification of the serious health condition of an eligible family member by having the family member's treating health care provider complete and submit an FMLA form WH-380-F. Also included with this form is the Genetic Information Non-Discrimination statement to be given to any and all health care providers.

An employee is required to provide certification for leave taken because of a qualifying exigency by having the employee complete and submit an FMLA form WH-384.

An employee is required to provide certification for leave taken for a serious injury or illness of a covered military member or veteran by having the member's or veteran's Department of Defense treating health care provider complete and submit an FMLA form WH-385. The employee may also be required to provide the county with confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or veteran.

If an employee requests intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The county may request re-certification for intermittent or reduced schedule leave every six months in connection with an eligible absence.

The county may ask for a second opinion from a health care provider of the county's choice, at the expense of the county, if the county has reason to question the certification, unless the leave is necessary to care for a seriously injured or ill covered service member supported by an invitational travel order (ITO) or invitational travel authorization (ITA) to join an injured or ill service member at his or her bedside.

If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require a third certification, at the expense of the county, from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

REQUESTING LEAVE:

Unless FMLA leave is unforeseeable, an employee is required to submit a written request for leave under this policy to his or her immediate supervisor.

Where reasonably practicable, an employee should give his or her immediate supervisor a minimum of 30-days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30-days' notice, the employee is required to give as much notice as possible.

REINSTATEMENT:

An employee returning from leave under this policy, and who has not exceeded the 12-week maximum leave period allowed, will be returned to the same job or a job equivalent to the job the employee held before going on FMLA leave. An employee who has not exceeded the 26-week maximum leave period in a single 12-month period, allowed to care for a seriously ill or injured covered military member, will be returned to the same job or a job equivalent to the job the employee help before going on leave.

If an employee is placed in a different position, it will be one with equivalent status, pay, benefits, and other employment terms and which entails substantially equivalent skill, effort, responsibility, and authority.

The county has no obligation to reinstate an employee who takes more than the 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave allowed, including an employee with available sick or vacation leave.

REPAYMENT OF BENEFITS:

Unless an employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or another situation beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy will be required to reimburse the county for all medical premiums and other benefits paid by the county while the employee was on leave without pay related to his or her FMLA leave.

OTHER BENEFITS:

While on leave without pay under this policy, an employee does not earn vacation or sick leave, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy, unless other employees who go on leave without pay are allowed to do so.

An employee who is out on approved FMLA leave may not take trips outside of the county unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. An employee may ask his or her immediate supervisor for written permission to take other trips outside of the county which may be granted at the supervisor' sole discretion.

If the county has a policy forbidding employees from working other jobs, an employee on approved FMLA leave may also be forbidden from working another job while on FMLA leave from the county.

REGULATION:

Any area or issue regarding family and medical leave that is not addressed in this policy is subject to the basic requirements of the FMLA and the regulations issued to implement it.

RETURN-TO-WORK:

An employee is required to provide a fitness-for-duty certification before the employee returns to work.

ENFORCEMENT:

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any federal or state law that provides greater family of medical leave rights.

2B-13 LEAVE OF ABSENCE – OTHER

Employees may requestion a personal leave of absence to a maximum of Thirty (30) days without pay. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Persona leaves of absence are granted solely at the discretion of the election official, appointed official or department head. Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan, but they are responsible for the entire monthly premiums, which includes both the employee and county portion. The employee must pay for the premium on the first day of each month – lack of payment will result in medical plan termination and the employee will become eligible for COBRA. Return to work after a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening. Leaves of absence are only available for full-time employees.

2B-14 TRAVEL EXPENSES

Mileage Reimbursement. Reimbursement for the use of private automobiles on authorized trips for County business will be paid at the rate per mile as set by the County Commissioners Court, which is applicable at the date of the travel, based on the actual mileage shown by accurate odometer readings recorded by the employee.

Accommodation Reimbursement.

A. The maximum allowable reimbursement rate for attendance at an annual conference/meeting of the Texas Association of Counties, Conference of Urban Counties, or a statewide or regional association of any County official shall not exceed:

1. The regular room rate charge (as negotiated bythe hosting association) for the hotel at which the conferenceis held; or

2. The regular room rate charge (as negotiated bythe hosting association) for any designated overflow/alternateconference hotel(s).

B. State and/or local taxes on hotel rooms in or out of Texas will be reimbursable, in addition to the room rates designated above, only to the extent that no governmental exemption is available.

C. LODGING GENERALLY. Expenses for lodging are to be at the single room rate unless an employee is approved in advance for double occupancy. Extra charges for room service will not be paid by the County. An itemized hotel receipt must be provided, including an itemization for any room service charges to be paid/reimbursed by the employee.

D. MEAL ALLOWANCE. The County will reimburse for meals with itemized documented costs (receipts) during overnight travel. A maximum of $30.00 on the first and last day of travel to the event, and a maximum of $40.00 for the days of attendance at the event (non-travel). Meal-related tips are not reimbursable. Under no circumstances will the cost of alcoholic beverages be reimbursed nor should it be charged on a County credit card. Employees are expected to pay for any alcoholic beverages separate from any eligible meal.

Other Expenses. The actual cost of registration fees and parking will be reimbursed where appropriate and adequately supported by receipts.

Prior Approval. Trips must be approved in advance by the applicable Department Head or Elected Official. **Reimbursement is only available to the extent of the applicable department budget for such expenses.** Travel advances are only allowed in circumstances where the employee would be financially unable to attend otherwise. The Department Head will make that determination. If a travel advance is provided, this shall be reported to the County Auditor. Upon return, receipts must be provided for all expenditures and any excess advance returned to the County Auditor. If the advance did not cover the expenses, reimbursement may be sought for the excess.

Records. Each claim for reimbursement must be accompanied by receipts, registration, agenda, bills or other documentation of expenses for which reimbursement is requested and must be submitted to the County Auditor. All claims for reimbursement must be on the form prescribed by the County Auditor, and contain the information required by the County Auditor.

Falsification. Falsification of a reimbursement request will result in disciplinary action. Furthermore, such is a crime.

2B-15 INSURABILITY AND LIABILITY INSURANCE

Insurance. Any employee or County official using or proposing to use their personal/private vehicle, or any non-County owned vehicle, in the performance of their job duties for the County from time-to-time, must present to their Department Head, the County Auditor, and the County Judge, proof of automobile liability insurance coverage with reference to such vehicle.

Identification of Vehicles. All Department Heads should report to the County auditor a listing of all motor vehicles (whether or not County-owned) being used in the carrying out of his/her department's operations. Such lists should identify the vehicle by description, model year, manufacturer, and vehicle identification number, and state whether or not the vehicle is County owned, and, if not, identify the owner and state the nature of the use and the frequency of such use for County business. Such lists must be turned in on or before September 1st of each year, and should be revised, and a copy of the revised list provided to the County Auditor, immediately upon any change with regard to the vehicles used by said department.

Driver Insurability. Any employee who is required to operate a vehicle as part of his/her job with the County must be insurable and must maintain a driving record satisfactory to the County's insurance carrier.

2B-16 ADMINISTRATIVE LEAVE

Administrative Leave is granted only by the County Judge. No elected official, supervisor, exempt and/or non-exempt employee may approve and/or take administrative leave without written permission from the County Judge.

2B-17 MENTAL HEALTH LEAVE – PEACE OFFICERS

Chapter 614.015, Government Code An officer directly involved in a traumatic event may request the use of mental health leave without a deduction in pay. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

Traumatic events are work-related situations that may include but are not limited to the following: **a**. Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties; **b**. Incidents involving multiple casualties which may include shootings or traffic accidents; **c**. Line of duty death or suicide of a department member; **d.** Death of a child resulting from violence or neglect; and **e**. Officer(s) involved shooting of a person.

Confidentiality: Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer or supervisor who becomes aware of behavioral changes and suggests the officer seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline, including termination. However, confidentiality may be waived by the officer seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer is a danger to himself or herself or others and department personnel must confer with mental health professionals.

Duration of Mental Health Leave: An officer directly involved in a traumatic event may request up to three working days of mental health leave. Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three working days. Each officer may request no more than two extensions, each supported by sufficient documentation by the mental health professional. The Sheriff and/or Chief shall grant the extension(s) upon the receipt of sufficient documentation explaining the need for the extension.

A supervisor or coworker who becomes aware of behavioral changes in an officer directly involved in a traumatic event should suggest to the officer that he or she seek mental health leave and the assistance of a mental health professional. An officer's failure to voluntarily seek mental health assistance shall be addressed directly and immediately by the Sheriff and/or Chief.

2B-18 TRAINING REIMBURSEMENT AGREEMENT

If the County incurs any costs and expenses for the purpose of sending an employee to the police academy and/or any other extensive training, a training reimbursement agreement must be signed by both the elected official and employee. Furthermore, the Commissioners' Court must approve this agreement before it is signed and an employee is registered for training. The Falls County Auditor's Office will require a copy of this signed agreement before accepting any outstanding invoices or reimbursement requests.

The training reimbursement agreement will outline the employment commitment and conditions along with the consequences if the agreement is not fulfilled by the employee.

SECTION 3:
EMPLOYEE FORMS

Appendix "C"

FALLS COUNTY
EMPLOYEE GRIEVANCE FORM

Pursuant to FCEG 32.02 of the Falls County Employee Guidelines, I am filing this grievance as I believe I have been discriminated against for the following reason(s):

_____ 1. Race, sex, age, color, national origin, religion, or disability (as defined by the Americans with Disabilities Act and the authorities interpreting the said Act).

_____ 2. Retaliation for reporting or opposing such discrimination referenced in number one above.

_____ 3. Retaliation based on the filing of a workers compensation claim, or participation in proceedings relating to a workers compensation claim, or

_____ 4. Retaliation for reporting illegal conduct of another.

The following is a statement of my grievance, which I hereby request be reviewed in accordance with Falls County procedures.

Name:_____ Position:_____

Department:_____ Immediate Supervisor:_____

The action resulting in this grievance took place on (date):_____

The statement of my grievance is as follows (continue with additional pages as needed):

_____

_____

_____

_____

_____

_____

_____

_____ (signature)

MARLIN, TEXAS
76661

Falls County
Wage Deduction Authorization Agreement

I, _____understand and agree that my employer, Falls County, may deduct money from my pay for reasons that fall into the following categories:

1. My share of the premiums for the County's group medical plan and any premiums due for the supplemental insurance plan(s) in which I choose to enroll myself and/or my dependents.
2. My share of contributions into mandated retirement plans that are sponsored, controlled, or managed by the County as well as supplemental deferred compensation plans in which I choose to participate.
3. Reimbursement to the County for any overpayment of wages or of reimbursement expenses that were paid in error to me for any reason.
4. The cost to replace uniforms if I fail to return them during active employment or upon termination of my employment.
5. The cost of repairing or replacing any County supplies, materials, equipment, money, or other property that I may lose, fail to return, take without appropriate authorization from the County during my employment, or damage due to negligence (other than normal wear and tear) as determined by my Department Head.

In the case that any of the above occurs, I agree that the County may deduct money from my pay per these terms. I will have the opportunity to dispute any of the above claims.

_____
Employee's Signature

_____
Date