

# Coryell County



# Employee Handbook

Version 10.10.17

Welcome to Coryell County!

This is Version 10.10.17 of the Coryell County Employee Handbook, adopted by the Commissioners' Court. The Coryell County Employee Handbook is intended as a reference guide for your use in the event you have any employee related questions. There are new and revised policies throughout the handbook, therefore you should read this latest version to be sure you are aware of the revisions and changes. The writers of the handbook cannot anticipate or address every circumstance or question that may apply to individual employees. You should use this handbook as a reference as you pursue your career with Coryell County.

This Employee Handbook contains some key policies, benefits, and expectations of Coryell County, and other information you will need. Elected officials who serve as department supervisors may have additional employee polices. 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 Coryell County employee.

The language used in this Employee Handbook does not create, or constitute a contract between the County and any or all of its employees. Employment with Coryell County is for no fixed or definite term, and either the employee or the County may sever the employment relationship at any time for any reason.

Sincerely,

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County Judge

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Commissioner Pct. 1

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Commissioner Pct. 3

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Commissioner Pct. 2

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Commissioner Pct. 4

Note: The content of this handbook does not constitute nor should it be construed as a promise of employment or as a contract between Coryell County and any of its employees. Coryell County at its option, may change, delete, suspend, or discontinue parts or the policy in its entirety, at any time without prior notice.

# Contents

<b>CHAPTER 1 – INTRODUCTION</b> .....	5
<b>CHAPTER 2 - EMPLOYMENT</b> .....	5
Equal Employment Opportunity .....	5
Workforce Diversity .....	5
Employment At-Will .....	6
Immigration Reform and Control Act.....	6
Criminal Background Check.....	6
Pre-employment Physical .....	6
Drug Test .....	6
Disqualification of Employment.....	7
Nepotism.....	7
<b>CHAPTER 3 – GENERAL PERSONNEL GUIDELINES</b> .....	7
Family Medical Leave .....	7
Eligibility for FMLA.....	7
Qualifying Reasons for FMLA .....	8
Medical Certification .....	10
Intermittent or Reduced Schedule FMLA Leave .....	12
Calculating and Recording FMLA Leave .....	12
Paid or Unpaid FMLA Leave .....	12
Reinstatement Upon Return from FMLA Leave .....	13
Department Responsibilities .....	13
Employee Responsibilities.....	14
Qualifying Exigency .....	15
Military Caregiver Leave.....	16
Processing for FMLA .....	17
Accommodations .....	18
Americans with Disabilities Act .....	18
Breaks for Nursing Mothers.....	18
Genetic Information Nondiscrimination Act .....	19
USERRA – Uniformed Services Employment and Reemployment Rights Act.....	19
Leave of Absence Policy Based on USERRA .....	19
Military Leave.....	23
<b>CHAPTER 4 – WORKPLACE EXPECTATIONS</b> .....	24
Whistleblower .....	24
Confidentiality .....	24
No Expectation of Privacy .....	24
Inappropriate Conduct .....	25
Grievance Procedures .....	26
General Work Rules and Expectations for Work.....	26
Proof of Automobile Liability Insurance .....	27
Attendance .....	27
Automated Time and Attendance Policy .....	27
Procedures.....	27
Dress Code.....	28
Smoke Free Workplace.....	28
Conflict of Interest.....	28
Political Activity .....	29
Social Media and Social Networking.....	29
Volunteers .....	30
<b>CHAPTER 5 – COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY</b> .....	30
County Property Usage.....	30

Return of County Property .....	30
County Vehicle .....	30
Cell Phone Usage .....	31
Computer and Internet Usage .....	31
<b>CHAPTER 6 – WORKPLACE SAFETY .....</b>	<b>32</b>
Employee Safety .....	32
Temporary Modified Duty .....	32
Drug and Alcohol – ALL Employees .....	32
Workplace Violence.....	34
<b>CHAPTER 7 – PAYROLL .....</b>	<b>35</b>
Fair Labor Standards Act – Safe Harbor.....	35
Compensation for Terminated Employees.....	36
Social Security / Medicare .....	36
Payment of Wages .....	36
Retiree Rehire .....	37
Bad Weather Days .....	37
Time and Leave Procedures.....	38
Employee Time and Leave Responsibilities .....	38
Overtime Calculations and Rules.....	38
Exhaustion of Leave .....	39
Termination Pay.....	39
Overtime During a “Declaration of Disaster” .....	39
<b>CHAPTER 8 – EMPLOYEE BENEFITS .....</b>	<b>39</b>
Health and Dental Plans.....	39
Retiree Medical/Dental Insurance.....	40
Texas County District Retirement System.....	41
Observed Holidays.....	41
Workers Compensation.....	42
Vacation Policy .....	43
Sick Leave.....	44
Bereavement Leave.....	45
Consolidated Omnibus Budget Reconciliation Act .....	45

## CHAPTER 1 – INTRODUCTION

This document containing employee policies is for orientation and training purposes only and is not an employment contract. Coryell County reserves the right to change or make exceptions to its policies, procedures and benefits whether contained herein or otherwise communicated to employees, (all hereinafter referred to as policies) without advance notice.

No Coryell County employee has the authority to bind Coryell County to policies different from those in this handbook or to make any contract of employment. This handbook is the property of Coryell County. This revised handbook supersedes all previous employee handbooks. While every effort is made to keep the contents of this document current, Coryell County reserves the right to modify, suspend, or terminate any of the policies, procedures and/or benefits described in the handbook with or without prior notice to employees.

The policies contained in the handbook include codes of conduct, employee benefits, and many aspects of the day to day operations of the County. These policies are not intended to imply any contract or contractual rights. Employees are encouraged to ask questions on any part or aspect of this handbook.

### **Applicability of the Employee Handbook**

The Employee Handbook applies equally to all employees paid through Coryell County's payroll system unless specifically exempted by law. In cases where federal or state law or regulations supersede local policy, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply.

Departments specifically exempted from the Coryell County Employee Handbook due to federal or state law or regulations include: Juvenile Probation Department: 152.0031 of the Human Resource Code established the Coryell County Juvenile Board. Chapter 341 of the Texas Administrative Code requires that the Coryell County Juvenile Board have written Policy and Procedures that outline the operations for the Juvenile Probation Department. In the event that any policy of Coryell County is not addressed in the aforementioned federal or state law or regulations, then the Coryell County Employee Handbook shall apply.

### **Dissemination of Employee Handbook**

Employees can access the Employee Handbook on the county website ([www.coryellcounty.org](http://www.coryellcounty.org)). Employees are required to read the handbook and sign an acknowledgment statement within 15 days of employment.

Each elected official or department supervisor shall maintain a complete up-to-date Employee Handbook, which will be available at all times to employees for their information either in print or via the county website. An official copy shall be filed with the County Clerk and Human Resource Department.

## CHAPTER 2 - EMPLOYMENT

### **Equal Employment Opportunity**

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

### **Workforce Diversity**

The County shall make reasonable efforts to ensure that all protected classes and underutilized groups have equal access to County employment.

## **Employment At-Will**

All employment with Coryell County shall be considered “at will” employment. No contract of employment shall exist between any individual and Coryell County for any duration, either specified or unspecified. No provision of this employee handbook shall be construed as modifying your employment at will status. Coryell 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. However, under no circumstances will an employee’s constitutional rights be violated in the process.

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

## **Immigration Reform and Control Act**

Under the provisions of the Immigration Reform and Control Act, it is required that all employees provide proof of their identity and authorization to work in the United States. This procedure has been established by law and requires that every individual provide satisfactory evidence of the above on or before first date employment commences. I-9 Forms must also be completed and signed at the time of hire by every new employee and by a representative of Coryell County. All offers of employment for positions in the United States are conditioned on furnishing satisfactory evidence of identity and legal authority to work in the United States.

## **Criminal Background Check**

Coryell County requires a criminal history check for all full-time, part-time and temporary employees upon hire once a conditional offer of employment has been extended by the department supervisor. Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration for employment with Coryell County. Depending on a variety of factors (for example, the nature of the position, the nature of the conviction, time that has passed since conviction, or age of the candidate when the illegal activity occurred), the candidate may still be eligible for employment with Coryell County. However, if an applicant attempts to withhold information or falsify information pertaining to previous convictions, the employee will be disqualified from further employment consideration in any position with the county due to falsification of an application.

## **Pre-employment Physical**

An individual in a position in which a commercial driver’s license will be used may not become an employee of the County until the individual submits to a physical examination and is certified by the examining physician to be physically fit to perform the duties and services to which the individual is to be assigned. The individual will comply and adhere to all the requirements recommended by Select Physical Therapy, county approved vendors and Coryell County. (see Post Offer, Pre-Placement Tests for further guidance in the Procedure Manual)

Coryell County has numerous positions across several departments that require a pre-employment physical prior to employment and the individual must be physically fit to perform the duties and services to which the individual is assigned. The individual will comply and adhere to all of the requirements recommended by Select Physical Therapy and Coryell County. . (see Post Offer, Pre-Placement Tests for further guidance in the Procedure Manual)

## **Drug Test**

All external applicants who may drive for the County are required to pass a drug test. In addition, for final candidates for commercial driver (CDL), the United States Department of Transportation (USDOT) regulations require the County to make a good faith effort to obtain information regarding previous positive alcohol and drug tests. Any refusals to allow testing (including verified adulterated or substituted

tests), and other violations of USDOT agency alcohol and drug testing regulations for the two-year period prior to the date of application, will automatically be a disqualification of employment.

The County may require a drug test in the event of an accident or worker's comp claim. Post-accident, drug and alcohol tests may be required after crashes or worker's compensation claim according to the following:

- Human Fatality
- Bodily Injury with Immediate Medical Treatment Away from the Scene (with or without citation)
- Disabling Damage to Any Motor Vehicle Requiring Tow Away (with or without citation)
- Reasonable Suspicion

The County reserves the right to follow up testing following a positive drug test. In the event of a positive drug test, see Human Resources for Return to Duty procedures. (See Chapter 6 for Employee Drug and Alcohol policy and requirements for CDL employees)

## **Disqualification of Employment**

The County reserves the right to disqualify an applicant or, in certain circumstances, terminate an employee who knowingly:

(this is not an exhaustive list)

- Falsifies any material fact on an application document or during an interview
- Uses or claims to hold a military record that is fraudulent, fictitious, or has been revoked
- Fails the required pre-employment physical examination
- Fails to pass or refuses to take a pre-employment drug test
- Has an unacceptable driving record (applies to jobs where driving is an essential function)
- Has an unsatisfactory report during the verification of previous employment
- Has an unfavorable criminal background check
- Has previously violated a USDOT agency alcohol and drug testing regulation and has not completed all required assessment and treatment requirements, or
- Has exhibited any other behavior or conduct demonstrating a serious lack of candor, professionalism, or sound judgement in the course of the hiring process.

## **Nepotism**

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

# **CHAPTER 3 – GENERAL PERSONNEL GUIDELINES**

## **Family Medical Leave**

**Policy.** It shall be the policy of the County to provide eligible employees with all benefits and privileges required under the Federal Family and Medical Leave Act (FMLA) of 1993 (P.L. 103-3).

Please send the employee to Human Resources to do all FMLA paperwork. Employees may be subject to a fitness for duty test before returning to their position.

## **Eligibility for FMLA**

Worked at least 12 months for Coryell County. The 12 months of employment need not be consecutive months and;

- Any portion of a week that an employee is on the payroll counts as a full week for FMLA eligibility.
- Separate periods of employment in which the break in service exceeds seven years will not be used to determine FMLA eligibility.

Worked at least 1,250 hours during the 12 months preceding the need for leave

- These are actual work hours and do not include paid time off.
- This eligibility requirement must be verified with the first FMLA request 12 months immediately before the FMLA leave is to start and for each new qualifying reason.

Additional Provisions to Note:

- All employees may be eligible for FMLA if they meet the above requirements.

### **Qualifying Reasons for FMLA**

FMLA may be taken for any of the following reasons:

- Birth of a child and to care for a newborn child of the employee;
- Placement with the employee of a child for adoption or foster care;
- To care for the employee's spouse, child, or parent with a serious health condition;
- A serious health condition that makes an employee unable to perform the functions of the employee's job;
- A qualifying exigency arising out of the employee's spouse, child, or parent's qualifying call to active duty in a foreign deployment.
- To care for a covered service member with a serious injury or illness incurred in the line of active duty if the employee is the spouse, child, parent, or next of kin of the service member (military caregiver leave).

Additional Provisions to Note:

- Employees can take FMLA for more than one qualifying reason in a rolling look back year but are limited to a total of 12 weeks (except military caregiver leave).
- Contact Human Resources if you are uncertain whether the reason for FMLA is a qualifying one.
- Covered active duty means; duty during deployment to a foreign country.

### **Birth, Adoption, or Care of a Newborn**

- Both parents are each entitled up to 12 weeks of FMLA leave for the birth of their child, if meeting individual FMLA eligibility. This also applies to adoption and foster care placement.
- Both parents are each entitled to FMLA for bonding time until the child is one year of age or in the case of child placement, the child has been in the home for one year.
- The mother is entitled to FMLA leave for incapacity due to pregnancy or for her own serious health condition following the birth of the child.
- FMLA for incapacity due to pregnancy may begin before the birth of the child if necessary for prenatal care, doctor appointments due to the pregnancy, or severe morning sickness.
- FMLA for adoption or foster care may begin before placement if necessary for counseling, court appearances, attorney/physician consultation, or travel to another county.
- The spouse is entitled to FMLA leave if needed to care for their pregnant spouse who is incapacitated or has a serious health condition.

Additional Provisions to Note:

- Medical certification is not required for birth, adoption, or care (bonding) of a newborn, but non-medical certification (such as a birth certificate) is acceptable if necessary to substantiate an employee's claim.
- Medical certification may be required for FMLA leave for incapacity due to pregnancy (or to care for a pregnant spouse who is incapacitated).



## **“Needed to Care for” a Family Member**

FMLA leave to care for a family member with a serious health condition is limited to the employee’s:

- Spouse – husband, wife, or same sex partner, including common law marriage.
- Own parent (not in-laws) – biological, adoptive, step, foster, or in loco parentis.
- The employee’s child or child of the same-sex partner (biological, adoptive, step, legal ward or in loco parentis who is under 18 or over 18 and incapable of self-care due to mental or physical disability.
- Covered service member – See Military Family Leave.

Caring for a family member includes:

- Psychological care, such as comfort and support
- Physical care, such as feeding, dressing and transportation to doctor appointments
- Substituting for others who normally care for the family member; the employee need not be the only individual available to care for the family member
- Making arrangements for changes in care such as transfer to a nursing home

Caring for a family member **does not** include:

- Child care when the child is not incapacitated due to a serious health condition
- Attending a funeral or bereavement leave; when the family member dies, FMLA needed to care for the family member ends
- Attending to the deceased’s estate

## **Family Member Provisions**

- Documentation may be requested to confirm the family relationship and the age of a child.

## **Definitions of a Serious Health Condition**

A serious health condition is defined as an illness or injury that involves:

**Inpatient Care** - A condition requiring overnight hospitalization and subsequent treatment (i.e. an overnight stay) in a hospital, hospice or residential medical care facility

**Continuing Treatment** - A period of incapacity of more than three full consecutive calendar days  
**AND**

- An in-person visit to a health care provider within 7 days of the first day of incapacity and a second in-person visit within 30 days of the first day of incapacity **or**
- An in-person visit to a health care provider within 7 days of the first day of incapacity followed by a regimen of continuing treatment such as a course of prescription medication or physical therapy.

## **Pregnancy or prenatal care**

**Chronic conditions continuing over an extended period** (e.g. asthma, diabetes, migraine headaches)

- Any period of incapacity
- May cause episodic rather than continuous incapacity
- Requires at least two visits annually to the health care provider

**Permanent or long-term conditions** (e.g. Alzheimer’s, stroke, terminal diseases)

- Any period of incapacity which is permanent or long term which treatment is not effective
- Requires continuing supervision by a health care provider

### **Conditions requiring multiple treatments** (e.g. chemotherapy, dialysis, physical therapy)

- Any period of incapacity
- Restorative surgery or conditions, if left untreated, would result in incapacity of more than three full consecutive calendar days.

Additional Provisions to Note:
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- Incapacity is defined as the inability to work or perform other regular daily activities.
- The common cold, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), routine dental or orthodontia problems, periodontal disease, etc., are not serious health conditions unless they fall within the above conditions.
- Treatment for substance abuse may be a serious health condition if it falls within one of the above conditions.

### **Examples of Situations that are NOT Serious Health Conditions**

- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop.
- Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches (other than migraine), routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.
- A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- “Treatment” does not include routine physical examinations, routine eye examinations or dental examinations.

### **Definitions of a Health Care Provider**

- A licensed physician
- Another person capable of providing health care services such as:
  - Podiatrists
  - Dentists
  - Clinical Psychologists
  - Optometrist
  - Chiropractors
  - Nurse Practitioners
  - Nurse Midwives
  - Clinical Social Workers
  - Physician or Physician Assistants (PA)
  - Christian Science Practitioners
- A health care provider recognized by the County’s health care plans

### **Medical Certification**

- Medical certification is required if the qualifying reason for the FMLA is a serious health condition for the employee or the employee’s spouse, child, or parent. Form FMLA 380-E and form FMLA 380-F are to be used for this purpose.
- Medical certification must be requested, in writing, at the time the employee gives notice of the need for FMLA or within 5 business days.
- It is the employee’s responsibility to provide the completed certification within 15 calendar days.

- If the certification is incomplete or insufficient, return the certification to the employee identifying (in writing) the additional information necessary to make the certification complete and sufficient. The employee is to be given 7 additional calendar days to obtain the necessary information.
- Information obtained from the health care provider is limited to the information on the medical certification form.
- The employee must cooperate throughout this process and if complete and sufficient medical certification is not provided, the requested FMLA leave may be denied. Therefore, absences incurred may be subject to corrective action.
- Medical certification must be requested at the beginning of each rolling look back year for FMLA leave that extends from one rolling year to the next.
- The cost of acquiring medical certification (if any) is paid by the employee, and the employee is not entitled to be paid for time or travel to obtain the certification.

### **Recertification**

Employees may be asked to recertify the need for FMLA, and the request for recertification must always be made in connection with an absence.

\*For intermittent leave recertification may be requested every six (6) months for the same condition unless medical condition changes. If there is a new medical condition, you may be required to recertify.

- Recertification may be requested in less than 30 days if:
  - The employee requests an extension of the leave
  - Circumstances in the previous certification have changed significantly
  - Information is received that casts doubt on the reason for the absence or validity of the previous certification
- If recertification is requested due to the number and/or nature of the absences, the employee’s FMLA attendance record may be included, and the health care provider may be asked if the serious health condition and need for leave is consistent with the employee’s absences.
- It is the employee’s responsibility to provide the completed recertification within 15 calendar days.
- A second or third opinion cannot be requested on a recertification.

Additional Provisions to Note:
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- At the time, the medical certification is requested for the employee’s serious health condition, employees must be notified of the requirement to submit a fitness-for-duty certification upon their return to work and provided with:
  - Intent to Return and Fitness for Duty/Medical Release Form
  - A list of essential functions of the job
- If the medical certification is still incomplete or insufficient, after the 7-day “opportunity to cure,” contact Human Resources, to discuss additional options which may include contacting the health care provider for clarification and/or authentication of the certification.
- In certain circumstances, a second and third opinion from a health care provider may be requested by Human Resources, and the County pays the cost of the additional opinion. Contact Human Resources, if you wish to explore this option.
- Records and documents relating to medical certifications, re-certifications, or medical histories of employees or employee family members, must be kept in locked files separate from personnel files and treated as confidential medical records.
- Medical certification for a spouse, parent, or child who is out of the country is handled in the same manner. Once complete, the medical certification can be delivered via fax or email.

## Intermittent or Reduced Schedule FMLA Leave

- **Intermittent leave** is FMLA leave taken in separate blocks of time due to a single qualifying reason.
- **Reduced schedule leave** reduces the employee's usual number of hours worked per day or per week.
- Intermittent or reduced schedule leave may be granted if medically necessary or due to a qualifying exigency.
- Intermittent or reduced leave may be granted if taken following the birth or placement of a healthy child and approved by the supervisor.
- Intermittent leave may be taken in increments as little as one hour.
- Allow only as much FMLA as needed – an entire day off usually is not necessary for a doctor appointment. Adequate time off for the appointment and travel to the appointment must be provided, and employees should be required to return to work immediately after the appointment when appropriate.

<b>Additional Provisions to Note:</b>
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- Departments may place employees who are on an intermittent leave or a reduced work schedule for planned medical treatment or appointments in another position with equivalent pay and benefits which better accommodates recurring absences than the employee's regular position. This placement is considered to be a temporary transfer. For assistance, refer to Human Resources.
- Unless the reduced work schedule is specifically identified by the health care provider, the supervisor has the discretion to designate the reduced schedule of hours or days of the week to meet business needs; e.g., if the employee is limited to work six hours a day, the supervisor can designate the work schedule as 8a.m. to 2p.m.

## Calculating and Recording FMLA Leave

- An eligible employee may take up to 12 work weeks of leave during a 12-month rolling year. (Employees regular schedule will be followed to track FMLA leave)
- Eligible employees are entitled to a new 12-week FMLA leave each rolling look back year.
- Unused portions of the 12-week FMLA leave cannot be carried over between rolling calendar years.
- Employees who record their hours worked and time off electronically or on paper timesheets must also record time off taken for FMLA leave.
- Absences due to FMLA are to be recorded in one-hour increments. Exempt professional staff also record FMLA absences in one-hour increments, not full-day increments.
- To determine the amount of leave taken by an employee on FMLA, the following days (hours) are counted:
  - The employee's scheduled shift, including regularly scheduled overtime
  - Holidays that occur within a week if the employee is on FMLA the entire week
  - Holidays that the employee was scheduled or expected to work

## Paid or Unpaid FMLA Leave

- All accrued paid time off must run concurrently with the 12-week FMLA leave before any unpaid time can be taken, including any paid time off accrued during the FMLA leave. This applies to any FMLA absence, including a leave that is taken intermittently or through a reduced schedule.
- Compensatory time (if accrued) must be used first before the use of any other paid time off accruals, and this time is counted toward the 12-week entitlement.
- Once compensatory time is exhausted, employees may choose the order in which their remaining paid time off accruals are used. Paid time off accruals that must be used during FMLA leave include sick time, vacation and holidays.
- All time missed in a work day due to FMLA leave is charged to paid time off accruals, including charges to PTO for partial day absences for professional staff.
- Exempt professional staff are to use PTO accruals in one-hour increments (not full day increments) for absences due to FMLA leave.

- Employees continue to earn paid time off accruals as long as they are in pay status during the absence.
- When paid time off accruals are exhausted, the remainder of the FMLA leave is without pay and without time off accruals.

Additional Provisions to Note:
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- FMLA leave is unpaid leave for eligible employees, however, the County requires use of all paid time off prior to leave being unpaid.
- If an FMLA eligible employee is absent for a FMLA qualifying reason and does not provide the requested medical certification, do not approve time off against FMLA leave.
- If the employee will be absent without pay for more than 30 calendar days, a letter to the County Auditor placing the employee on an unpaid leave of absence for the balance of the FMLA leave, must be sent by the 33<sup>rd</sup> day.

### **Reinstatement Upon Return from FMLA Leave**

- An employee who is returning from an approved FMLA absence will be returned to the same position held at the time the leave began or to an equivalent position.
- An equivalent position is one with equivalent benefits, pay, and other terms and conditions of employment, including the same shift or work schedule and a geographically proximate work site. Consult with Human Resources if considering an equivalent position.
- In certain circumstances prior to returning to work, an employee on FMLA leave for his or her own serious health condition may be required to provide a fitness-for-duty certification indicating the employee is fit to resume work and perform the essential functions of the job.
- At the time the FMLA leave is requested, employees must be notified of the requirements to submit a fitness-for-duty certification upon their return to work and provided with:
  - Intent to Return and Fitness for Duty Release Form
  - A list of essential functions of the job
- If appropriate notice is provided, an employee who does not provide a fitness-for-duty certification is not entitled to reinstate under FMLA.
- The cost of acquiring a fitness-for-duty certification (if any) is paid by the employee, and the employee is not entitled to be paid for time or travel to obtain the certification.

Additional Provisions to Note:
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- Employees on FMLA leave whose positions are affected by a reduction in force or reassignment, may not be reinstated if it can be demonstrated the reduction in force or reassignment would have occurred had the employee been working and not on FMLA leave.
- If the employee is released to return to work with restrictions that prevent him/her from performing the essential functions of the position, contact Human Resources.

### **Department Responsibilities**

- It is the department's responsibility to recognize any absence that meets the requirements of the FMLA as family medical leave and inform the Human Resource Department.
- Even if the employee does not request FMLA, if a department supervisor is aware that the reason for an absence qualifies under FMLA, the absence must be designated as FMLA leave and prompt notice given to the employee. The department supervisor should immediately contact the Human Resource Department.
- Establish and communicate the department's call in procedure which should include:
  - When the employee must call in; how soon before or after the shift begins
  - Who must call in; employee only or other family member

- Enforce the call-in procedure consistently between FMLA and non-FMLA absences.
- An employee's rights to FMLA may be denied or delayed only for the following reasons:
  - Timely notice of foreseeable leave is not given
  - Timely submission of required and sufficient medical certification is not made by the employee
  - The employee fails to provide required fitness to return to work
  - The employee fraudulently requests or obtains FMLA
  - The employee is employed elsewhere while on FMLA leave without the written approval of the department supervisor

Additional Provisions to Note:
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- An FMLA leave should start immediately if a FMLA eligible employee who is under Worker's Compensation for a work-related injury declines a modified position assignment offered under Worker's Compensation; as long as the condition meets FMLA eligibility.
- If the department fails to designate an employee's eligible absence as FMLA, Human Resources may retroactively designate the absence as FMLA leave if:
  - The employee has been given notice and
  - The retroactive designation does not harm the employee
- The department and employee may also mutually agree to retroactively designate the absence as FMLA.
- The ability to retroactively designate an employee's absence as FMLA, **DOES NOT** apply to absences in which the employee did not give the appropriate amount of notice or did not follow the department's call in procedures nor if employee has returned to work.

### **Do's for the Manager or Supervisor**

- Ask appropriate questions about the reasons for the employee's time off (when an employee seeks leave for the first time for a FMLA-qualifying reason, the employee need not expressly assert rights under the FMLA or even mention the FMLA).
- Direct the employee to Human Resources for the appropriate FMLA forms and follow the FMLA procedures for processing the FMLA and handling subsequent absences.
- Recognize the requested time off, whether paid or unpaid, can be counted as a FMLA absence and promptly inform the employee.
- Track FMLA time and when requested; inform the employee of the number of weeks or % of weeks used and the number remaining (check with Human Resources about time that reflects FMLA usage if you have any questions).
- Indicate FMLA time on timesheet.

### **Don'ts for the Manager or Supervisor**

- Interfere with, restrain, or deny the exercise of (or attempts to exercise) any rights provided by the FMLA.
- Discourage an employee from using FMLA leave or manipulate circumstances related to eligibility.
- Discharge or in any other way discriminate against a person for opposing or complaining about any unlawful practice under the Act.
- Consider the use of FMLA as a negative factor in employment actions such as hiring, promotions or disciplinary actions.
- Encourage employees to waive or induce employees to waive their prospective rights under FMLA.

### **Employee Responsibilities**

- Employees must provide at least 30 days' notice of an anticipated FMLA leave. As a rule, a 30-day notice shall be required in cases involving:
  - Birth, foster care, or adoption of a child.
  - Planned medical treatment for an employee or family member with a serious health condition.
- If employees do not give proper notice of a clearly foreseeable leave, departments can delay the leave for up to 30 days after receiving notice of the need for FMLA leave.

- In cases where 30 days' notice is not practical, an employee must provide notice the same or next business day.
- Employees must follow the department's procedures for requesting leave and calling in absences and provide sufficient information to allow the department to determine whether the leave request and absence qualifies for FMLA. Failure to comply with Coryell County FMLA leave procedures may result in the time not being approved or being delayed.
- Employees must consult with their supervisors and make a reasonable effort to schedule intermittent leave for planned medical treatment or appointments so it does not disrupt operations.
- If an employee will be in an unpaid status for more than 30 calendar days, the employee must contact the Human Resource office to make arrangements for payment of healthcare/dental premiums that have been elected.
- When an employee seeks leave due to a qualifying reason for which the employer has previously provided the employee FMLA protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.
- If an employee simply calls in sick, does not follow the department's call-in procedure, or does not provide sufficient information, the time off may not be designated as FMLA. Employees must cooperate throughout the FMLA process or risk having their FMLA delayed or denied including:
  - Giving the appropriate amount of notice of the need for FMLA.
  - Providing a complete and sufficient medical certification, if requested.
  - Responding to questions to determine whether an absence qualifies for FMLA.
  - Following the department's call-in procedure.
  - Providing intent to return and fitness for duty medical release, if requested.
  - Performing the essential functions of the job with or without reasonable accommodations.

## **Qualifying Exigency**

An eligible employee may take FMLA leave while his/her spouse, child, or parent is a covered military member on covered active duty provided:

1. The service member is either:
  - A member of the Reserve Component (Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, Coast Guard Reserve)
  - An active duty member
2. Who is on covered active duty or has been notified of an impending call or order to covered active duty to a foreign country or international waters.
3. The qualifying exigency is for one or more of the following reasons:
  - Short notice deployment
    - Notice of call to active duty of seven days or less
    - Leave can be taken for up to seven calendar days from date of notice of or call to active duty
  - Attendance at military events and related activities such as:
    - Official ceremonies
    - Family support of assistance programs
    - Informational briefings
  - Childcare and related activities such as:
    - Arrange for alternative childcare
    - Provide childcare on an urgent, immediate need basis
    - Enroll in or transfer to a new school or daycare facility
    - Attend meetings with school official's due to circumstances arising out of the notice of call to active duty

- Financial and legal arrangements such as:
  - Make or update arrangements to address the military member’s absence
  - Act as the military member’s representative to obtain, arrange or appeal military service benefits
- Attend counseling for employee, military member, or child of military member
- Rest and recuperation
  - Spend time with a military member on short-term, temporary rest and recuperation leave
  - Leave can be taken for up to fifteen days each instance
- Post-deployment activities such as:
  - Attendance at arrival ceremonies, reintegration briefings, or other official ceremonies within 90 days of end of active duty
  - Address issues arising from the death of the military member
- Parental care activities for the military member’s parent who is incapable of self-care (can be for an in-law, grandparent, divorced parent or step parent)
  - Additional activities employer and employee agree upon
  - Address other events arising out of notice of or call to active duty
  - Requires agreement between employee and supervisor on qualification, timing, and duration

Additional Provisions to Note:
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- The Human Resource department should provide the employee with a copy of the DOL form Certification of Qualifying Exigency for Military Family Leave to be completed by the employee. The completed form along with the documentation the employee provides will be used to determine if the leave request qualifies for FMLA and the length of the leave.
- When certification is requested, it is the employee’s responsibility to provide timely, complete, and sufficient certification and failure to do so may result in delay or denial of FMLA leave.
- See Fact Sheet WHD #28M (c) for detailed explanation to the qualifying exigency provision.

## Military Caregiver Leave

- Military Caregiver Leave is FMLA leave to care for a covered service member who has suffered severe injury or illness in the line of active duty.
- A covered service member means a current member of the Armed Forces, National Guard or Reserves who is undergoing medical treatment, recuperation or therapy; is in outpatient status; or is otherwise on the temporary disabled list for a serious illness or injury. A covered service member may also be a veteran who was a member of the Armed Forces, National Guard or Reserves within five years preceding the date on which the veteran undergoes medical treatment, recuperation or therapy.
- An eligible employee who is the spouse, child, parent, or next of kin of a covered service member may take up to 26 weeks of FMLA leave during a single 12-month period.
- The single 12-month period begins on the first day the eligible employee takes FMLA to care for a covered service member and ends 12 months after that date.
- An eligible employee is entitled to a combined total of 26 work weeks of leave for any FMLA-qualifying reason (not 12+26) in a single 12-month period.

Additional Provisions to Note:
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- Notify the Human Resource Department and a copy of the DOL form “Certification for Serious Injury or Illness of Covered Service member for Military Family Leave” will be issued. This form will need to be completed by the employee and an authorized military health care provider of the covered service member.
- The employee may present certain military certifications such as “Invitational Travel Orders” or “Invitational Travel Authorizations” for purposes of certification that must be accepted by the department.
- If the certification is incomplete or unclear, the employee is to be given 7 additional calendar days to provide more complete information.



- When certification is requested, it is the employee’s responsibility to provide timely, complete, and sufficient certification and failure to do so may result in a delay or denial of FMLA leave.
- The Human Resource Department will have a designated person who may contact the covered service member’s health care provider for clarification and/or authentication of the medical certification.
- Recertification and second or third opinions are not permitted (except for treatment by a private healthcare provider not associated with Department of Defense, Veterans Administration or Tricare provider).

## Processing for FMLA

- Be sure to mark your timesheet with FMLA for each day the employee is absent while on FMLA leave.
- Be sure to track the employee’s vacation, sick and comp time that is used while on FMLA.
- Leave of Absence/FMLA  
When an employee uses all paid time off they have accrued, be sure to notify the Auditor’s office that their time has run out and the employee is to go on Leave of Absence/FMLA for the balance of the FMLA leave. The maximum allowance for FMLA – both paid and unpaid – is 12 weeks in the rolling look back year.
  - The **effective date** of the “Leave of Absence/FMLA” is the first day in unpaid status, i.e., the day after paid time off is exhausted.
  - The **expected return date** is the end date of the requested FMLA. For example: if the employee has an approved FMLA for 12 weeks in February, March, and April, and they exhaust their paid time off the first 4 weeks, the notification letter to the Auditor would cover the remaining 8 weeks starting the first day in unpaid status. The expected return date is the end of April.

### Return to work

- At the end of the FMLA when the employee *returns to work*, a “Fitness for Duty” letter must be completed by physician to return the employee from leave.
- Employees *returning* from leave under this policy, and who *have not exceeded* the 12-week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Employees who have not exceeded the 26-week maximum, in a single 12-month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or a job equivalent to the job they held prior to going on leave.
- Where an employee is placed in another position, it will be one which has equivalent status, pay, benefits, and other employment terms and one which entails substantially equivalent skill, effort, responsibility, and authority.

### Unable to return to work

- If the employee is *not able to return* on the *expected date*, and the employee has enough FMLA time remaining to cover the extended leave, a “Maintain Position” letter must be completed by department supervisor to change the employee’s expected return date.
- At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are *unable to return* to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12-month period.
- If the employee’s FMLA time is *exhausted* and the employee is *unable to return* to work, the employee could potentially go on discretionary leave of absence. This is granted only at the department’s discretion. In this situation, the department supervisor will need to notify the auditor in writing indicating; the employee is not returning from FMLA and is going on a discretionary leave of absence. This must be done to place the employee on discretionary leave. At the end of 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12-month period.
- The employee goes on an inactive status and will not accrue any benefits.

- Same position/same pay rate – may not have a position to return to
- The County shall have no obligation to reinstate an employee who takes leave under this policy and who is *unable to return* to work after using the maximum weeks of leave allowed under this policy. (if ADA AAA applies, Coryell County will take an active good faith role in the interactive process)
- If the employee *does not return* to work from FMLA or discretionary leave of absence *due to his/her own medical situation*, a letter from the department supervisor indicating the employee has not returned from leave then a “Failure to Return from Leave” letter can be done to separate employment.

### **Elects not to return to work**

- If the employee *does not return* to work from FMLA or discretionary leave of absence *due to his/her own medical situation*, a letter from the department supervisor indicating the employee has not returned from leave then a “Failure to Return from Leave” letter can be done to separate employment.
- The County shall have no obligation to reinstate an employee who *elects not to return* to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave still available.
- If the employee notifies you that he/she *will not be returning* to work from FMLA or discretionary leave of absence due to reasons other than his/her own medical situation, a letter indicating the employee chose *not to return* from leave, then a termination letter (indicating appropriate reason) must be done to separate employment.

*The termination reason “Failure to Return from Leave” should only be used if the employee does not give notice or does not contact you at the end of the leave.*

### **Accommodations**

The County aims to provide employees with reasonable accommodations for disabilities, for nursing mothers, temporary modified duties, and protection of privacy. Decisions regarding employee rights will be made without regard to the employee’s race, color, religion, sex, national origin, genetic information, disability, military status or age.

### **Americans with Disabilities Act**

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

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

### **Breaks for Nursing Mothers**

The Texas Right to Express Breast Milk in the Workplace Act and the Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the years following the birth of a child. The FLSA does not require any breaks other than for nursing mothers. However, if paid breaks are provided for employees, nursing mothers must be given the same amount of paid break time. Coryell County supports the practice of expressing breast milk.

It is the policy of the County to provide two paid 15-minute breaks daily for nursing mothers in all departments, including emergency and law enforcement personnel. The two 15-minute breaks are not in addition to the two 15-minute breaks if allowed to employees. Nursing mothers will be allowed whatever time is needed to express breast milk. However, if the time required to express breast milk exceeds the two 15-minute breaks allowed herein, the excess break time will be unpaid time off. Nursing mothers are entitled to express breast milk breaks for the duration of time they choose to express breast milk.

Nursing mothers will be provided with a private location, other than a bathroom, to express breast milk. The location will be shielded from view, free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case-by-case basis by the Human Resource Department.

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

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

### **Genetic Information Nondiscrimination Act**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to a request for medical information.

'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### **USERRA – Uniformed Services Employment and Reemployment Rights Act Leave of Absence Policy Based on USERRA**

This federal law supersedes the state law, where applicable.

**Uniformed services** are defined as the performance of duty on a voluntary or involuntary basis in the

- Uniformed Services (Navy, Army, Air Force, Coast Guard)
- Reserves, Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty, or
- National Disaster Medical System
- Any other category of persons designated by the president in time of war or emergency (*20 CFR Part 1002.5(0)*)
- Veterans

**Service in the uniformed services** means the performance of duty on a voluntary or involuntary basis in a uniformed service. Service in the uniformed services includes active duty, active and inactive duty for training, National Guard duty under federal statute, and a period for which a person is absent from a position of employment for an examination to determine the fitness of the person to perform duties in the

uniformed service. The term also includes a period for which a person is absent from employment to perform funeral honors duty as authorized by law.

**Discrimination prohibited.** County policy prohibits discrimination against a person in reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. This discrimination policy applies to both regular and temporary employees.

**Reemployment rights.** Generally, only individuals whose discharge was not dishonorable, based on bad conduct, or "other than honorable" conditions, and who were regular employees (full or part-time) are eligible for reemployment. Under USERRA, the individual is generally required to give advance notice of the leave, be on leave for no more than 5 years, and reapply for reemployment within specified time frames. The advance notice may be written or verbal. No prior notice is required if it is precluded by military necessity or such notice is impossible or unreasonable. The 5-year limit is the cumulative length of absence from a job.

Coryell County is excused from reemployment if the circumstances have changed as to make the employee's reemployment impossible or unreasonable. If the returning employee is no longer qualified to perform the essential functions of their previous position due to a disability sustained during active duty but is qualified for another position, the new position will be offered to the new employee. The new position will be as close to like seniority, status and pay as circumstances allow.

**Notices.** Under this policy, notice is to be given to the Human Resource Department. Generally, notice for the need for leave is to be given as soon as practical. No prior notice is required if it is precluded by military necessity or such notice is impossible or unreasonable. An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:

Time Required for Period of Service	Return to Work Notice
Less than 31 days	Report to employer not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service, and following the expiration of 8 hours after a period allowing for safe transportation from the place of that service to the employee's residence.
More than 30 days less than 181	Submit an application for reemployment (written or verbal) with the employer not later than 14 days of release from service. If it is impossible or unreasonable for the employee to apply within 14 days through no fault of his or her own, the employee must submit the application not later than the next full calendar day after it becomes possible to do so.
More than 180 days	Submit an application for reemployment (written or verbal) not later than 90 days of release from service.
If an individual is hospitalized or convalescing from an injury caused by active duty.	Time limits may be extended for up to 2 years. This period for recuperation and recovery extends the time period for reporting to or submitting an application for reemployment to the employer and is not applicable following reemployment.

**Expectations to Reemployment.** Based on USERRA provisions, the County has adopted the following rules for reemployment; The County will not reemploy an individual when:

- If the employer’s circumstances have so changed as to make such reemployment impossible or unreasonable; if, for example, a reduction in force occurred during the person’s absence that would have terminated the person’s employment.
- In the case of a person with a service-connected disability, if reemployment would impose an undue hardship on the County.
- The employment from which the person leaves to serve in the military services is for a brief, no recurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.
- Reasonable notice of the desire to return was not given, and the County’s established policies are violated by failure to give reasonable notice.
- The person’s separation from service was dishonorable, based on bad conduct, or “other than honorable”.

**Discharge.** A person who is reemployed pursuant to USERRA cannot be discharged except “for cause” pursuant to the following schedule:

- Within 1 year, if the person’s service was more than 180 days
- Within 180 days if the person’s period of service was more than 30 days, but less than 181 days

**Seniority-based benefits.** Individuals who are reemployed are entitled to all seniority-based benefits for the time accrued, including their uniformed service time. For example, vacations are tied to years of service, and accordingly, the amount of uniformed service is added to actual employment service. In other words, if an individual is entitled to 14 days or 112 hours of vacation after 5 years of employment, a person who had 4 years of employment service and 1 year of uniformed service is entitled to 14 days or 112 hours of vacation. In general, there must be a reasonable certainty that the benefit would have accrued if the employee had not gone into uniformed service, and the nature of the benefit must be a reward for length of service. An employee’s time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at Coryell County.

Part-time employees and temporary employees are not eligible for any benefits, and this policy does not apply to them.

**Non-seniority-based benefits.** During a period of service in the uniformed services, the employee is deemed to be on leave of absence. In this status, the employee is entitled to the non-seniority rights and benefits generally provided by the employer to other employees with similar seniority, status, and pay who are on leave of absence. An individual returning from uniformed service is entitled to all benefits not based on seniority in the same manner as any employee on a leave of absence would be able to accrue under other County policies. These policies are either those in effect at the time the individual left on uniformed service or those that were implemented while the employee was away.

**Favorable treatment.** In general, the most favorable treatment accorded any type of leave must also be accorded to the uniformed service leave. Again, part-time employees and temporary employees are not eligible for any benefits, and thus this policy does not apply to them.

Additional Provisions to Note:
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| <ul style="list-style-type: none"><li>• Where employees are required to pay a portion of the cost for non-seniority-based benefits, the individual on a uniformed service leave is also required, just like all other employees, to pay a portion.</li></ul> |
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**Waiver.** According to USERRA, an employee may waive his or her rights of non-seniority-based benefits by knowingly providing a written notice of intent not to return.

Additional Provisions to Note:
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- If an employee does seek reemployment even after signing an effective waiver of non-seniority rights, the County must provide the employee with the required seniority-based benefits.

**Use of accrued leave.** Employees are permitted to use any accrued leave such as vacation leave or other leave with pay toward uniformed service time. However, the County does not require employees to use paid vacation leave to apply toward a uniformed service leave.

**Uniformed service, health care, and COBRA.** Under USERRA, employees on uniformed service leave who are enrolled in the health care plan have the right to elect continuation coverage similar to the rights under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Employees returning to work are entitled to reinstate health coverage as if they had never left.

The right to continue coverage during uniformed service applies to employees and their dependents. This right to continuation coverage applies to all health plans, not just group health plans.

The maximum length of required continuation coverage is the lesser of 24 months beginning on the day that the uniformed service commences or a period ending on the day after the employee fails to return to employment within the time allowed by the federal law. If an individual has COBRA rights, and the COBRA rights are greater than the rights under USERRA, COBRA applies.

Should an eligible employee or dependent elect to continue coverage, he or she is required to pay 102 percent of the full premium just as provided by COBRA. Whenever the uniformed service leave is less than 31 days, however, the employee may not be required to pay more than the employee's share, if any.

**Retirement rights.** Participation and benefits under retirement plans will be granted in accordance with federal law.

**Reemployment positions.** Individuals are to be reemployed according to the following schedule:

If the individual's service was less than 91 days, the individual will be placed in the job that he or she would have had if employment had not been interrupted by service, assuming the person is qualified to perform those job duties (e.g., a person may be promoted into an "escalator position").

If the employee is not qualified to perform the duties of the escalator position after reasonable efforts by the employer, the employee will be reemployed in the position in which he or she was employed on the date that the period of service began. If the employee is not qualified to perform the duties of the escalator position or the pre-service position, after reasonable efforts by the employer, he or she will be reemployed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position. The employee must be qualified to perform the duties of this position.

If the service was more than 90 days, the employee will be reemployed in the escalator position or a position of like seniority, status, and pay. He or she must be qualified to perform the duties of this position.

If the employee is not qualified to perform the duties of the escalator position, the pre-service position, or a like position, after reasonable efforts by the employer, he or she will be reemployed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position. The employee must be qualified to perform the duties of this position. The employer will make reasonable efforts to help the employee become qualified to perform the duties of each of the positions described above.

If two or more persons are entitled to the same job under USERRA, the one who left the position first shall have the prior right to reemployment.

**Disabled employees.** An individual with service-connected disabilities who is not qualified for employment in the position he or she would have attained if continuously employed (even after reasonable accommodation as required by the Americans with Disabilities Act (ADA) as amended in 2011) will be reemployed promptly in any other position of similar seniority, status, and pay for which he or she qualified or would become qualified with reasonable efforts by the employer or otherwise in a position that is the nearest approximation to the equivalent position, consistent with the circumstances of the employee's case in terms of seniority, status, and pay.

A position that is the nearest approximation to the equivalent position may be a higher or lower position, depending on the circumstances. As with the ADA, the employer is not required to reemploy the disabled individual if doing so would be of such difficulty or expense as to constitute an undue hardship.

**Temporary employees.** Temporary employees are not eligible for reinstatement.

**Disciplined employees.** Under USERRA, employees who were about to be discharged for misconduct had they not left for uniformed service are not eligible for reinstatement and will not be rehired.

As an example, this policy applies if the investigation of the wrongdoing was completed, the supervisor had written the discharge papers, and the employee simply failed to return to work for a discharge meeting.

**Documentation.** An employee's department supervisor will, upon the employee's reapplication for employment, request that the employee provide the County with military discharge documentation to establish the timelines of the application for reemployment, the duration of the military service, and the honorable discharge from the military service.

For specific guidance see; <http://www.dol.gov/vets/programs/userra/compliance.htm>

## **Military Leave**

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

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

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

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

## **CHAPTER 4 – WORKPLACE EXPECTATIONS**

### **Whistleblower**

An employee may, in good faith, report an alleged violation of a Coryell County Policy or federal or state law to his or her department supervisor, or Human Resource Department, 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 or District Attorney. The appropriate entity will investigate the reported activity.

An elected official, department supervisor, 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 or acting as a witness under this policy should immediately contact the Human Resource Department. An employee with a question regarding this policy should contact the Human Resources Department.

### **Confidentiality**

Coryell County is a public entity, however, some County employees acquire confidential information as a result of their position with the County. This information must be protected. Employees who reveal confidential 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 Coryell 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 personnel matters are typically not subject to disclosure.

The County will adhere to the Public Information Act requirements which allows employees, public officials and former employees and officials to elect whether to keep selected information confidential. A "Public Access Option Form" is presented at time of hire and available for former employees and officials who wish to participate.

### **No Expectation of Privacy**

Employees have no expectation of privacy in the workplace, in their work-related conduct, or in the use of County-owned or County-provided equipment or supplies. In general, employees should assume that what they do while on duty or on County premises is not private. Although searches are normally not conducted unless there is a valid reason for the search, all work areas and County equipment, such as desks, files, lockers (even if employees provides the lock), and computers, are subject to search at any time.

Employees should not expect privacy in the use or content of electronic equipment, media, and services. Nonetheless, as a general rule, electronic information created and/or communicated by an employee using e-mail, word processing, utility programs, spreadsheets, voicemail, telephones, internet access, etc. are not monitored on a regular basis. However, to the extent allowed by law, County officials, department supervisors, and others are permitted to review an employee's electronic files, messages, and usage to ensure that electronic equipment, media, and services are being used in compliance with the law and this and other policies.

Coryell County provides access to electronic forms of communication and information exchange to make communication more efficient and effective and because they are valuable sources of information for government-related work. Emails, texts, and other electronic communications related to official County business may be subject to the Public Information Act regardless of where they are stored.



## **Inappropriate Conduct**

### **Harassment**

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

Harassment is strictly prohibited by Coryell County whether committed by an elected official, appointed official, department supervisor, 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 supervisor may not be the best course of action, the report should be made to the Human Resource Department.

Every reported complaint will be investigated promptly and thoroughly. The elected official or department supervisor 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 supervisor may not be the best course of action, the report should be made to the Human Resource Department.

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.

### **Sexual Harassment**

Sexual harassment is strictly prohibited by Coryell County, whether committed by elected official, department supervisor, co-worker or non-employee who does business with the County. It is the policy of Coryell 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:

- the submission to such conduct is either an expressed or implied condition of employment; or
- the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or
- 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.

Coryell County is committed to providing a work environment where women and men can work together comfortably and productively, free from sexual harassment. In compliance with state and federal law, Title VII of the 1964 Civil Rights Act, as amended, sexual harassment in the workplace is unlawful and will not be tolerated.

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 elected official may not be the best course of action, the report should be made to the human resource department, his or her department supervisor, or the county attorney.

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

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

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

1. When practical, confront the harasser and ask them to stop the unwanted behavior.
2. Record the time, place and specifics of each incident, including any witnesses.
3. Report continuing sexual harassment to the elected official or department supervisor who is responsible for your department or to the human resource department.
4. If a thorough investigation reveals that unlawful sexual harassment has occurred, Coryell 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 observe harassment should report that occurrence or occurrences to his or her supervisor. An employee who is uncomfortable for any reason in bringing such matter to the attention of his or her supervisor, or is not satisfied after bringing the matter to the attention of his or her supervisor, should report the matter to the human resource department, his or her department supervisor, or the county attorney. Employees are expected to cooperate with any investigation of alleged harassment. Failure to do so may lead to discipline, up to and including immediate termination.

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 supervisor may not be the best course of action, the report should be made to the human resource department. 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 regarding sexual harassment charges. Once the investigation is complete, the employee making the claim shall be notified of the result of that investigation and the actions which are to be taken.

## **Grievance Procedures**

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

## **General Work Rules and Expectations for Work**

Orderly and efficient operations of Coryell County departments require that employees adhere to certain rules, expectations, and proper conduct and standards at all times. Rules and standards are necessary to protect the health and safety of all employees, to maintain uninterrupted production and to protect Coryell

County's goodwill and property. Employees should be familiar with and adhere to all departmental and county rules.

Coryell County citizens are our customers. Employees are to serve Coryell County citizens and anyone in need of assistance. As a Coryell County employee, you are expected to represent the County and its elected officials and to meet any situations that arise calmly and courteously.

### **Proof of Automobile Liability Insurance**

Every employee who uses a private vehicle for County business must be able to furnish proof of automobile liability insurance.

### **Attendance**

As a Coryell 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 as soon as possible 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 timing 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 work for three (3) consecutive scheduled work days, and who fails to notify his or her supervisor, shall be considered to have resigned their position by abandonment.

### **Automated Time and Attendance Policy**

Accurately recording time worked is the responsibility of every Coryell County employee. Federal and state laws require Coryell County to keep accurate records of time worked in order to appropriately calculate employee pay and applicable benefits provided under Coryell County policies. Time worked is considered as time spent on the job performing assigned duties. It is therefore the intent of the Commissioners' Court to enforce this time and attendance policy.

Coryell County utilizes an automated time keeping system to compute time worked and record payroll compensation, including but not limited to vacation time, sick time and overtime worked. The timekeeping system computes time worked based on the County's defined work-week of Saturday 12:01 AM through Friday 12:00 AM (168 consecutive hours). This policy applies to all employees whose salaries are budgeted and paid for through Coryell County's annual budget.

**It is the responsibility of the Auditor's office as payroll Administrator for Coryell County to notify the Commissioners' Court of any violation or specific problems related to this policy.**

### **Procedures**

Non-exempt employees will be assigned an individual employee code and are required to clock in and out using the time clock or computer based process in the County building in which they work. Non-exempt employees who fail to clock in and out will be considered "absent" for the day. Failure of the department supervisor to notify payroll of any problems with the employees' ability to clock in and out could result in a monetary adjustment to the employee's payroll. Any adjustments that have to be made after payroll has been processed will be performed on the following pay period. The Treasurer's Office will not issue a separate check to an employee whose check is incorrect due to their failure to clock in or out or for their

supervisor's failure to notify payroll of any problems with the employees' ability to clock in and out. Any notification of this nature must be in writing to the Auditor's Office as soon as the problem arises.

All exempt employees will have an employee code in which they can clock in on their computer. Exempt status is determined by DOL/FLSA, County policy and procedure, and periodic review to ensure the exempt status has not changed. All exempt employees of Coryell County will still be required to review their time on the system at the end of each pay period. For liability purposes, exempt employees are required to clock in and out for each shift not for payroll purposes. Disclosure of the employees' code by the employee for clocking in and out for another employee is specifically prohibited and is grounds for termination.

It is further the responsibility of the employees' supervisor to record all leave time taken through the scheduling portion of the timekeeping system. The Auditor's office is not responsible for the department supervisor's failure to utilize the benefit or scheduling portion of the timekeeping system.

An employee is not allowed to clock in earlier than their shift begins without prior approval from the employee's supervisor. Likewise, the employee is not allowed to work past their shift without prior approval from their supervisor. **Coryell County complies with the DOL/FLSA rules in calculation of overtime for actual time worked more than 40 hours in the County's defined work week.** Overtime is calculated at time and one half and is credited to the non-exempt employee in the form of compensatory time.

Time worked and leave time taken shall be approved by each supervisor on the Monday following the end of the pay period. (Exception: County holidays that fall on Monday). However, authorization or clock-in of the time sheet itself may be done on the Tuesday immediately following the end of the pay period. It is the recommendation of the Commissioners' Court that all employees clock in and out for lunch specifically for liability purposes.

*Road and Bridge employees have a separate procedure for clocking in and out for lunch.*

## **Dress Code**

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

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

## **Smoke Free Workplace**

Coryell County endeavors to provide a healthy environment. Smoking is prohibited inside any County vehicle, County building, and within thirty (30) feet of exterior entrances at any time. This policy covers the smoking of any tobacco products and it applies to all persons while on County property.

## **Conflict of Interest**

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

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination and these actions may have criminal consequences for employees. Activities which constitute a conflict of interest shall include but not be limited to:

1. Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
2. Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
3. Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
4. Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and his or her duties for the County; or
5. Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.
6. Being employed by, or acting as a consultant to, a competitor or potential competitor, supplier or contractor, regardless of the nature of the employment, while employed with Coryell County.
7. Hiring or supervising family members or closely related persons.
8. Owning or having a substantial interest in a competitor, supplier or contractor.

Employees with a conflict-of-interest question should seek advice from the department supervisor. Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees must seek review from their supervisor or the Human Resource Department.

## **Political Activity**

Employees of Coryell 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.

## **Social Media and Social Networking**

When your free time is generally not subject to any restriction by the County, the County urges all employees not to post information regarding the County, their jobs, or other employees which could lead to morale issues in the workplace or detrimentally affect the County's business. This can be accomplished by always thinking before you post, being civil to others and their opinions, and not posting personal information about others unless you have received their permission. You are personally responsible for the content you publish on blogs, wikis, or any other form of social media. Be mindful that what you publish will be public for a long time. Be also mindful that if the County receives a complaint from an employee about information you have posted about that employee, the County may choose to investigate that complaint to ensure that there has been no violation of the harassment policy or other County policy. In the event there is such a complaint, you will be expected to cooperate in any investigation of that complaint, including providing access to the posts at issue.

Employees are cautioned that they should have no expectation of privacy while using the internet. Employees should have no expectation of privacy while using the County's equipment or facilities for any purpose. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or unlawful conduct may be subject to disciplinary action or termination.

Do not use your County provided email address to register on social networks, blogs or other online tools utilized for personal use.

## **Volunteers**

Volunteer positions with Coryell County mean that you perform all duties on a volunteer basis, of your own free will, and you will not receive payment or compensation for your work. You are not an employee of Coryell County and you are not entitled to a salary or any other entitlements associated with employment.

# **CHAPTER 5 – COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

## **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. All County property shall be returned upon termination of employment.

*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.

## **Return of County Property**

The separating employee must return all County property at the time of separation, including uniforms, badges, cell phones, credit cards, keys, PC's, County vehicles and any other items issued at time of hire. Failure to return some items may result in deductions from the final paycheck. An employee will be required to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from the final paycheck meeting all FLSA pay requirements. Note: Non-exempt employees will follow minimum wage requirements. See <https://www.wagehour.dol.gov> for specific guidance for exempt and non-exempt employees.

## **County Vehicle**

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, unless prior approval from a department supervisor or elected official.

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.

In compliance with IRS regulations and for purposes of defining a qualified nonpersonal use of a vehicle, law enforcement vehicle is defined as a clearly marked vehicle if it has insignia or words which make it clear that it is a law enforcement vehicle. A marking on a license plate is not a clear marking for this purpose. Exclusion for a clearly marked law enforcement vehicle applies only to a vehicle that is required to be used for commuting by an officer or public safety officer who, when not on a regular shift, is on call at all times. Other than commuting, personal use of the vehicle, outside the limit of the officer's arrest

powers or the obligation of a public safety officer to respond to an emergency, must be prohibited by the governmental unit.

A public safety officer is an individual serving a public agency in an official capacity, with or without complementation, as a law enforcement officer, as described above.

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 Human Resource Department.

### **Cell Phone Usage**

Coryell County determines on a case by case basis the need for County provided cell phones. County cell phones are to be used for business purposes only. Coryell 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.

Coryell 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 Coryell 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.

### **Computer and Internet Usage**

The use of Coryell County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Coryell 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 Coryell County computers, networks, and Internet access is a privilege granted by department supervisor and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination. Coryell County owns the rights to all data and files in any computer, network, or other information system used in the County. Coryell 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. Coryell 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 copyright laws; download any illegal or unauthorized downloads. Coryell 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 Coryell County electronic systems, unless expressly permitted to do so by their supervisor and IT. Violation of this policy may result in disciplinary action, up to and including termination of employment.

## **CHAPTER 6 – WORKPLACE SAFETY**

It is the responsibility of each employee to conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area or with a client.

### **Employee Safety**

Coryell 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.

### **Temporary Modified Duty**

The County may provide short-term modified duty for employees who are temporarily unable to perform the regular duties of their position due to injury or illness. This is determined by departmental policy.

### **Drug and Alcohol – ALL Employees**

Coryell 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 Coryell 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. The County will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of the law enforcement officials any such substances found. The County will cooperate fully in the prosecution and/or conviction of any violation of the law.

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

Any employee involved in a work-related accident where alcohol or drugs are believed to be a contributing factor or if any reasonable suspicion/cause to believe that any employee is under the influence of drugs or alcohol, the employee shall be required to submit to blood, urine, or breath testing for drug or alcohol use, in addition to any other accident investigation activities. Coryell County reserves the right to a post offer pre-employment drug or alcohol test.



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

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

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

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

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

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

Any employee who violates this policy shall be subject to disciplinary measures up to and including termination. The provisions of this policy shall apply in addition to, and shall be subordinated to, any requirements imposed by applicable federal, state, or local laws, regulations or judicial decisions.

### **Definitions**

**County Premises:** All County property including vehicles, lockers, and parking lots.

**County Property:** All County owned or leased property used by employees such as vehicles, lockers, desks, closets, etc.

**Controlled Substance:** Any substance that is illegal under Texas Law.

**Drug:** As defined in the Texas Controlled Substance Act

**Drug Paraphernalia:** As defined in the Texas Controlled Substance Act

**Fitness for Duty:** To work in a manner suitable for the job. To determine "fitness." A medical evaluation may include drug and/or alcohol testing.

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

### **Reasonable Cause/ Suspicion:**

Supported by evidence strong enough to establish that a policy violation has occurred.

**Testing:** Is generally defined as urine, breath or blood test to determine chemical or drug content.

### **Under Influence of Alcohol:**

.02 or greater.

**No Tolerance:** Coryell County has a zero-tolerance drug and alcohol policy.

## **Drug and Alcohol – CDL Employees**

CDL Drivers are an extremely valuable resource for Coryell County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CDL 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. The County reserves the right to conduct random drug testing. In the event of a positive drug test, see Human Resources for Return To Duty procedures.

Specifically, it is the policy of Coryell 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. Coryell County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

A detailed policy and procedure is available at the Human Resource office.

## **Workplace Violence**

Coryell County has a policy of zero tolerance for violence. If you engage in any violence in the workplace, or threaten violence in the workplace, your employment may be terminated immediately for cause. No talk of violence or joking about violence will be tolerated. “Violence” includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with the County, including employees and customers, never feels threatened by an employee’s actions or conduct. Sexual harassment is not covered under this policy unless such harassment also involves acts or threats of violence.

Coryell County will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the Coryell County individual making a report will be protected as much as is practical. In order to maintain workplace safety and integrity of its investigation, Coryell County may suspend employees, either with or without pay, pending investigation. It is a violation of this policy to engage in any act of violence in this workplace. Examples of violence include:

- Teasing and practical jokes that cause anger or humiliation;
- Intimidation or bullying;
- Angry outbursts;
- Verbal abuse, name-calling, or obscene language;
- Threats (verbal, written or motioned);
- Harassment (general, racial, or sexual);
- Theft, vandalism, or sabotage;
- Throwing or breaking objects;
- Romantic obsessions and stalking;
- Sexual assault or rape;
- Unauthorized possession and use of weapons.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

Coryell County encourages employees to bring their disputes or differences with other employees to the attention of their supervisors before the situation escalates into potential violence. Coryell County is eager to assist in the resolution of employee's disputes, and will not discipline employees for raising such concerns.

## **CHAPTER 7 – PAYROLL**

### **Fair Labor Standards Act – Safe Harbor**

Coryell County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen, and are called to the Auditor's attention, Coryell 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 time sheet must accurately reflect all regular and compensatory hours worked; any absences, late arrivals, early departures, and meal breaks. Do not approve your time sheet if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular hours worked each work week. Please verify your compensatory time is accumulating correctly. You must notify your supervisor of any inaccuracies.

Your work schedule is to be followed as outlined by your supervisor. 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. Time worked is to be recorded on your time account. Employees are prohibited from working any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.

It is a violation of Coryell County policy for any employee to falsify a time account, or to clock in for another person, or alter that person's time account. It is also a serious violation of County policy for any employee, supervisor, or elected official to instruct another employee to falsely report hours worked, or to alter another employee's time account to under or over report your hours worked. If anyone instructs you to incorrectly or falsely under or over report your hours worked, or alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately in writing to the Auditor's Office and/or the Human Resource Department.

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, such as during salary review times, 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 the County Auditor. 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. 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.

### **Compensation for Terminated Employees**

This policy applies to all Coryell County employees that receive payroll compensation. It is intended to establish procedure for payment of final payroll to terminated employees. County Government is not subject to the Texas Payday Law. This policy is in compliance with FLSA, DOL, Federal State and Local laws.

Department supervisors shall immediately notify the payroll department (Auditor's Office) as well as Human Resources of an employees' termination of employment with Coryell County. A check will not be generated for any period in which the terminated employee has not submitted a record of hours worked and compensatory time banked as required by Coryell County's Automated Time and Attendance policy.

Terminated employees will receive their final payroll check on the payday following the date of the employees' termination. In the event the payroll process has already begun when the notice of termination has been received in the Auditor's Office, the final paycheck will then be issued on the next scheduled payroll date.

All Coryell County mandatory deductions will be deducted from final paychecks. In the event the employee has made a contribution to the County's health or dental insurance program, he or she will be reimbursed for any portion not due. For W-2 purposes, terminated employees are responsible for reporting any address changes to the Auditor's Office.

### **Responsibility for Implementation**

The Auditor's Office as the payroll department for Coryell County employees has the specific responsibility to enforce this policy.

### **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.

### **Payment of Wages**

Paydays are usually the 15<sup>th</sup> and the last day of the month. It is the County's policy that employee paychecks will be direct deposited at the financial institution of the employee's choice. If the normal

payday falls on a County-recognized holiday, paychecks will be distributed one workday before the aforementioned schedule. Any deviation from this pay schedule will be at the sole discretion of Commissioners' Court. A pay schedule will be issued by the County Auditor's office each year noting: End of Pay Periods, Time Sheet Due Dates, and Pay Days.

If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the Auditors office. No salary advances will be made.

## **Retiree Rehire**

All separated employees must have a bona fide separation of employment. A bona fide separation means there is no prior arrangement or agreement of understanding between Coryell County and the separated employee that the employee would be rehired.

An employee must be separated for one (1) full calendar month before being rehired by any department in the County. If a former employee of Coryell County is rehired, they will be treated the same as a new hire in regard to leave accruals and longevity.

(TCDRS requires at least a full calendar month break in service with no pre-arranged return)

Retired employees shall be eligible to apply for open positions with Coryell County as long as the following provisions are met: 1) The retiree has been retired for at least one calendar month, 2) No prior arrangement or agreement was made between Coryell 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 one calendar month. A bona fide separation means there is no prior agreement or understanding between Coryell County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCERS 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 TCERS requirements, who is rehired consistent with this policy, must establish a new membership with TCERS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

## **Bad Weather Days**

Any full-time employee who, by his/her own choice, missed work because of bad weather shall show time missed as vacation leave or time off without pay. Hours will not be used to compute overtime or compensatory time. Part-time employees will not receive any compensation for bad weather days as they are paid hourly for their actual hours worked.

## **Time and Leave Procedures**

County employees are responsible for reading and complying with this procedure. Elected Officials are responsible for ensuring that employees under their direction are in compliance with time and leave procedures.

## **Employee Time and Leave Responsibilities**

Employees must request and obtain prior approval from their supervisor for leave as far in advance as possible except in the case of unanticipated events or emergency situations. Employees should be responsible for their own leave and:

- Work closely with their supervisors to avoid losing accrued benefit time (this could include sick leave and holiday time) that will soon expire by (for example) making leave requests 90 days in advance.
- Document, if not exempt from the Fair Labor Standard Act (FLSA), on his or her time sheet that the employee:
  - Worked scheduled hours
  - Documented any deviation from scheduled hours to ensure federal compliance
  - Documented all overtime worked; and
  - Documented all leave taken

## **Overtime Calculations and Rules**

Overtime shall include all time actually worked for the County in excess of 40 hours in any work week, with the exception of law enforcement. Coryell County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law. Coryell County complies with the Fair Labor Standards Act as outlined in the Fair Labor Standards Safe Harbor policy.

### **LAW ENFORCEMENT PAY AND OVERTIME**

Coryell County Commissioners Court has adopted the 207(k) exemptions under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 28 days and overtime will be due after 171 hours actually worked. Law enforcement employees' salary covers all hours up to 171 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek.

The Sheriff may elect to pay overtime, after 171 hours worked, in the form of compensation, rather than comp time, as their discretion, if the pay is within the parameters of the Sheriff's operating budget. All overtime would have to carry an approval from the Chief Deputy and or the Sheriff and be paid at 1.5 times the employee's hourly rate of pay.

Except in an emergency, as determined by the commissioner's court or the sheriff, an employee must obtain advanced authorization from his or her supervisor before working more than 171 hours in any work period to receive overtime compensation.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours for regular employees and 480 for 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 (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

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

The County compensates employees with time off or pay for the overtime hours they are required to work, consistent with federal and state laws. An employee’s hours worked are to be recorded on the consolidated time sheet in Time Clock Plus. The non-exempt employee or hourly employee is required to clock in and out of the Time Clock Plus system daily.

### **Exhaustion of Leave**

If a Coryell County employee exhausts all leave entitlements and does not return to work, he or she may be dismissed. Coryell County employees are responsible for reading and complying with this procedure. Employees with supervisory roles are responsible for ensuring that employees under their direction are aware of procedure and observe it. Department supervisors determine actions on a case by case basis.

### **Termination Pay**

Upon termination, an employee who has completed six months of continuous service to Coryell County is entitled to be paid at his/her regular rate of pay for any unused vacation time earned in the same calendar year as awarded and/or any unused comp time accrued on official Coryell County books up to the maximum allowed by law.

No compensation will be paid upon termination for Sick Leave and/or Holiday Time.

Termination pay shall be paid from the same budget line item that the individual’s regular pay was charged to. Time equivalent to the total hours paid in termination pay must elapse prior to filling the vacancy created, unless otherwise authorized by Commissioner’s Court.

This policy supersedes any previous policy adopted by Coryell County Commissioner’s Court and any departmental policy that may exist.

### **Overtime During a “Declaration of Disaster”**

In the event of a “Declaration of Disaster” for Coryell County ordered by the Commissioners’ Court; employees are **eligible** for, but not guaranteed, additional compensation in lieu of compensatory time accrued and **may** be paid at an overtime rate of pay for hours worked as deemed necessary by the Coryell Commissioners’ Court in relation to a disaster.

Time and attendance records must be documented through the County’s time-keeping system and must be maintained specifically denoting the disaster hours worked. These hours will be verified by the employee’s supervisor and the Auditor’s Office through the payroll process.

## **CHAPTER 8 – EMPLOYEE BENEFITS**

### **Health and Dental Plans**

Details of coverage under the group medical insurance plan and dental plan are available in the Human Resource Office. Employees who leave the employment of Coryell County or who lose their coverage eligibility may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information

on extension of benefits under COBRA is available in the Human Resource Department. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

All full time regular employees of Coryell 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.

Premiums for the coverage for eligible employees shall be paid entirely by the County. Eligible employees may cover their qualified dependents by paying the premium for dependent coverage. Commissioners' Court approves the dependent premium each year during the budget process. Details of coverage under the group medical insurance plan and dental plan are available in the Human Resource Department.

### **Retiree Medical/Dental Insurance**

Retirees from Coryell County are entitled to purchase health/dental benefits coverage for themselves and their dependents, unless the Retiree is eligible for group health benefits coverage through another employer. Once eligible Retirees reach the age of 65, they will need to convert to Scott and White Senior Care Program to supplement their Medicare Coverage. To be eligible for the County's retiree medical/dental insurance coverage, a retiree must have 4 consecutive years of service with the County.

To receive continued coverage upon retirement, the Retiree must inform Coryell County, not later than the day on which the person retires from Coryell County that the Retiree elects to continue coverage. If the Retiree elects to continue coverage and on any subsequent date elects to discontinue such coverage, the Retiree is no longer eligible for coverage under this section.

If the Retiree elects to continue coverage for any dependent(s) and on any subsequent date elects to discontinue such coverage, the dependent is no longer eligible for coverage under this section. The Retiree may elect to cover the same persons who are covered prior to retirement, or the person may elect to discontinue coverage for one or more persons. But, a person who not was covered at the time of retirement is not eligible for coverage.

If the retiree qualifies under this subsection, Coryell County will pay a portion of the retiree's medical/dental insurance premium until they reach the age of 65. The retiree is responsible for the portion of the group health/dental insurance premium the County does not pay. The County reserves the right to discontinue any payment for retiree health/dental coverage at any time, because Coryell County considers this to be a benefit and not a retired employee's right. This policy is subject to review every year by the Coryell County Commissioners' Court for approval or disapproval, and to set any amount of contribution.

Coryell County Commissioners' Court, prior to October 1<sup>st</sup> of each year, will set a defined contribution amount to be paid each month by the County for a portion of the retiree's medical/dental insurance premium paid by the County on the retiree's employment longevity as follows:

- All other employees, that become eligible for retirement with service to Coryell County, the defined contribution amount paid on behalf of the retiree will be a percentage of the contribution amount that will be set by the Coryell County Commissioners' Court based on years of service at date of retirement, and shall be as follows:

25+ years of service = 100% Contribution Amount

20+years of service = 75% Contribution Amount

15+years of service = 50% Contribution Amount

<15 years of service = 0% Contribution Amount



Years of service will be determined according to the years of service of the retiree to Coryell County, in which the retiree has contributed to the Texas County and District Retirement System, and shall not include any time for which said employee has withdrawn their TCDRS retirement.

## **Texas County District Retirement System**

Coryell County participates in the Texas County District Retirement System. The retirement plan is mandatory for full-time and part-time permanent employees. The County withholds 7% of each employee's gross pay every pay period. That money is the employee's contribution to his or her retirement. Coryell County contributes at a rate set annually by the Commissioners' Court. Employees who terminate prior to retirement will, upon request, be refunded their portion of the retirement account plus the interest earned on their portion. Forms are available at the Human Resource Department or on the internet at [www.tcdrs.org](http://www.tcdrs.org).

Employees who terminate employment with Coryell County before reaching retirement eligibility may withdraw the amount they contributed to the retirement plan. Employees cannot withdraw any amount contributed by the County for the employee unless the employee decides to retire and is fully eligible. If the employee decides to retire and is fully eligible, then the employee retrieves both his or her own contribution and the County contribution through monthly retirement payments.

Any member is eligible for service retirement if the member satisfies either of the following requirements.

- The member has completed at least eight (8) years of creditable service and has attained the age of at least sixty (60).
- The member has completed at least eight (8) years of creditable service and the member's attained age and total accumulated credited service equals 75 (referred to as "rule of 75").
- The member has accumulated 30 years credited service.

Coryell County also makes employer contributions to the TCDRS Supplemental Death Benefits Fund. The beneficiary of a deceased employee would receive a lump-sum payment equal to a year's salary in addition to a return of the deceased's personal deposits and interest earnings. A retired member's beneficiary would receive a lump-sum payment equal to \$5,000.00.

## **Observed Holidays**

All full-time regular employees shall be eligible for the paid holiday benefit and will receive equivalent number of holiday hours. Part-time employees are not eligible for the holiday benefit. The County holidays shall be determined by the Coryell 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, excluding law enforcement personnel. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

*Holiday time worked will be carried on County records as actual numbers of hours worked, i.e. eight hours, not at time and a half.*

## **Special Considerations**

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Coryell 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. Commissioners' Court approves holidays on a yearly basis.

Shift employee classified as "law enforcement" who fall under the 171 hours/28days cycle per the FLSA Act will be compensated for the County's Holidays in lieu of time off. Depending on the number of

approved county holidays, each eligible employee will be paid the equivalent of a day's pay, 8.50 hours, in the month in which the holiday falls, regardless if the employee works the holiday or not. If more than one holiday falls in a month, the employee's pay will reflect the additional holidays. (i.e. February 20, 2017 President's Day is an official County Holiday, eligible employees will receive 8.55 hours additional time worked, one day, on the last pay period of the month.)

If the employee is off due to worker's compensation, the Holiday Pay will not be paid. If the employee is off due to FMLA leave, the Holiday will not be paid.

Any employee who has accrued Holiday hours on official county records will retain those hours to use as "paid time off" during the duration of employment with Coryell County. Upon termination or retirement any employee's grandfathered holiday hours will be paid at the employee's rate of pay effective as of July 24, 2017.

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## **Workers Compensation**

All Coryell 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. Coryell 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.

Employees' right to workers' compensation is protected by requirements established by the Texas Workers' Compensation Act. As outlined by Texas Labor Code § 451.001, the County shall not discriminate against employees exercising their rights to worker's compensation.

Any work-related injury or illness must be immediately reported both verbally and in writing to the employee's supervisor. The supervisor will then immediately refer the employee to the emergency room or the Human Resource Department. The workers' compensation insurer will investigate all late reported claims. When facts cannot be verified, the claim will be denied. Any claim for an injury or illness caused by an employee's willful misconduct, alcohol or drug usage that occur during the employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Coryell County will not be compensable. Workers' Compensation fraud is a felony, punishable by fines and/or jail time. The County will prosecute any individual found to be claiming a work-related illness or injury fraudulently.

An approved physician must treat the injured employee. The workers' compensation insurance carrier in certain cases will assign specialists. Any treatment other than that approved by the workers' compensation insurance carrier will not be compensable in certain cases.

*There are two types of workers' compensation benefits paid to an employee with a work-related injury or illness: medical and wage replacement benefits.*

There is currently an 8 day waiting period, and then wage replacement benefits are paid during the time employees are temporarily disabled from work-related injury or illness. Employees receive a percentage of their salary as set by the Texas state law. In order to offset the remainder of the difference in pay, employees may use any available sick leave, vacation or comp time. If the injured worker elects to use

accrued leave it is considered post injury earning and any temporary income benefits will be adjusted accordingly.

Employees will be covered for the period of disability to the limit allowed under state workers' compensation law. The workers' compensation insurer will pay the employee. The check will be mailed to the employee's home address.

### **Fit for Duty / Return to Duty**

A return to duty physical will be required on a case by case basis before returning to work from a work-related injury. Human Resources will coordinate between Select Physical Therapy and the employee before regular work duties resume.

<b>Additional Provisions to Note:</b>
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- If an employee is off work due to Workers' Compensation, holiday leave will not be accrued.
- FMLA benefits shall run concurrently with all Workers' Compensation leave.

## **Vacation Policy**

### **Eligibility**

Full-time employees are eligible for the vacation benefit. Part-time employees are not eligible for vacation benefits. Contract employees are not eligible for the vacation benefit.

### **Entitlement**

No vacation leave benefits vest with a new County employee during the initial six months of employment.

Full-time employees will be awarded vacation time on January 1<sup>st</sup> of each year, after completion of their initial six months. An employee's tenure of service on January 1<sup>st</sup> will determine the number of hours he/she will receive.

#### ***Shift Employee Vacation "Law Enforcement Classification 24/7 171 Reporting Cycle"***

6 months – 1 year = 42.75 hours

2-5 years = 85.50 hours

6-10 years = 102.60 hours

11-15 years = 119.70 hours

16+ years = 136.80 hours

#### ***Non-Shift Employee***

6 months - 1 year = 40 hours

2-5 years = 80 hours

6-10 years = 96 hours

11-15 years = 112 hours

16 + years = 128 hours

<p><b>Example Shift Employee Vacation:</b> Employee A hired on November 1, 2016 is eligible for 42.75 hours of vacation after six months – Employee would have to take 42.75 hours of vacation time between May 1, 2017 and December 31, 2017. Vacation time cannot be carried over to the next year. Employees must use the benefit within the same calendar year or lose the time. On January 1, 2018 Employee A would be awarded 85.50 hours of vacation time to be taken between January 1, 2018 and December 31, 2018.</p>
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Vacation leave must be taken within the same calendar year in which it was earned. Vacation is designed to be used in the same calendar year as awarded, there will be no carry over of vacation hours from one year to another. If vacation time is still on the books at the end of the calendar year the vacation time will be terminated from the books, when the new vacation time is awarded.

### **Part-time to Full-time Status**

When an employee transitions from part-time to full-time (40 hours per week), the full-time effective date becomes the benefit accrued date and their anniversary date. Any break in service with Coryell County will restart the vacation accrual with no bridge in service for previous years of employment.

### **Scheduling**

The minimum amount of vacation that may be taken at one time shall be in increments of 30 minutes.

### **Holiday/Vacation**

If a holiday falls during an employee's vacation, the holiday shall be charged in accordance with policy on holidays and shall not be charged against the employee's vacation balance.

### **Termination**

If the employee has eligible time on the books and terminates their employment, the county will pay the employee the difference between awarded times for that calendar year and actual used vacation time.

### **Approval of Vacation**

Vacation leave shall be taken only after approval by elected official/department head. Vacation schedules shall be carefully planned to ensure the continued efficiency of the Department. Employees should be advised that vacations may be canceled in emergency situations.

### **Sick Leave**

Full-time employees are eligible for the sick leave benefit. Part-time positions are not eligible for the sick leave benefit. Eligible employees shall accrue sick leave at a rate of 3.33 hours per pay period (80 hours per year). Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

Sick leave not used during the year in which it accrues is available for use in succeeding years up to a maximum amount allowed of 480 hours. Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, or other relative living in the employee's home 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 normal time to begin work, when practicable.

Where it is not practical to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence. The employee will be placed on FMLA, if event and employee 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.

## **Bereavement Leave**

All full-time permanent employees shall be allowed up to 40 hours leave with pay for a death in the immediate family. For purposes of this policy, immediate family shall include:

- Spouse of the employee
- Parent of employee or spouse
- Grandparent or Grandchild of employee or spouse
- Child of employee or spouse
- Brother or sister of the employee or spouse

All full-time permanent employees shall be allowed up to 16 hours leave with pay for a death to include: Uncles, Aunts, In-Laws, Spouses of your child or spouse's child

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. Part-time and temporary employees may be granted leaves of absence without pay in such cases. All bereavement leave must be approved by the department supervisor.

## **Consolidated Omnibus Budget Reconciliation Act**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) is a health benefit program enacted by the federal government in 1986. COBRA allows an employee to continue to receive employer-provided health benefits at the expense of the employee after the employee becomes ineligible for coverage under the employer's personnel policies. Eligible health coverage includes group health plans that are medical care and may include: hospital care, physician care, surgery, prescription drugs, and dental and vision care.

COBRA is offered when coverage must be offered to "qualified beneficiaries." A qualified beneficiary is an individual who was covered by the county's group health plan the day before a "qualifying event" occurred and who is an employee, a spouse of an employee, a former spouse of an employee, or an employee's dependent child.

A "qualifying event" is an event that causes an individual to lose group health coverage. A qualifying event could include the death of a covered employee, termination of an employee for any reason other than "gross misconduct," reduction in the hours of a covered employee's employment with the county, divorce or legal separation of a covered employee and spouse, or a child's loss of dependent status. See Human Resources to apply for COBRA benefits.

## Coryell County Full Time Benefit Program

### Vacation

#### *Shift Employee Vacation “Law Enforcement Classification 24/7 171 Reporting Cycle”*

6 months to 1 year	42.75 hours
2 to 5 years	85.50 hours
6 to 10 years	102.60 hours
11 to 15 years	119.70 hours
16+ years	136.80 hours

#### *Non-Shift Employee*

6 months to 1 year	40 hours
2 to 5 years	80 hours
6 to 10 years	96 hours
11 to 15 years	112 hours
16 + years	128 hours

**Sick** (3.33 hours per pay period: total of 80 hrs per year)

**Holidays** As established by Commissioners’ Court

**County and District Retirement System** Mandatory pre-taxed deduction of 7 percent

**Health Insurance** Employee coverage begins on the 60<sup>th</sup> day.  
(Dependent coverage available at employee’s expense)  
\*Exception: Adult probation health insurance begins the first of the month following 60 days

**Dental Insurance** Begins on the 1<sup>st</sup> of the month following the 60<sup>th</sup> day.  
(Dependent coverage is also available)

**Vision Insurance** Employee coverage begins on 60<sup>th</sup> day.

**Bereavement Leave** Up to 40 Hours for qualifying family members

No policy in this handbook should be interpreted to interfere with, restrain or otherwise inhibit you in the exercise of your rights guaranteed in Section 7 of the National Labor Relations Act.

## **Employee Handbook Acknowledgement**

I acknowledge a copy of the Coryell County Employee Handbook, which outlines my benefits and obligations as a County employee, is located on the County website which can be found at [www.CoryellCounty.org](http://www.CoryellCounty.org), and in my department and in the Human Resource Department.

I further understand that the Coryell 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 Coryell County’s policies, practices and benefits. I understand that Coryell 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 Coryell County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers’, to continually make suggestions for improvements, and to display a spirit of team work and cooperation.

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

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Printed Name of Employee

\_\_\_\_\_  
Date Signed

Department Head and or Elected Official shall retain the original signed acknowledgement for record keeping purposes.