

HOWARD COUNTY

EMPLOYEE MANUAL

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**HOWARD COUNTY
EMPLOYEE ACKNOWLEDGMENT AND STATEMENT OF
COMPLIANCE**

(A duplicate of this page is to be signed and place in the employee's personnel file)

In consideration of my employment by Howard County, Texas, knowing that such employment is dependent upon my compliance with Howard County Policies, I agree to become familiar with these policies and to abide by them at all times. I accept the philosophy of Howard County as stated in this manual.

I will read the manual and I realize that if I fail to understand any section of the manual, I can go to my elected official/department head for an explanation.

I understand that my employment with Howard County is at the will of my department head. I understand that I do not have a contract (stated or implied) or any other guarantee of continued employment. I further understand that no representative or agent of the County has the authority to give or extend the time period of my employment unless the term of employment is specified and signed by the County Judge.

I understand that, as an at will employee, I am free to leave my employment at any time, for any reason or no reason, without contractual obligation. Likewise, the County is free to terminate my employment at any time, for any reason, or for no reason, without contractual obligation.

Date_____

Employee Signature

INTRODUCTORY POLICIES

HOWARD COUNTY
INTRODUCTORY POLICES

A. PURPOSE OF THE MANUAL

This manual explains the conditions of employment, including policies, responsibilities and benefits, for the employees of Howard County. These policies, responsibilities and benefits are subject to constant review and may be updated or changed from time to time.

We want you to be happy and successful in your work. The first step in any successful activity is a clear understanding of the rules that regulate that activity. For this reason, you will be expected to become familiar with all of these policies and regulations as soon as possible. Please keep this manual for ready reference.

Knowledge of the contents of this manual is important to your work at Howard County. It is difficult to formulate definite rules and policies which can be readily applied to every possible problem or situation; however, the statements contained in this manual will serve as a general guide. If there are points which are not clear or problems you have in relation to these policies, you are asked to consult your department head. Each department may have additional policies governing their employees. Each elected official may have additional or differing policies including hiring, discipline, and termination of employees. Be sure and check with your department head to see which additional policies, if any, are applicable to you. If you need more details on the County-wide policies and procedures, consult the policies themselves available to you through your department head.

This edition of the Howard County Employee Manual replaces any previous existing manuals.

B. HISTORY OF HOWARD COUNTY

The first recorded history of Howard County is from the journal of Captain R. B. Marcy. Marcy was ordered by the Army to escort and protect immigrants moving to new territories. With a well written journal, Captain Marcy, on October 03, 1849, stated, "Fourteen and a half miles travel over a beautiful road brought us to a spring, which we found flowing from a deep chasm in the limestone rocks into an immense reservoir of some fifty feet in depth."

The flow of the spring decreased as wells were drilled in the valley above, and eventually, the source of supply was completely cut off, and the beautiful spring was no more.

An abundance of Indian arrows and grinding stones, used in grating corn into a course meal, have been found near the spring, indicating it was a favorite stopping place for the Indians. Major General E.M. Dodge, in his book, "How We Built the Union Pacific," tells of a fight his men had with Indians at Sulphur Draw (Big Spring) at the foot of the Staked Plains.

Howard County, before its organization, was connected with Mitchell County for Judicial purposes. Big Spring, then generally called Big Springs, grew rapidly and an election that officially created Howard County was held within a year after the first passenger train entered the town. Permission to hold the election was granted by the Commissioners'

HOWARD COUNTY INTRODUCTORY POLICES

Court of Mitchell County. One of the first acts of the Commissioners' Court was "to adopt" the statutes of the State of Texas. On December 02, 1882, Judge George Hogg, in the name of the County, accepted the gift of all of Block 21 in Big Spring from W. H. Abrams, Land Commissioner of the Texas and Pacific Railway, for a Courthouse site. On February 12, 1883, the court accepted the bid of J. H. Milliken and Co. of \$33,700.00 for the erection of a courthouse and jail combined.

Most of the counties of Texas are named in honor of those were prominent in state or civic affairs during the period of the revolution or soon thereafter. Howard County was named for Volney Erskin Howard, who was born in Oxford County, Maine in 1809. In young manhood, he came to Mississippi where he studied law and became actively engaged in politics. In 1844, he came to San Antonio, Texas, and the following year, was made a member of the State Constitutional Committee, which framed the first constitution for the state. He later represented his adopted state for two terms in Congress. At the expiration of his second term, he was appointed to a federal position in the State of California by President Franklin Pierce. He was a member of the commission that framed the first constitution for the State of California. Later, he was appointed to a position on the Supreme Bench of the state, but declined the office on account of his advanced age and ill health. He died in 1889.

C. DIVISION OF RESPONSIBILITY

With the exception of matters concerning the Commissioners' Court, the general and final authority for personnel management rests with the department head, who may delegate it as necessary and proper.

The Commissioners' Court has the authority to develop, administer and interpret personnel policies and procedures in accordance with the law. The Commissioners' Court may advise the department heads in all areas of personnel administration, including employee/management relations and employee training and morale. Elected officials have the authority and responsibility for the management or their respective departments in accordance with state law. They may have additional or differing policies including hiring, discipline and termination of employees.

Department heads and subordinate management personnel are responsible for enforcing the provision of these policies and for cooperating with the Commissioners' Court on all related matters pertinent to their organizational units. No employee will have authority to bind Howard County into any obligations of contract, express or implied without written consent from the Commissioners' Court in accordance with state law.

D. CHANGE OF POLICY

Since laws are constantly changing, the County expressly reserves the right to change any of our policies, including those covered here at any time. We will notify you of these changes by sending them to your department head to post. Any changes will also be posted at the County Treasurer's office, on the bulletin board. Changes will be effective on the date determined by the Commissioners' Court and you may not rely on policies that have been superseded.

HOWARD COUNTY
INTRODUCTORY POLICES

E. MANUAL NOT A CONTRACT

This manual has been provided to you for the purpose of acquainting you with our policies, benefits and mutual responsibilities. It does not constitute a contract of employment in whole or in part. All employment with the County shall be considered “at will” employment. No contract of employment shall exist between any individual and the County for any duration, either specified or unspecified. The 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. The County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. The County may add, change or delete any of the contents of this manual at any time. Employees of the County shall have the right to leave their employment with the County at any time, with or without notice.

INITIAL EMPLOYMENT INFORMATION

HOWARD COUNTY
INITIAL EMPLOYMENT INFORMATION

A. DEFINITIONS OF EMPLOYMENT STATUS:

1. **Elected Officials** - duties and responsibilities defined by state law. They shall be governed by state law where it is in conflict with the provisions stated within this manual. In general, elected officials are exempt from the overtime and minimum wage requirements of the Fair Labor Standards Act (FLSA), and thus do not receive additional compensation (time or cash) for working more than 40 hours per week. Elected officials do not accrue vacation and sick leave.
2. **Appointed Officials** - those department heads/supervisors who are non-elected but rather appointed by the Howard County Commissioners' Court or by the District Judge of Howard County in accordance with state law. Appointed officials are exempt from the overtime and minimum wage requirements of the FLSA, and thus do not receive additional compensation (time or cash) for working more than 40 hours per week. Appointed officials do not accrue vacation and sick leave.
3. **Exempt Employees** – those employees, in addition to elected and appointed officials, who serve in a position that the Commissioners Court has declared to be exempt based on the rules specified by the U. S. Department of Labor. Exempt employees do not earn overtime (time or cash) for hours worked over 40 hours in a seven-day work period or over 80 hours in a 14-day work period for law enforcement employees. Exempt employees must be salaried, meaning that their weekly pay is not subject to deductions except as allowed by law. The employee will be treated the same as all other employees as far as earning and using sick and vacation leave. Hours worked will not be entered on the time clock but sick and vacation leave will be entered as it is used. At the time of printing and for purposes of example, exempt employees currently include the following positions, although classification changes can be made at any time:
 - Assistant District Attorney
 - Chief Deputy
 - Chief Jailer
 - Jail Administrator
 - Jail Administrative Lieutenant
 - Road Foreman
4. **Non-exempt Employees** - employees whose positions do not meet FLSA exemption test and who are given overtime at one and a half times their regular rate for hours worked in excess of 40 hours in a seven-day work period, or, for law enforcement employees, 80 hours in a 14-day work period.
5. **Full-time regular** - employees regularly scheduled to work 40 hours per week. Full-time employees are eligible for all employee benefits stated herein when applicable service requirements are met.

HOWARD COUNTY
INITIAL EMPLOYMENT INFORMATION

6. **Part-time regular** - employees regularly scheduled to work less than 40 hours per week. They may be eligible for some County employee benefits if specifically included in the policy.
7. **Introductory (full-time or part-time)** - new employees with less than six months of service as a Howard County employee.
8. **Temporary (full-time or part-time)** - employees scheduled to work for a stated period of time generally not to exceed three months. Temporary employees are not eligible for County employee benefits.

B. HOWARD COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER

Howard County is firmly committed to a policy of equal opportunity in all aspect of its relations with employees. Initial employment, promotions, raises, opportunities for training and enrichment, discipline, and other conditions of employment are determined without regard to race, religion, color, national origin, sex, age, disability, veteran status, or any other unlawful classification.

Employees who engage in unlawful discrimination or harassment will be subject to disciplinary action, up to and including termination. An employee who feels he or she has been unlawfully discriminated against or harassed should notify his or her supervisor immediately. If, for any reason, the employee feels uncomfortable discussing the matter with the supervisor, he or she should feel free to go directly to his/her Department Head, the County Judge, or the County Treasurer.

To the extent reasonably possible, the County will accommodate individuals with disabilities in the application, hiring, and employment process. Reasonable accommodation is available to all employees and applicants, so long as the accommodation does not create an undue hardship for the County, and can be provided without posing a substantial or imminent safety risk. Disabled individuals requiring accommodations should notify the County Auditor. The County requests sufficient notice, when possible, to give time to arrange the accommodation.

C. WHISTLE BLOWERS ACT - RETALIATION PROHIBITED BY STATE LAW

Texas law states that the County may not take adverse personnel action against a public employee *because* that employee, in good faith, reports a violation of law by the County or County employee to “an appropriate law enforcement authority.” “Appropriate law enforcement authorities” include only those whom the employee believes regulate, enforce, investigate, or prosecute the violated law.

Grievance Procedure - If you believe you have been retaliated against for making a report covered by this policy, you must bring your retaliation complaint to the County Judge or the County Treasurer, and allow adequate time (at least 60 days) for investigation and resolution, before you can bring a court action. This grievance/appeal procedure applies to both current and former employees.

D. HARASSMENT, INCLUDING SEXUAL HARASSMENT

HOWARD COUNTY
INITIAL EMPLOYMENT INFORMATION

The law prohibits harassment of employees on the basis of race, color, religion, gender, national origin, disability, age, or any other classification protected by law. Howard County will not tolerate unlawful harassment of its employees, including sexual harassment, whether committed by a fellow employee, a member of management, a vendor, or even a citizen or client. All employees, including supervisors and managers, will be subject to disciplinary action, up to and including termination, for any act of unlawful harassment they commit.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

Submission to such conduct is made either explicitly or implicitly a term or condition of employment;

Submission to or rejection of such conduct is used as the basis for employment or the continuation of employment;

Such conduct has the purpose of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment could include, but are not limited to: unwelcome sexual flirtation, touching, advances or propositioning; verbal abuse of a sexual nature; graphic suggestive comments about an individual's dress or body; or sexually degrading words describing an individual.

If you feel you are being unlawfully harassed, or if you have knowledge of unlawful harassment, immediately bring it to the attention of your supervisor. If, for any reason, you do not feel comfortable discussing the matter with your supervisor, you should report the problem to either your Department Head, the County Judge, or the County Treasurer. All reports will be promptly investigated in as confidential a manner as possible, while still conducting a thorough investigation. Based on the findings of the investigation, the County will take prompt action to remedy any circumstances of unlawful harassment.

Any individual making a report of unlawful harassment will not be retaliated against for making such report. If you feel you have been retaliated against for making a report or for participating in an investigation, you should report it to your Department Head, the County Judge, or the County Treasurer immediately. Anyone found to have retaliated against an employee for making a complaint of unlawful harassment or for participating in an investigation will be subject to disciplinary action up to and including termination.

HOWARD COUNTY
INITIAL EMPLOYMENT INFORMATION

E. PERSONNEL FILES

An employment and personnel record pertaining to each employee is maintained in the Howard County Treasurer's office. All information in the personnel file is for review by the employee and management. Information in the personnel file may include change of status records, disciplinary warnings and records pertaining to employment but will not contain medical records. You will receive a copy of any record initiated by your department head.

If an employee wishes to view his or her personnel file, the employee should submit a written request to the County Treasurer's office. The employee may view the original file, at a reasonable and mutually agreeable time, in the County Treasurer's office with a County Treasurer representative present at all times. The employee may also request a copy of his or her file. The County may charge for the reasonable cost of the copies, if less than 50 pages, and may charge for the reasonable cost of the copies plus materials, labor and overhead, if more than 50 copies, pursuant to the guidelines in Sec. 552.261 of the Texas Government Code.

F. RE-EMPLOYMENT

Any employee who resigns with adequate notice and a good work record may be considered for re-employment subject to the employment policies of the County.

G. VOTING AND POLITICAL ACTIVITIES

Howard County encourages all of its employees to take an active interest and participate in political affairs when possible. Employees may not identify themselves as representatives of the County in any political activity or involvement or in any letter to a newspaper or magazine or on-line posting. Employees may not participate in on-duty campaigning for any particular candidate. No County official shall pressure any County employee to support him or her in an election. Employees who are themselves elected officials, will be governed by state laws regarding their political activities.

During any election, employees are encouraged to exercise their civic responsibility to vote. Employees whose working hours interfere with their ability to vote will be given adequate paid time off to vote upon request, without reprisal.

If a County employee decides to run for public office or is elected to County office, the County reserves the right to take personnel action to avoid workplace disruption, conflict of interest, or conflicts with the employee's working hours.

H. HIRING OF RELATIVES

In accordance with the Texas Nepotism Statutes, an elected or appointed official of Howard County shall not hire a relative related in the third degree of consanguinity (blood) or the second degree of affinity (marriage) to work in a department which he/she supervises.

In cases not involving officials covered by the nepotism laws, the County will allow the employment of relatives. However, the County reserves the right to evaluate that

HOWARD COUNTY
INITIAL EMPLOYMENT INFORMATION

relationship to determine whether a potential for conflict of interest, workplace disruption, or the appearance of impropriety or favoritism exists. Employees are required to report to County management immediately the existence of any family relationship with another employee or prospective employee. In certain circumstances, this policy may also apply to unmarried employees who share housing or are dating.

I. CHANGE IN STATUS

All employees are requested to report changes in address, telephone number, number of dependents, marital status, name and the like to their respective department heads and to the County Treasurer's office.

It is necessary that you keep this information current so as to insure the accuracy of personnel and payroll records.

SAFETY AND HEALTH

HOWARD COUNTY
SAFETY AND HEALTH

A. EMPLOYEE SAFETY

Safety in Howard County is everybody's responsibility. If you witness or discover any accident in which another employee or citizen is involved, you must report the situation to your department head. Keep alert for possible dangerous situations. Any unsafe condition that you observe must be reported immediately to your department head. Whenever possible and time allows, the employee should make an initial written report to his/her department head; however, in those cases when time will not allow for an initial written report, the employee should document the verbal report in writing as soon thereafter as possible.

B. WEATHER

When a hazardous weather situation occurs and such weather results in an employee not being able to report to work, or reporting late to work, discretion may be used by the department head based on the circumstances, as to whether time off will be charged to the employee.

C. WORKPLACE VIOLENCE

The County will tolerate no intimidation or threats of violence by or among employees. Even jokes about violence or threats of violence are strictly prohibited. Any employee who is a victim of threats or other intimidating or violent behavior, either from a coworker or others, should immediately report the conduct to his or her supervisor or a member of management. In addition, any employee who is aware that others are being intimidated or receiving threats of violence must report the conduct immediately.

D. WEAPONS POLICY

It is the County's intent to provide a safe workplace to all of its employees, and to exercise reasonable care in the control and supervision of its employees. Except for certain authorized positions, the County prohibits the possessing or carrying of concealed or other weapons while on County business or in County vehicles. This policy applies regardless of whether the employee is legally licensed to carry a concealed weapon under state law.

For purposes of this Policy, "weapons" are defined as any device or object capable of causing serious bodily injury or death to another person, including, but not limited to, handguns, shotguns, rifles, explosive devices, and knives with blades more than three inches in length. "Weapons" do not include mace, pepper spray or other similar device intended to temporarily disable a person, or pocket knives with blades three inches in length or shorter. "Possessing" or "carrying" means to exercise care, custody, control or management over, whether directly or indirectly, have in one's physical possession, or have in an automobile driven by the employee.

The County reserves the right to conduct searches to enforce this policy, including searches of any County property, such as desks, storage areas, lockers, and vehicles. Employees are reminded that they do not have a right to privacy in County-owned areas, or in possessions stored there.

HOWARD COUNTY
SAFETY AND HEALTH

E. DRUG AND ALCOHOL-FREE WORK PLACE POLICY

This policy applies, in general, to all employees of Howard County. If you are in a job that requires a commercial driver's license ("CDL"), then you are covered by the provisions of the "Alcohol and Drug Abuse Policy for CDL Drivers," which is included in the Manual after this policy.

1. Policy Statement

The County recognizes that alcohol and drug abuse in the workplace is a major concern. We believe that by reducing drug and alcohol abuse we can improve the safety, health and productivity of our employees. It is our intent to provide a safe, healthy, drug free workplace for all employees, prevent accidents and comply with all applicable state and federal laws.

2. Prohibited Activities

It shall be prohibited for any employee, regardless of rank or position, to manufacture, distribute, dispense, possess, sell, purchase, use or be under the influence of any alcohol, inhalants, illegal or illicit drugs, drug paraphernalia, or controlled substances. Prescription drugs must be kept in their original container and may only be used pursuant to a valid prescription, upon express doctor's orders, and in the manner intended by the doctor. It shall also be prohibited to use over-the-counter drugs in a manner other than that intended by the manufacturer.

This prohibition is to be in effect at all times on County premises or while on County business. The only exceptions to these prohibitions shall be: 1) the possession of controlled substances by law enforcement personnel as part of their law enforcement duties; and 2) the consumption of alcohol if the exception is specifically authorized in advance by the County Judge or his designee for social situations during which the employee is representing the County; under no circumstances may the employee become intoxicated in such limited, pre-approved situations.

If the medically approved and appropriate use of a prescription drug or over-the-counter drug adversely affects the employee's work performance or the safety of the employee or others, the County reserves the right to limit, suspend or modify the employee's work activity, or otherwise reasonably accommodate such adverse effect or risk. Employees must let their supervisor know of such adverse effect so that the County may make an informed decision; all such reports will be treated as confidential medical information.

3. Definitions

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

Alcohol and Drug Program Administrator for non-CDL drivers is the County Treasurer.

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SAFETY AND HEALTH

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

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

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

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

Under the influence shall be defined as a state of having a blood alcohol concentration of .08 or more where “alcohol concentration” has the meaning assigned to it in Penal Code 49.01, Revised Statutes; or the state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage or a drug.

4. Consequences of Violations

Employees who violate of this Substance Abuse Policy will be subject to disciplinary measures up to and including termination. Failure to assist in an investigation on possible violations may also result in corrective action being taken.

5. Treatment Programs and Employee Insurance

While the County does not sponsor or endorse any specific drug and alcohol treatment programs, such programs are available through public and private health care facilities in our area. Affected employees are encouraged to seek assistance for themselves and their dependents. The group health insurance offered to employees and their dependents may provide limited coverage for expenses related to drug and alcohol treatment programs.

All inquiries about treatment assistance will be kept strictly confidential and will be disclosed only to those persons who have a legitimate business need to know the information. To avoid disciplinary action or termination for drug or alcohol use, an employee must voluntarily come to seek treatment BEFORE the County discovers the employee has violated this Policy. An employee who is being treated for an alcohol or other drug problem may be placed on medical leave of absence by the County, and will be subject to all rules, policies, and procedures governing such leaves of absence. These guidelines apply only to one requested leave of absence, and may not always apply to law enforcement employees who request treatment for use of illegal drugs. Any request for additional leaves of

HOWARD COUNTY
SAFETY AND HEALTH

absence for drug or alcohol treatment will be handled on a case-by-case basis, and granted only at the sole discretion of the County, and as required by law.

6. Education and Training Programs

The County does not offer, nor require participation in drug and alcohol abuse education and training programs. However, various public and private facilities in the area offer such programs and affected employees are encouraged to seek assistance.

7. Drug Testing

We do not require drug testing as a condition of employment. We may, however, require drug testing for just cause. Just cause includes, but is not limited to work related accidents with damage over \$500, reasonable suspicion, direct observation, arrest, citation, or conviction on a drug related violation. In determining the existence of "reasonable suspicion" under this policy, the official observing the employee should look to the guidelines contained in section 5.a of the "Alcohol and Drug Abuse Policy for CDL Drivers," which is included in the Manual after this policy.

**F. ALCOHOL AND DRUG ABUSE POLICY FOR CDL DRIVERS
(only CDL Drivers are expected to read this)**

Statement of Purpose and Policy

It is the policy of the County to prevent substance use or abuse from having an adverse effect on our drivers. The work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property, and drivers have a right to work in an alcohol and drug-free environment and to work with drivers free from the effects of alcohol and drugs.

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 regulations and is committed to maintaining a drug-free work place. All drivers are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

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

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalyses), conduct breath testing, and/or search all driver applicants for alcohol and drug use, and those drivers suspected of violating this policy who are involved in a U.S. Department of Transportation (DOT) reportable accident or who are periodically or

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randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but also to ensure fairness to each driver. Every effort will be made to maintain the dignity of drivers or driver applicants involved.

1. Definitions

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

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

Alcohol and Drug Program Administrator for CDL drivers is the County Road Administrator.

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

Commercial Motor Vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- a. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- b. Has a gross vehicle weight rating of 26,001 or more pounds; or
- c. Is designed to transport 16 or more passengers, including the driver; or
- d. Is of any size and is used in the transportation of materials found to be hazardous for the purpose of the Hazardous Materials. Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, sub-part F).

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

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

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

Owner-Operator(s) means a driver(s) who has been contracted for services with the County. For the purpose of these procedures and the County's Alcohol and Drug Abuse Policy, owner-operators are not to be considered employees, but will be required to participate in the County's Alcohol and Drug Abuse Policy like all County drivers.

Medical Review Officer (MRO) means a licensed M.D. or D.O. or approved testing facility with knowledge of drug abuse disorders that is employed or used by Howard County to conduct drug testing in accordance with this part.

Random Selection Process means that alcohol and drug tests are unannounced; that every driver of a motor carrier is subject to test. Tests conducted annually shall equal or exceed 25 percent for alcohol tests and 50 percent for drug tests of the total number of drivers subject to testing by the County.

Reasonable Suspicion means that the supervisor believes the actions or appearance or conduct of a CDL required motor vehicle driver who is on duty as defined below, are indicative of the use of a controlled substance.

Safety-Sensitive Function means any of those on-duty functions set forth in CFR 49 section 395.2.

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

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

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2. Substances Prohibited/Prescription Medications

Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication containing alcohol which, when consumed causes an alcohol concentration of 0.04 or greater.

Controlled Substance - In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances: Marijuana; Cocaine; Opiates; Amphetamines; Phencyclidine (PCP).

Prescription Medications - Drivers taking legally prescribed medication issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to their immediate supervisor, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks.

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

3. Prohibitions

Alcohol Prohibitions:

- a. Use while performing safety-sensitive functions.
- b. Use during the 4 hours before performing safety-sensitive functions.
- c. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater.
- d. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines that contain alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
- e. Use during 8 hours following an accident, or until he/she undergoes a post-accident test.
- f. Refusal to take a required test.

NOTE: A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, on or be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that County policy has been violated, and could result in disqualification of a driver.

Drug Prohibitions:

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

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- b. Testing positive for drugs; and
- c. Refusing to take a required test.

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

4. Driver Applicant And Current Driver Testing

Applicant Testing - All driver applicants will be required to submit to and pass a breath alcohol test and a urine drug test as a condition of employment. Job applicants who are denied employment because of a positive test may reapply for employment after six months.

Offers of employment are made contingent upon passing the County's alcohol and drug test. All newly hired drivers shall not be permitted to start work until a confirmed negative result has been obtained by the Alcohol and Drug Administrator.

Owner-operators - Owner-operators engaged by the County are not employees of the County, nor are they to be considered as such under this Policy. However, every owner-operator engaged to provide services to the County who is not under a DOT approved drug and alcohol testing program must agree to, and successfully participate in the County's alcohol and drug testing program. All owner-operator agreements will be entered into by the County contingent upon the operator's successful completion of urinalyses and breath analysis under all phases of the County's program, and are contingent upon the owner-operator's continued status as a medically qualified driver. The term driver as used in these procedures includes owner-operators.

Employee Drivers - Under all circumstances, when a driver is directed to provide either a breath test or urine sample in accordance with these procedures, he/she must immediately comply as instructed. Refusal will constitute a positive result, and the driver/employee will be terminated.

a. Suspicion-Based Testing:

Reasonable Suspicion - If a driver is having work performance problems or displaying behavior that may be alcohol or drug-related, or is otherwise demonstrating conduct that may be in violation of this Policy where immediate management action is necessary, a supervisor, with the concurrence of the Alcohol and Drug Program Administrator, will require that driver to submit to a breath test or urinalysis. The following conditions are signs of possible alcohol or drug use (not all-inclusive):

- Abnormally dilated or constricted pupils
- Glazed stare - redness of eyes (sclera)
- Flushed face
- Change of speech (i.e. faster or slower)
- Constant sniffing
- Increased absences

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- Redness under nose
- Sudden weight loss
- Needle marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness - performance faltering - poor concentration
- Borrowing money from coworkers or seeking an advance of pay or other unusual display of need for money
- Constant fatigue or hyperactivity
- Smell of alcohol
- Slurred speech
- Difficulty walking
- Excessive, unexplained absences
- Dulled mental processes
- Slowed reaction rate

Supervisors or dispatchers must take action if they have reason to believe one or more of the above-listed conditions is indicated, and that the substance abuse is affecting a driver's job performance or behavior in any manner. A supervisor observing such conditions will take the following actions immediately:

- Confront the employee involved, and keep under direct observation until the situation is resolved.
- Secure the Alcohol and Drug Program Administrator's concurrence to observation; job performance and County policy violations must be specific.
- After discussing the circumstances with the supervisor, the Alcohol and Drug Program Administrator will arrange to observe or talk with the driver. If he/she believes, after observing or talking to the driver, that the conduct or performance problem could be due to substance abuse, the driver will be immediately required to submit to a breath test or urinalysis. If the driver refuses to submit to testing for any reason, the driver will be informed that continued refusal will result in their immediate termination.
- Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply will subject the employee to immediate termination. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider. If upon confrontation by the supervisor, the driver admits to using alcohol or drugs in violation of this policy it will be considered that they are resigning their position. They will

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be asked to complete a written resignation and if they fail to do so, the County will terminate them.

The supervisor shall promptly document the particular facts related to the behavior or performance problems, and present such documentation to the Alcohol and Drug Program Administrator.

The Alcohol and Drug Program Administrator will remove or cause the removal of the driver from the County-owned vehicle and ensure that the driver is transported to an appropriate collection site and thereafter to the driver's residence or, where appropriate, to a place of lodging. Under no circumstances will that driver be allowed to continue to drive a County vehicle or his/her own vehicle until a confirmed negative test result is received.

b. Self-Identification:

If, during the course of employment, the driver acknowledges a substance abuse problem and requests assistance, the problem may be treated as if it were an illness, subject to the provisions set forth below:

- The decision to seek diagnosis and accept treatment for the substance abuse problem is the responsibility of the driver;
- The diagnosis and prescribed treatment of the driver's condition will be determined by health care professionals designated by the Alcohol and Drug Program Administrator in conjunction with the driver's physician; and
- The driver might be placed on medical leave for a predetermined period recommended by those medical professionals if the SAP determines that such action is appropriate.

c. Post-Accident Testing:

Currently, regulations place the burden of compliance with post-accident alcohol and drug testing regulations on the driver. Therefore, all drivers are required to provide a breath test and a urine specimen to be tested for the use of controlled substances "as soon as practicable" after an accident. The driver shall remain readily available for such testing or may be deemed by the Alcohol and Drug Program Administrator to have refused to submit to testing. No alcohol may be consumed for eight hours after the accident or until a test is conducted. If the driver is seriously injured and cannot provide a specimen at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system. Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment.

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An “accident” is an accident which results in the death of a human being or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or which has had one of the vehicles towed from the scene of the accident. Except for a fatality accident, verification of the driver's responsibility must be established by a citation to the driver.

d. Random Testing:

The County will conduct random testing for all covered drivers as follows:

- A County-wide random selection process which removes discretion in selections from any supervisory personnel will be adopted by the County. This process will select covered drivers through the use of a computerized program.
- The random testing, once begun, will provide for alcohol testing of at least 25 percent and for drug testing of at least 50 percent of all covered drivers.
- The random testing will be reasonably spaced over any 12-month period. Once notified, a driver must proceed immediately to the assigned collection site.

e. Return-To-Duty Testing:

Before a driver who has entered a voluntary rehabilitation program returns to duty, the driver shall undergo a return to duty alcohol test with a result of less than a .002 BAC or receive a confirmed negative result from a controlled substance urinalysis test.

5. Collection of Breath and Urine Specimens and Laboratory Analysis

Breath Alcohol Testing - Breath alcohol testing will be conducted either on site or at a prearranged location by a qualified Breath Alcohol Technician. Refusal to complete and sign the testing form or refusal to provide breath will be considered a positive test, and the driver will be terminated.

Specimen Collection - Specimen collection will be conducted in accordance with applicable state and County law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each driver, and those procedures will strictly follow County chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each driver submitting a specimen for analysis in accordance with these procedures.

Laboratory Analysis - Only a laboratory certified by Department of Health and Human Services (DHS) to perform urinalysis will be retained by the County. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance and scientific analytical methodologies.

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6. Consequences: Appeal of Test Results

Any confirmed actions prohibited by this policy while performing a safety-sensitive function or refusing to take a required test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within eight hours of an accident, or engaging in conduct that obstructs the testing process.

Any driver testing positive for the presence of a controlled substance will be contacted by the County's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.

Within 72 hours after the driver has been notified of a positive test result for drugs he/she may request a retest at the driver's expense of the split sample. This signed request will be provided to the MRO, who will then initiate the new analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and a retest may be initiated as appropriate.

7. Confidentiality

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

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

Drug test analysis from the DHHS approved laboratory will be forwarded directly to the Medical Review Officer assigned by the Alcohol and Drug Program Administrator.

**STANDARDS OF CONDUCT
AND PERFORMANCE MANAGEMENT**

HOWARD COUNTY
STANDARDS OF CONDUCT
AND PERFORMANCE MANAGEMENT

A. EMPLOYEE APPEARANCE AND CONDUCT

Each employee's personal appearance and conduct represents Howard County to the public and to other County employees. It is thus important that each employee try to make the best possible impression at all times by setting high standards in appearance and conduct.

The County expects you to contribute to a favorable work environment by performing your responsibilities in a competent, enthusiastic, mature, and committed manner, and to show courtesy to your coworkers and the public. You are expected to ask questions and take the initiative to improve those areas where you need help. If you cannot or will not commit yourself, your employment here will be terminated. To retain an unsuitable employee does a disservice to the employee, the County, its employees and those we serve, and ultimately affects the County's image and efficiency.

Of course, no policy or manual can realistically list all possible behaviors that would be viewed as unacceptable, and you are required to use common sense in your conduct, behave at all times in an honorable, safety-conscious and business-like manner, and to treat your coworkers, supervisors, and customers with respect.

Some employee behavior or work performance will result in immediate termination. Other problems are more appropriately handled by warnings, counseling, additional training, or written reprimands, which will lead to termination if improvement is not shown. Of course, you remain an at-will employee, so any action is at the sole discretion of your department head.

B. ATTENDANCE

Good attendance is an important requirement for County employees. If you are unable to report for work as assigned, you must notify your department head as soon as you know you will be absent or tardy, and always before the start of work or as soon thereafter as possible. All planned absences should be requested and directed to the attention of the employee's department head as far in advance as possible; as soon as the employee knows of the absence, the department head should know. All appointed officials must notify the County Judge's office in advance of any planned absences of one day or more. Frequent absences or tardiness may subject you to disciplinary action. Two consecutive working days without notification and approval by the department head may be considered as a resignation or job abandonment, and your employment may be terminated.

Except as otherwise required by law, employees with serious attendance problems will be subject to disciplinary action. Failure to improve may lead to dismissal.

Nothing in this attendance policy is intended to conflict with the provisions of the Family and Medical Leave Act (FMLA). If the FMLA applies, its provisions will prevail over conflicting statements elsewhere.

HOWARD COUNTY
STANDARDS OF CONDUCT
AND PERFORMANCE MANAGEMENT

C. CONFIDENTIALITY

All information concerning County business must be held in strict confidence and must not be discussed with others on or off the job except for purposes of necessary County business, or as required by law.

D. TELEPHONE USE

The County telephones are for business use only. The use of County telephones for personal business should be kept to a minimum. Personal long distance calls and fax use are highly discouraged and unauthorized use of the phone for long distance calls and/or failure to reimburse the County for personal long distance calls may result in dismissal. A log must be maintained on all long distance calls and the County shall be reimbursed for any personal long distance calls. The department head has the authority to designate who will make County long distance calls.

Personal cell phone use at work, including voice and other electronic means of communication, should also be kept to a minimum. Cell phones should be silenced and allowed to go to voicemail except in cases of emergency. Employees must use their breaks to return personal calls, texts, and emails whenever possible. If a particular employee abuses personal communication privileges, department heads have the discretion to impose stricter cell phone use rules for that individual. Cell phones should never be answered while an employee is interacting with the public as part of his or her job.

E. POSTAGE AND POSTAGE MACHINE

The County postage and postage machinery will be used only for business related to the operation of County offices and departments. No personal correspondence will be sent for processing on the postage machinery.

F. COUNTY OWNED OFFICE SUPPLIES AND EQUIPMENT

All office supplies, equipment and office machinery will be used only for business related to the operation of County offices and departments. County purchases of office supplies, equipment and office machinery will be made through the County Auditor in accordance with the Purchasing Policy adopted by the Commissioners' Court.

Department officials and department heads will be responsible for all equipment assigned to their departments and will be held accountable for proper accounting, maintenance and use of said equipment. Any equipment transfer from one department to another must be handled by the County Auditor. All officials and department heads leaving the employment of the County will arrange for an inventory of equipment assigned to them. This inventory will take place prior to the time the official or department head leaves the employment of the County. If any item of equipment is found to be missing at the time of

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STANDARDS OF CONDUCT
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the inventory, the official or department head may be held responsible for finding or replacing the missing equipment.

Office equipment and supplies will not be removed from their assigned departmental location for any reason other than for business related to the operation of County offices and departments.

No employee of the County will be allowed to purchase office supplies, equipment or office machinery for personal use from the County. County employees will be allowed to bid on surplus property offered to the public at public auction, just as any other citizen of the County.

It shall be the responsibility of each official or department head to ensure the strict enforcement of this policy.

G. COPY MACHINES, PRINTERS, SCANNERS

All County owned/rented copy and reproduction machinery will be used only for business related to the operation of County offices and departments. Copies may be made on the machinery for the general public at a set fee per copy.

H. ELECTRONIC COMMUNICATIONS, COMPUTER, AND INTERNET POLICY

To facilitate business communications and work-related research, the County provides staff access to various types of telecommunications equipment, including but not limited to the following: Internet, phones and voice mail, wireless devices, computers and related equipment, and e-mail. These systems are County property and should be used for business matters directly related to the activities of the County business. Personal business should not be conducted by means of the County-owned electronic communication systems. All materials, information and software created, transmitted, downloaded or stored on the County's computer system are the property of the County, and employees have no reasonable expectation of privacy in such information.

Copies of electronic messages should be sent only for valid business reasons. No employee shall send e-mail under another employee's name without authorization.

Inappropriate use of the County's electronic communication systems includes but is not limited to the following: transmitting, accessing, displaying, posting, downloading or distributing obscene, harassing, sexually explicit, racially offensive, or other material that would the County's discrimination or harassment policies; and, transmitting any of the County's confidential or proprietary information. Transmissions covered by this policy include email, text messages, instant messages, and on-line applications and postings.

Officials, staff and volunteers who post material on non-County social networking and other Internet sites, blogs, or other public forums must take extreme caution not to appear to be representing the County in any manner, whether during or after their working hours. On-line behavior, whether on or off duty, must not disparage, reflect badly upon, or misrepresent the County or its interests in any manner. Harassing or disparaging coworkers through on-line posting violates this policy. The County has the right to monitor such sites and protect its interests.

HOWARD COUNTY
STANDARDS OF CONDUCT
AND PERFORMANCE MANAGEMENT

The County retains the right to access communication and/or electronic records stored or communicated through County infrastructure.

H. POLICY FOR OUTSIDE EMPLOYMENT

An employee shall not engage in outside employment, including self-employment, where such employment would constitute a conflict of interest or would adversely affect the employee's performance in the County service.

All outside employment must be reported to and approved by the elected official and /or department head. In those cases where a conflict may exist, the elected official and/or department head will report the facts to the Commissioners' Court. Department heads will report any of their own outside employment to the Commissioners' Court or District Judge (whichever applies) for approval prior to engaging in such outside employment.

Elected officials are excluded from the requirement set forth in this policy for reporting outside employment as specific state statutes address conflict of interest issues relating to elected officials.

WAGE ADMINISTRATION AND PAYROLL PRACTICES

HOWARD COUNTY
WAGE ADMINISTRATION AND PAYROLL PRACTICES

A. TYPES OF POSITIONS

1. **Full-time regular** - Employees in this classification work 40 hours per week on a regular basis. All benefits, as approved by Howard County Commissioners' Court, are extended to these employees under this classification, except when explicitly excluded during the employee's first six months of employment, such as in the case of vacation.
2. **Part-time regular** - Employees in this classification work less than 40 hours per week on a regular basis. Those in this classification do not receive any fringe benefits except Workers' Compensation Insurance, Social Security Benefits and Retirement.
3. **Full-time temporary** - Employees in this classification work 40 hours per week for a stated period of time. Other than exceptions, as may be approved by Commissioners' Court, an employee may be on temporary status up to a maximum of three (3) months. Under this classification, employees are eligible for Workers' Compensation Insurance and Social Security Benefits.
4. **Part-time temporary** - Employees in this classification work for a stated period of time, generally for a maximum of three consecutive months in duration, and less than 40 hours per week. Employees working on a part-time, temporary basis are eligible for Workers' Compensation Insurance and Social Security Benefits.

B. NEW EMPLOYEES - INTRODUCTORY PERIOD

All newly hired employees begin an introductory period normally for the first six months of employment. The purpose of the introductory period is for the County and the employee to learn about each other and make decisions about whether the relationship is a good fit, before too much time is invested by either party. The introductory period is a time for the employee to ask questions, be trained about the job and frequently evaluated on an informal basis. During this period, employees are not eligible for vacation benefits, and employment may be terminated without the customary steps often afforded to other employees. In addition, an employee in the introductory period will earn \$25 per pay period less than the budgeted salary for full-time positions, and \$0.50 per hour less than the budgeted hourly rate for part-time positions.

All newly hired employees are to report to the County Treasurer's office to complete W-4 forms, retirement and insurance forms.

C. WORK HOURS

Normally, all full-time County employees will work a MINIMUM of 40 hours each week. County offices within the Courthouse will normally be open from 8:00 a.m. to 5:00 p.m. daily, except on Saturday and Sunday. Some offices may close during the noon hour. The law allows elected officials to set the office hours of those departments under their control. Those officials who are appointed by elected officials other than the Commissioners' Court, may have their departmental operation set by those who appointed him/her. The Commissioners' Court may establish the hours of operation in

HOWARD COUNTY
WAGE ADMINISTRATION AND PAYROLL PRACTICES

order to better serve the public for departments under their management control. Some employees may be on shift schedules or other alternate schedules, and should follow their supervisor's direction as to expected hours of work.

Offices may remain open during the noon hour and lunch periods may be staggered according to the requirements of the office and regulated by the department head.

Coffee breaks, if allowed, will be regulated by the department head.

No office will be left unattended during office hours or during coffee breaks.

D. ELECTRONIC AND PAPER TIME SLIPS

1. **Electronic Time Slips** - All non-exempt employees are responsible for clocking in and out on the time clock if one is provided. The electronic time sheet must reflect actual hours worked and paid time-off hours used such as sick leave and vacation time. The department head is responsible for including hours that cannot be added by the employee. Overtime hours worked will be calculated in the County Treasurer's office at the rate of one and one-half hours for each hour actually worked over 40 in one seven day work week or over 80 in two weeks for law enforcement employees.

Each electronic time slip must have all hours checked off by the employee and the department head certifying that the hours shown are an accurate reflection of the time shown. The check mark represents a signature.

AN EXPLANATION FOR OVERTIME WILL BE NOTED BESIDE THE HOURS ON THE TIME CLOCK OR HANDWRITTEN ON THE PAPER TIME SHEET.

2. **Paper Time Slips** - For non-exempt employees who are unable to use the time clock for whatever reason, the employee must submit a time slip to the County Treasurer's office, setting out payment due for actual hours worked as well as paid time off used such as sick leave and vacation time. Overtime earned will be calculated in the County Treasurer's office at the rate of one and one-half for hours actually worked over 40 in one seven-day work week or 80 in two weeks for law enforcement employees.

Each time slip must be signed by the employee and the department head certifying that the time slip is an accurate reflection of the time actually worked.

NOON on the Monday following the last day of the pay period is the deadline for electronic time slips to be complete with hours and check marks. Paper time sheets are also to be completed and in the County Treasurer's office by that time as well. NO CHANGES ARE TO BE MADE AFTER MONDAY AT NOON!

E. SEVEN-DAY / 14-DAY WORK PERIOD

For purposes of calculating overtime pay, the seven-day work period for all employees, (except those on a 14-day work period), begins on Saturday at 12:01 a.m. and ends on

HOWARD COUNTY
WAGE ADMINISTRATION AND PAYROLL PRACTICES

Friday at midnight. All law enforcement employees are on a 14-day work period. The 14-day work period begins on a Saturday at 12:01 a.m. and ends on Friday at midnight.

F. OVERTIME

All non-exempt employees of Howard County will be compensated for hours worked in excess of 40 hours per week by the use of overtime pay. Overtime pay will be provided to non-exempt employees for each hour actually worked in excess of 40 hours per seven day work period at the rate of one and one-half. Hours compensated but not actually worked (holidays, vacation, etc.), will not be used in calculating overtime.

Law enforcement employees with 14 consecutive day work periods are entitled to time and one-half overtime pay for hours worked beyond 80 during the 14 day work period.

Overtime pay will not be provided to or for elected officials and for those who are classified as exempt employees under FLSA.

Working overtime is highly discouraged for non-exempt employees and every possible effort should be made not to work over 40 hours in the period of one week for non-law enforcement employees or 80 hours in the period of two weeks for law enforcement employees. If you must work overtime on a particular day, make every effort to take time off at another time within the same work period (flex time) so as not to create overtime by the end of the period above that applies to you. **A non-exempt employee may not work overtime without PRIOR approval by the Department Head. It is grounds for disciplinary action for an employee to work overtime without approval.**

AN EXPLANATION FOR OVERTIME WILL BE NOTED BESIDE THE HOURS ON THE TIME CLOCK OR HANDWRITTEN ON THE PAPER TIME SHEET.

G. PAY DAYS

All County employees are paid bi-weekly on every other Friday. If pay day falls on a holiday, checks are usually distributed the preceding working day. Payroll checks will not be issued to any employee except on the designated payroll dates, or upon written certification by the department head that an undue hardship will be created for the employee due to illness or extraordinary extenuating circumstances.

EMPLOYEE BENEFITS AND SERVICES

HOWARD COUNTY
EMPLOYEE BENEFITS AND SERVICES

A. CAFETERIA PLAN (SECTION 125)

A cafeteria plan (Section 125) is available to interested employees, allowing employees to use pre-tax dollars to pay for certain medical and childcare expenses. Contact the County Treasurer's office for additional information.

B. CONTINUATION OF BENEFITS (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified dependents the opportunity to continue health or dental insurance coverage under the County's health or dental plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates (in some circumstances, the federal government may subsidize a portion of these costs). The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. The notice contains important information about the employee's rights and obligations.

C. CREDIT UNION

As a Howard County employee, you and your immediate family are eligible for membership in the Howard County Employees' Federal Credit Union. The Credit Union is operated by and for the employees of the County. It offers you a convenient place to save your money where it will draw a regular rate of interest while helping your fellow employees. In addition, the Credit Union makes loans for worthwhile purposes at a reasonable interest rate. Payroll deductions are available to help employees in repayment of loans as well as for savings.

D. DIRECT DEPOSIT

Howard County offers the option of Electronic Funds Transfer (direct deposit) to the employees. Contact the County Treasurer's office for additional information.

E. DEFERRED COMPENSATION

Deferred compensation plans are available to interested employees. Contact the County Treasurer's office for additional information.

F. GROUP HEALTH AND DENTAL INSURANCE

All full time regular County employees enrolled in group health and dental insurance at no cost to the employee.

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Employees may obtain coverage under the group health and dental plan for members of his/her family, at a cost. The dependent care premium will be deducted from the employee's paycheck. Information may be obtained from the County Treasurer's office.

G. HOLIDAYS

Howard County Commissioners' Court sets the holiday schedule at the beginning of each calendar year. All regular full-time employees will be eligible for the paid holiday benefit of eight hours. Part-time employees will be eligible for holiday pay at the regular number of hours they would have or actually did work on the designated holiday. If a holiday occurs during an eligible employee's time off for vacation or sick leave, that day shall be paid as a holiday and not be charged against the employee's vacation or sick balance. If an employee is on unpaid leave of absence when the holiday occurs, the employee will not be paid for the holiday, and the holiday will not be credited against the total allowed leave. An example of possible holidays follow:

New Year's Day	January 1
Martin Luther King	2nd Monday of January
President's Day	3rd Monday of February
Good Friday	Friday before Easter Sunday
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving	4th Thursday and Friday in November
Christmas	December 25

H. LIFE INSURANCE

Each full-time regular County employee is covered by life insurance, as follows:

1. \$10,000.00, through Blue Cross and Blue Shield.
2. An amount equal to your annual salary at the date of your death, through the Texas County and District Retirement System. Upon retirement, this policy drops to \$5,000.00.

I. LONGEVITY PAY

Each full-time Howard County employee will be eligible for longevity pay after three years' employment with the County.

Longevity will begin on the employee's third year anniversary date and then will increase thereafter on October 1 according to the budget.

Longevity pay will be figured as follows: \$10.00 per month for each year of service.

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Example: Three years' employment would result in payment of \$30.00 longevity pay per month.

Prior Service: Employees returning to work with the County will receive credit toward longevity for prior years' service after one year of service is achieved, provided the employee previously worked for the County for at least three years before the break in employment.

In order for a year of service to be calculated toward longevity, the employee must have been a FULL TIME employee with the County during the entire twelve-month consecutive period.

J. RETIREMENT

There is no mandatory retirement from Howard County unless specifically required by state or federal law.

The employee contribution to the Texas County and District Retirement System (TCDRS) is seven percent of gross salary, which is deducted from the employee's paycheck. The County contributes 200 percent of the employee's contribution toward the employee's retirement plus an additional amount for supplemental death benefits. This life insurance policy is the sum of \$5,000.00 after retirement.

Should an employee leave the employment of the County prior to qualifying for retirement benefits, that employee shall have the right to apply for a refund of the employee's contribution along with interest earned on his/her contribution. The employee shall not be entitled to the County's portion contributed to the system on his/her behalf, should the employee make a withdrawal.

County employees eligible for membership in TCDRS include elected officials, appointed officials or department heads, regular full-time employees and regular part-time employees.

An employee is eligible to receive lifetime monthly pension payments after terminating employment if he/she has:

Eight or more years of service credit at age 60 or older; or

Twenty or more years of service credit at any age; or

A combined age and total service (each rounded down to whole years) of 75 or more.

Rehiring Retirees

Retirees may return to work with Howard County after a bona fide 30-day separation of employment, meaning there was no prior agreement or understanding between anyone on behalf of Howard County and the retiring employee that they would be rehired after retirement. Returning retirees will not have their annuity suspended upon return to work. Returning retirees will be treated as new employees and establish a new membership with TCDRS. Violations of this policy and the IRS regulations governing the TCDRS plan jeopardize the TCDRS retirement plan for all Howard County employees.

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Retiree Insurance

For certain retirees, Howard County provides additional retirement benefits beyond what is provided under TDCRS. An employee who retires directly from Howard County without a break in service with at least 12 years' service with Howard County, will be allowed to continue to receive benefits in the County's health program as follows:

A retiree who became employed with Howard County on or before August 25, 2003 and who retired or retires under TCDRS, and

1. a. who is age 65 or older with at least 12 years' service with Howard County, or

b. whose age plus years of service with Howard County equals at least 75,

will be allowed to continue to receive benefits in the County's health program at no cost to the retiree at the same level as currently employed county employees until age 65 and then they will be changed to a supplemental policy.

A TCDRS retiree who became employed with Howard County on or before August 25, 2003, and who does not meet the requirements set out above, will be allowed to continue to receive benefits in the County's health program at the same level as currently employed County employees until age 65 and then they will be changed to a supplemental policy, at a cost to the retiree of 50 percent of the premium. Once the retiree meets the requirements above (i.e., turns 65 with 12 years' service with Howard County OR whose age plus years of service with Howard County equals 75), the County will pay the full premium.

A TCDRS retiree who became employed with Howard County on or before August 25, 2003 and who retires or retired because of a disability approved by TCDRS will be allowed to continue to receive benefits in the County's health program at the same level as currently employed County employees, at no cost to the retiree, regardless of age or years of service.

Employees hired by Howard County after August 25, 2003 will not be eligible for retiree health insurance benefits, regardless of age, years of service or disability status.

For further information on the TCDRS, please refer to your Texas County and District Retirement System Manual. Members eligible for retirement may contact the County Treasurer's office.

K. SICK LEAVE

Sick leave entitlement shall be earned at the rate of eight hours for each month of employment. Sick time will not accrue during unpaid leaves of absence extending for periods more than one month. Carry-over from one year to another is unlimited.

An employee may be allowed sick leave with pay when a member of his/her immediate family is actually ill. Immediate family shall constitute individuals related by blood, marriage, or adoption who are living in the same household, or if not living in the same

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household, totally dependent on employee for health and personal care. Arrangements should be made with the employee's department head.

Sick leave shall also be granted for appointments with physicians, optometrists, dentists, and other qualified medical professionals.

An employee who must be absent from duty because of illness or medical appointments, shall notify his/her supervisor or cause his/her supervisor to be notified of that fact at the earliest practicable time, as soon as the employee is aware of the need for time off.

To be eligible for accumulated sick leave with pay during a continuous period of more than three working days, an employee absent due to illness shall send to his/her supervisor a doctor's certificate showing the cause or nature of the illness, acceptable to the employee's supervisor or department head.

Malingering and other abuses of sick leave privileges shall constitute grounds for dismissal from employment.

Accrued Sick Leave Upon Separation or Death

A County employee who resigns, or is dismissed from County employment, shall not be paid for any accrued sick leave.

If a County employee dies or retires, one-half or 30 days of his/her accumulated sick leave, whichever is less, shall be paid to the former employee or his/her estate, excluding appointed and elected officials.

An employee laid off under a formal reduction-in-force policy, shall have his/her sick leave balance restored if re-employed by the County within six months of termination.

Terminating employees should report to the County Treasurer's office for final paperwork to be completed.

Nothing in this sick leave policy is intended to conflict with the provisions of the Family and Medical Leave Act (FMLA). If an eligible employee would receive greater benefits under the FMLA, then the provisions of the FMLA apply. Please see the FMLA policy contained in this Manual to see if you are eligible.

L. SICK LEAVE POOL POLICY

The County's sick leave pool is regulated by L.G.C. 157 and allows employees to donate accrued sick leave to the sick leave pool to be used for regular, full-time employees who have completed 12 continuous months of service with the County, who have suffered a catastrophic illness or injury, and who have exhausted all paid leave accruals.

An employee wishing to receive sick leave from the sick leave pool must submit a written request to the County Treasurer.

The County Treasurer must keep documentation of:

HOURS DONATED TO THE POOL:	Date of donation
	Name of donor
	Department of donor
	Number of hours donated

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HOURS GRANTED FROM THE POOL:	Name of employee
	Date of request
	Number of hours requested
	Number of hours granted
	Illness requiring leave

Eligibility:

Any employee of Howard County who is entitled to accrue sick leave and has completed 12 months of continuous service with the County and is eligible to use and to be compensated for personal accrued leave may apply to use leave from the pool. If an employee is separated from employment with Howard County and then returns to County employment, the employee must complete another 12 months of continuous service to be eligible to use the pool.

Employees seeking to utilize time from the pool must exhaust all accrued sick leave and vacation leave before they are eligible to withdraw leave from the pool.

Employees will continue to earn vacation and sick leave while on periods of extended leave of not more than one month. However, accrued personal leave balances must be exhausted prior to withdrawal of hours from the pool.

Contributing to the Pool:

Contributions to the pool are strictly voluntary.

Employees may contribute not less than eight hours or more than 40 hours of sick leave to the pool each fiscal year. Leave must be earned and recorded on the books at the time of the contribution. All donations to the pool must be in whole hours only. Contributions shall be made through the County Treasurer.

Employees leaving the employment of Howard County, who have not donated the 40 hour maximum in the current fiscal year, may donate any portion of their sick leave balance not to exceed the allowable fiscal year maximum, prior to their departure from Howard County service.

Employees who make contributions to the pool may not restrict their contributions for use by a specific person; nor may they restrict their contributions from being used by any specific person.

Employees who contribute to the pool cannot recover that leave unless they are eligible to use the pool due to illnesses or injuries described above.

Using Pool Leave

The County Treasurer will determine the amount of pool leave granted for each catastrophic illness or injury. The amount of the pool leave granted may not exceed one-

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third (1/3) of the balance available in the pool or 90days (720 hours) whichever is less. The maximum leave granted in any fiscal year is 90days.

Any unused balance of pool leave granted to an employee returns to the pool. The estate of a deceased employee is not entitled to payment for unused pool leave.

M. VACATION

All full-time regular County employees who are not elected or appointed by various judges in accordance with the law or appointed by the Commissioners' Court will be entitled to a certain number of vacation days with pay. Employees will accrue five days vacation upon successful completion of a six month introductory period, and then vacation time will be earned monthly thereafter, provided the employee is physically at work for all or part of the month. Vacation time will not be accrued during unpaid leaves of absence extending for periods more than one month.

Vacation time will accumulate in the following manner:

YEARS OF SERVICE	PAID VACATION DAYS
1 - 5	10
6	11
7	12
8	13
9	14
10 - 20	15
21	16
22	17
23	18
24	19
25 or more	20

Employees may take their accrued vacation at any time after six months of full-time service with the County. In order to take vacation time, the employee must give notice of the request to his/her department head at least one week (this may vary in different departments) prior to the time he/she desires the vacation time to begin. Granting of vacation will depend on the needs of the department and the final decision for granting vacation requests rests with each department head.

In no event will any employee carry over more than five working days vacation time over the one year allotment:

YEARS OF SERVICE	MAXIMUM CARRY-OVER
1 - 5	15
6	16
7	17
8	18
9	19

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10 - 20	20
21	21
22	22
23	23
24	24
25 or more	25

Upon separation from employment after at least six months of continuous service, the employee shall be paid for any vacation time accrued but not used.

Should an employee terminate employment with Howard County and afterward, be re-employed by Howard County, none of the prior service shall be considered in granting vacation time. The employee will be granted vacation time in the same manner and rate as any new employee. No employee will be entitled to take unearned vacation time nor will any employee take vacation time in advance of earning said vacation credit.

N. WORKERS' COMPENSATION

1. Coverage

All County employees are covered by workers' compensation insurance while on duty for the County. Workers' compensation insurance pays for medical bills resulting from injury or illness an employee incurs while carrying out the duties of his/her job. Workers' compensation also pays a partial salary continuation benefit for time lost from work in excess of seven calendar days as the result of eligible work related injuries or illnesses. It is the policy of Howard County that if an employee is disabled or unable to work because of an occupational illness or injury, the employee may use any accrued paid time off for the initial seven working days after the incident. If, after the initial seven working days, the employee remains unable to return to work, he/she shall be compensated partially by workers' compensation plus he/she is allowed to supplement the partial workers' compensation payments with accrued leave if available until he/she is released to return to work.

Employees who are covered under workers' compensation will also be covered under the benefits of the Family Medical Leave Act (FMLA) if the eligibility requirements are met. Please see the Family and Medical Leave section regarding leave amount and insurance.

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.

Any injury while on duty shall be reported immediately to the official/supervisor and also to the County Treasurer's office where a "First Report" of Injury Form will be completed. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments which are due.

2. Policies and Procedures

This policy is to provide prompt, appropriate medical attention for employees injured while on the job and return them to productive work as soon as medically possible.

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Procedure:

1. All employees will immediately notify their supervisor or other appropriate personnel at the time of the injury and/or incident.
2. An Employee Injury Statement and Witness Statement, if applicable, will be completed for every reported incident whether or not medical attention is needed.
3. If medical attention is required; the injured employee will be accompanied by his/her supervisor to receive medical services.
 - a. A DWC-1 will be completed by the County Treasurer's office upon report of injury.
 - b. The employee or supervisor will provide the treating physician with a copy of his/her job description, essential elements, and introduction letter explaining the Return-to-Work Process, if applicable.
4. If an employee is restricted from work, his/her supervisor will maintain communication with the employee in the following manner
 - a. Communication on the day of the injury.
 - b. Communication every week thereafter until the employee has returned to work.
5. When an employee is released by the treating physician to alternative productive work (light duty), the supervisor is responsible for attempting to develop alternative duty that complies with the physician's restrictions. If no alternative productive work is available, then the employee will not be placed on light duty. **All light duty assignments must be in writing and with a specific time limitation.** If additional light duty time is indicated, a written extension may be authorized. **No light duty assignment may be given on an "as needed" basis or on other vague terms.**
6. A copy of the work release from the physician will be kept by the employee's supervisor and the claim coordinator.
7. The supervisor will follow-up with the employee on a regular basis after the employee's return-to work.

For more information concerning the Return-to-Work policy and procedures, contact the County Treasurer's office.

O. LEAVES OF ABSENCE

Employees will not accrue any vacation, sick leave, longevity, or service time while on workers' compensation, disability income, extended (more than 60 days) military leave of absence, or other leave of absence without pay.

1. Bereavement/Emergency Leave

Department heads shall grant an emergency leave with pay to an employee for the following reasons: The death of the employee's spouse, or the employee's or

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spouse's parents, brothers, sisters, grandparents, children or grandchildren. The County Treasurer shall be notified with a note on the time clock each pay period of employees who were granted bereavement leave during the preceding month. The notification should include the name of the employee, the number of hours of emergency leave granted, and the relationship of the deceased relative. A maximum of three days will be permitted for each occurrence of emergency leave.

Department heads may request other emergency leave with the approval of the Commissioners' Court. Such leave may be granted verbally with a written request submitted as soon as possible. Employees whose normal work week includes Saturday and Sunday may be granted emergency leave on Saturdays and Sundays.

2. Leave of Absence Without Pay

The Commissioners' Court may, in its sole discretion or as required by law, grant employees leave of absence (LOA) without pay, in an amount not to exceed six months total time away from work, when combined with paid leave. With the exception of military leave, under no circumstance may an employee be gone from the full duties of his/her job, with or without pay, for more than six months. If the employee does not return in six months from leave of absence, the employee will be separated from employment due to unavailability for work. Any employee so separated will normally be eligible for rehire and will be able to apply for available job openings, depending upon qualifications. An employee will be considered unavailable for work if the employee cannot perform the essential functions of the job, with or without reasonable accommodation.

Employees shall use all paid leave entitlements before LOA and will not accrue vacation, sick leave, or longevity time while on LOA. Accrued sick leave is not to be used unless the reason for the leave also entitles the employee to use of sick leave under the County's sick leave policy. These employees are eligible to take vacation leave as it is earned upon re-employment provided the employee has at least six months of continuous prior County service. Except in a situation where sick leave was exhausted prior to LOA, sick leave balance will be held until the employee returns to active duty. Employees are to be responsible for their own health and dental insurance premiums during this time unless the leave is FMLA qualifying, workers' compensation, as otherwise required by federal or state law.

Nothing in this policy is intended to conflict with the provisions of the Family and Medical Leave Act (FMLA). If an eligible employee would receive greater benefits under the FMLA, then the provisions of the FMLA apply. Please see the FMLA policy contained in this Manual to see if you are eligible.

3. Paid Military Leave of Absence (Short Term)

All County employees who are members of the National Guard or Official Militia of Texas, or members of any of the Reserve Components of the Armed Forces, shall be entitled to leave of absence from their respective duties without loss of time or efficiency rating or accrued paid time or salary, for a period not to exceed

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15 working days in any one calendar year, when ordered to duty by the proper authority. Such employees shall, when relieved from duty, be restored to the position held by them when ordered to duty.

Monthly and hourly employees are entitled to a maximum of 15 working days at eight hours per day in one calendar year. This also includes employees appointed on a temporary basis. Unused military leave in one calendar year cannot be carried over to a subsequent year.

While the employee is on paid military leave, or unpaid leave if less than 31 days, the County will continue to pay its portion of the monthly premium for group health benefits.

4. Unpaid Military Leave of Absence (Extended)

The County has established the following policy, based on federal law, for employees who are called to active duty and leave the services of the County for more than 31 days to enter the armed forces:

- a. Leaves of absence will be granted to all employees who leave the department directly to enter the armed forces, except those who are employed with the understanding that their job is temporary and non-reoccurring, such as seasonal employment.
- b. Eligible employees who are granted leaves of absence under this policy will be given jobs with the County upon their return to civilian life, carrying salaries or wages and benefits, including paid time off accrual rates equal to what the employee would have been entitled if he or she had been continuously employed throughout the time of the military leave. In other words, an employee returning from protected military leave comes back without a loss of seniority.
- c. During the period of unpaid military leave, the employee may elect to continue group health coverage for up to 18 months following separation of employment or until his/her reemployment rights expire, whichever event occurs first, for him/herself and eligible dependants. Employees must pay 102% of the applicable premium to cover the cost of elective continuation coverage under the County's group health plan.
- d. Upon an employee's return to employment following military service, the County will reinstate health insurance coverage immediately, even if a waiting period is normally required for new or returning employees. In addition, a returning employee will not be subjected to exclusions from coverage unless the exclusions apply to injuries or conditions that were incurred as a result of military service.

If such a person is not qualified to perform the duties of such position by reason of disability sustained during such military service, but qualified to perform the duties of another position in the same department, office, or County institution, the veteran shall be restored to employment in such other position that will

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provide like seniority, status, and pay, or the nearest possible approximation thereof.

A service person, in order to be eligible for the re-employment right, must re-apply with the County within five years from the date of enlistment or call to active service, and must furnish evidence of discharge or release under honorable conditions if the leave lasted more than 31 days.

The deadline for an employee to return to work and/or notify the County that he/she intends to return to work following military leave depends upon how long the employee's military service lasted:

- For service of less than 31 days, employees have eight hours following their return home from service to report for their next scheduled work period.
- For service between 31 days and 180 days, employees have 14 days following their release from service to apply for re-employment.
- For service of more than 180 days, employees have 90 days following their release from service to apply for re-employment.

These deadlines may be extended for two years or more when an employee suffers service-related injuries that prevent him/her from applying for re-employment or when circumstances beyond the employee's control make reporting within the time limits impossible or unreasonable. Upon return to work for the County is allowed to maintain any unused sick leave accrued at the time he went into military service, to the extent accrual is permitted.

Unlike brand new employees, an employee returning from extended military leave is not subject to a waiting period before becoming eligible to use accrued paid leave. Although the employee does not accrue additional vacation or other paid time off while on military leave, upon return to work, the employee is allowed to accrue vacation based on seniority from the date of initial employment.

If the County's circumstances have changed to such an extent that it would be impossible or unreasonable to re-employ an employee, the County has no legal obligation to re-employ an employee following his/her return from military leave.

The County Treasurer will maintain a list of all employees who enter the armed forces. Each document showing the departure of an employee to enter the armed forces should give detailed information regarding the military service of the employee and his/her eligibility for an official County leave of absence.

5. Jury Service/Citizenship Leave

No deduction shall be made from the salary or wages of any employee who is called for jury service, witness duty (when subpoenaed), and other similar obligations. The employee's job is protected during the term of service, unless the employment would have ended regardless of the leave.

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Compensation received for jury service may be kept by the employee. Employees are required to notify their supervisor in advance of citizenship leave.

P. FAMILY AND MEDICAL LEAVE

1. Eligibility

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

- a. Have worked for the County a total of at least 12 months, not necessarily consecutively; and
- b. Have worked at least 1,250 hours during the previous 12 months.

2. Qualifying Events and Amount of Leave

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

- a. The birth of the employee's child and in order to care for that child;
- b. The placement of a child in the employee's home for adoption or foster care;
- c. To care for a spouse, child under 18 years old or an older child who is incapable of self care because of a mental or physical disability, or parent with a serious health condition;
- d. The serious health condition of the employee; or
- e. The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child (any age), or parent is on federal call or impending federal call to active Reserves, National Guard, or Retired Armed Forces or Retired Reserve, in support of a contingency operation.

Up to 12 weeks leave per 12-Month Period may be used under this policy. If the husband and wife both work for the County, the maximum combined leave they shall be allowed to take in any 12-Month Period for the birth or placement of a child is 12 weeks.

3. Servicemember Family Leave

Eligible employees who are the spouse, child (any age), parent, or next of kin of a covered Servicemember are entitled to up to 14 weeks of additional leave during a single 12-Month Servicemember Period (for a total of 26 weeks if combined with other FMLA leave), to care for such Servicemember who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Servicemember Period, which begins on the first day of leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-Month Servicemember Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both

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work for the County, their total Servicemember Family Leave may be limited to an aggregate of 26 weeks.

4. Definitions

- a. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken.
- b. "12-Month Servicemember Period" means a single 12-month period measured forward from the first day Servicemember Family Leave is taken.
- c. "Spouse" means a husband or wife as recognized under Texas law for purposes of marriage, including common law marriage, but does not include unmarried domestic partners.
- d. "Child" means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child. For purposes of a child on active duty or call to active duty contingency leave, or for Servicemember Family Leave, the child may be of any age.
- e. "Parent" means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
- f. "Next of Kin" means the nearest blood relative of a Covered Servicemember.
- g. "Active Duty" means duty under a call or order to active duty during a contingency operation.
- h. "Contingency Operation" means a military operation designated by the U.S. Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force, or which results in the call or order to active duty of members of the uniformed services during a war or national emergency declared by the President or Congress.
- i. "Covered Servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, or is on the temporary disability retired list for a serious injury or illness incurred in the line of active duty and which may render the member medically unfit to perform the duties of the member's military position.
- j. "Qualifying Exigency" includes:

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1. Short-notice deployment: notification of a call to active duty in support of a contingency operation seven or fewer days from date of deployment;
2. Military events and related activities:
 - A. To attend an official ceremony, program or event sponsored by the military that is related to active duty or call to active duty;
 - B. To attend family support programs and briefings sponsored or promoted by the military, military service organization, or American Red Cross that are related to active duty or call to active duty.
3. Childcare and School Activities: Leave may be taken for a child in order to:
 - A. Arrange for alternate childcare;
 - B. Provide childcare on an urgent, immediate need basis;
 - C. Enroll or transfer the child to a new school or daycare facility;
 - D. Attend meetings with staff at school or daycare facility.
4. Financial and Legal Arrangements:
 - A. To make or update financial or legal arrangements to address the covered military members' absence while on active duty or call to active duty status;
 - B. To act as the covered military member's representative to obtain, arrange, or appeal military service benefits while the member is on active duty or call to active duty status, and for 90 days following termination of active duty status.
5. Counseling: To attend counseling for oneself, the military member, or child when the need for such counseling arises from the active duty or call to active duty status of the covered military member.
6. Rest and recuperation: To spend up to five days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment.
7. Post-deployment activities: To attend arrival ceremonies, reintegration events, and any other official ceremony or program sponsored by the military for the approximately 90-day period following termination of active duty or death of the servicemember while on active duty.

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8. Additional activities related to the call to active duty otherwise agreed to by the employer and employee.
- K. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves:
1. inpatient care (overnight stay);
 2. incapacity requiring absence from work for more than three calendar days and that involves continuing treatment by a health care provider;
 3. continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
 4. prenatal care by a health care provider.
- L. "Continuing Treatment" means:
1. Two or more visits to a health care provider within 30 days of the commencement of the incapacity; or
 2. Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider within 30 days of the commencement of the incapacity; or
 3. A single visit to a health care provider within seven days of the commencement of the incapacity that results in a regimen of continuing treatment.

5. Paid and Unpaid Leave

An employee will be required to substitute available accrued paid leave (including accrued paid vacation leave, accrued paid sick leave and workers' compensation) for any part of a family/medical leave taken for any reason, except that accrued sick leave is not to be used unless the reason for the leave also entitles the employee to use of sick leave under the County's sick leave policy. When an employee has used accrued paid leave for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Servicemember Family Leave).

6. Insurance

While on leave under this policy, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work.

The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for employee-paid coverage during periods of

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unpaid leave under this policy shall be paid by the employee to the County no later than 30 days after the due date which the County sets, or the coverage may be discontinued.

7. Intermittent Leave and Reduced Schedule

Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee or the employee's eligible family member. A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee or the employee's eligible family member. All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's leave eligibility.

8. Medical and Military Certification

The County shall have the right to ask for health care provider certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy. The employee must provide the requested certification within 15 calendar days of the request. If the employee fails to provide adequate certification within this time period, then the County will inform the employee, in writing, what additional information is necessary and will allow the employee at least seven days to correct the certification.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification.

An employee requesting leave related to a family member's active duty or call to active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.

Employees requesting extended Servicemember Family Leave must provide documentation of the injury, recovery or need for care, such as the military medical information, orders for treatment, or other official Armed Forces communication showing that the injury or illness was incurred on active military duty and renders the member medically unfit to perform military duties.

Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

9. Requesting Leave/Employee Notice Requirements

Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his/her department head. Where practicable, an employee must give his/her department head at least 30 days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable.

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The notice must indicate that (1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; (2) the anticipated duration of the absence; and (3) whether the employee intends to visit a health care provider or is receiving continuing treatment.

An employee who does not request leave under this FMLA policy will still be required to use the 12 weeks allotted concurrently with other leave, if the reason for the leave is a qualifying event.

10. Employer Notice Requirements

Within five days after the employee requests leave or after the County learns the leave may be for an FMLA-qualifying reason, the County will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.

Within five days after the employee requests leave or after the County learns the leave may be for an FMLA-qualifying reason, the County will provide a written notice stating whether leave is available, and notifying the employee how much leave has been designated as FMLA leave, and how much leave remains. For an unspecified leave, the County will update the notification every 30 days as to how much leave was designated in the prior month, how much was rejected, and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the County will provide written notice of and reason for denial.

11. Reinstatement

Employees returning from leave under this policy, and who have not exceeded the 12 week maximum allowed under this policy (or 26 weeks if combined with Servicemember Family Leave), shall be returned to the same job or a job equivalent to that the employee held prior to going on leave.

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

The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.

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 12 weeks (or 26 weeks if combined with Servicemember Family Leave) allowed under this policy, or who elects not to return to work after using the maximum leave.

12. Repayment of Premiums

Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other

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situations beyond the control of the employee, an employee who does not return to work after using the 12 weeks maximum leave allowed under this policy (or 26 weeks if combined with Servicemember Family Leave) shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.

13. Other Benefits

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

14. FMLA Prevails When Different From This Policy

Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it. It is unlawful for the County to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with the U.S. Department of Labor's Wage and Hour Division or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.

GENERAL ADMINISTRATION POLICIES

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A. PERSONAL ITEMS

Any personal items that are in the work area are not covered by County insurance. Employees will bear all risk of loss. Howard County is not responsible for any personal items lost, stolen, burned, etc.

B. COUNTY NOTARY BONDS AND FEES

The County will pay for Notary bonds and fees where it is necessary to have a notary for transactions of official County business.

Should any Notary, whose bond, fee and seal have been paid for by the County, charge for Notary service, such revenue shall be receipted and reported to the County Treasurer at the end of each month.

C. DRIVER'S RECORD

1. Pre-Employment Requirement

Prior to employment, each applicant being considered for employment which requires operation of a motor vehicle, shall be subject to a "Driver's Record Check" to ensure that the applicant's driving record will qualify him/her for liability insurance under the County's Liability Policy without any restrictions or increased premium.

2. Insurability

All personnel employed by Howard County, whose job requirements include the operation of a motor vehicle, must maintain a drivers' record which will qualify them for liability insurance under the County's liability insurance policy, without limitations and or increased premiums.

3. Termination

Failure to maintain insurability as stated above shall be cause for termination.

D. OUT-OF-COUNTY TRAVEL

The County Commissioners' Court allows reimbursement of travel expenses for County officials and employees who travel on official County business when funds have been allocated in departmental budgets for that purpose. Conferences/travel to be paid with County funds must involve subjects that concern the basic mission of the department that is requesting the reimbursement. If there is a doubt as to whether the travel is official County business and will be approved for reimbursement, the department head should seek Commissioners' Court approval BEFORE travel is made. Also, it is the responsibility of the department head to verify that sufficient funds are available in the budget BEFORE travel is made. If sufficient funds are not available, a request must be presented to the Commissioners' Court for their consideration. The Auditor will not reimburse if sufficient funds are not available in the budget.

The traveling County employee will be reimbursed for actual expenses incurred while traveling, provided the employee keeps a meeting or conference agenda, invoices,

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receipts, and all other documentation supporting the actual expenditures, and this documentation is submitted to the County Auditor on Travel Expense Form Number 1 (Form 1), available in the County Auditor's office.

The traveling County employee must submit an agenda, receipts, invoices and documentation for the following in order to be reimbursed:

- Airline tickets
- Parking garage charges
- Lodging statements
- Taxi fares
- Automobile rentals
- Conference registration and fees
- Automobile expense charges for County vehicles

For traveling County employees, a Per Diem has been approved by the County Commissioners' Court for overnight stays. Refer to the current County guidelines in the County Auditor's Office for the rate.

All other requests for reimbursement, including lodging, must have supporting documentation in order for the traveling employee to be reimbursed. If requests for reimbursement on Travel Expense Form 1 are not supported by documentation, the County Auditor will not honor the requests for reimbursement.

1. Meals

The County will reimburse for meals for day travel (when there is no overnight stay) However, the meal will be considered taxable and sent through payroll. The employee must submit a meal ticket (receipt) and travel voucher to the Auditor's office. There will be no per diem for day trips. If the traveling employee elects to purchase meals for friends or other County officials, not on County business, that decision will be at the expense of the County employee and will not be reimbursed by the County.

The County will not reimburse the traveling County employee for meals that are included in the conference registration fees. If the County employee chooses to eat a meal other than the one provided for in the conference registration, that meal will be the personal expense of the employee and will not be reimbursed.

Meals purchased at the hotel must be paid for separately and not charged to the room to be reimbursed.

The County will reimburse for meals related to the transport of inmates by the Sheriff's Office. In this case, an overnight stay is not required.

2. Lodging

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The County will reimburse the traveling County employee for the actual cost of lodging while traveling on official County business. The employee will obtain a lodging statement which will be submitted with Travel Expense Form 1 when the employee returns to the County.

Those items which will be reimbursed on the hotel statement are:

- Daily room charges
- Necessary hotel taxes
- Business telephone calls
- Hotel parking fees

Those items which WILL NOT BE REIMBURSED on the hotel statements are:

- Snacks
- Personal expense items such as cleaning or laundry
- Alcoholic beverage charges
- Hotel club charges
- Recreation facilities use charges
- Movies and personal phone calls

If an employee is traveling out of town for a conference and cannot arrive by the start time without unreasonable travel times, the County will reimburse the employee for a maximum of one day lodging prior to the start of a conference. For the return trip, if the employee cannot return home before 9:00 PM, they may be reimbursed for one day lodging. Reimbursement for meals for the travel prior to the conference will be for an evening meal only. For travel after the conference, reimbursement will be for no more than the morning and noon meal. Supporting documentation, such as a conference agenda, must be turned in with Form 1, when requesting travel the day before and/or day after the conference.

For the maximum that will be reimbursed for lodging per day, including taxes and parking fees refer to the current County guidelines in the County Auditor's Office.

3. Approved Types of Transportation

COMMERCIAL AIRLINES - Commercial airlines are normally the most economical mode of transportation, especially for out-of-state travel. Traveling County employees are encouraged to take advantage of reduced rates for advance reservations. The County will reimburse at the lowest available airline fare for the most direct airline route.

TAXI OR BUS - The traveling County employee will obtain receipts for taxi or bus fares and will be reimbursed by the County for those fares relating to County business. Receipts or statements will be submitted to the County Auditor along with Travel Expense Form 1 upon return to the County.

AUTO RENTAL - When it is necessary, or when it is more economical to rent a car than to utilize public transportation, the employee on official County business

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is entitled to reimbursement for the actual cost of renting the vehicle, including motor fuel and collision damage waiver insurance. The County will reimburse for a mid-size or small size car only. Car rental agreements, along with copies of receipts for fuel and other auto expenses must be submitted to the County Auditor on Travel Expense Form 1 for reimbursement to the traveling County employee.

PERSONAL AUTOMOBILES - The County will pay the traveling County employee the approved IRS allowance for each mile of use of a personal automobile while traveling in state, on out-of-County official County business. The mileage rate will be automatically adjusted as the federal government changes its rate. This information is posted on the IRS website. The mileage payment will be based on the most direct route from the County to destination where County business takes place, meeting or lodging location, plus a reasonable reimbursement for business mileage traveled while at destination. Mileage disputes will be resolved using the State of Texas highway mileage chart. No other automobile expense will be paid to the traveling County employee other than the fixed price per mile as approved by the Commissioners' Court.

COUNTY OWNED AUTOS - The County will only pay actual expenses, such as gas, oil or other such maintenance items. Receipts are required for all these items.

E. LOCAL TRAVEL

Several departments in the County require their employees to travel within the County on official County business. When a County employee uses a personal automobile for this purpose, the employee may be reimbursed for use of personal auto on official County business at the approved IRS rate.

The County employee requesting reimbursement for local transportation expense must complete a form for this purpose and submit to the County Auditor for reimbursement. The form to be used is Travel Expense Form No. 3. A supply of these forms is available in the County Auditor's Office.

Reimbursement for local transportation is made from odometer readings on the personal auto and a description of the purpose of the official County business.

F. CREDIT CARD POLICY

The County credit card is to be used for County-related business only. It should not be used for local trips, only overnight trips. Credit cards may be used for the following; lodging, fuel, airline tickets, rental car, etc. The County credit cards are not to be used for meals.

If a County employee has to use the County credit card to reserve a hotel room, they must remember to cancel the room in the event their trip is cancelled. The employee will be responsible for any charges that may occur if the room is not cancelled.

Personal charges on hotel bills, such as movie rentals and personal phone calls, as well as meals, should be paid for at checkout time by the employee and not charged to the County credit card.

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If the employee has some expenses paid for with cash and they need reimbursement from the County, then they must turn in two separate Travel Expense Forms, one for all credit card receipts and one for all cash receipts. All receipts charged to the county should be turned in as soon as the employee returns from their trip.

All other travel rules found in this Travel Policy regarding out-of-town travel apply to the use of the County credit card. Any abuse of the County credit card by an employee will result in withdrawal of the privilege to use the County's credit card.

G. COUNTY OWNED VEHICLES POLICY

County owned vehicles will be used for official County purposes only. No official, department head or employee may use or permit usage of a County-owned vehicle or equipment for private purposes. Only County personnel authorized by department head/supervisor or by Commissioners' Court shall use County owned vehicles or equipment.

A current, valid Texas Drivers License is required for all personnel using County owned vehicles or equipment. An Operator's License is required for all operators and a Commercial or Chauffeurs License when specified.

Operators of County owned vehicles or equipment are responsible for:

1. Operating the vehicle or equipment in a legal, safe and sensible manner.
2. Taking vehicle or equipment to Vehicle Maintenance facility for regularly scheduled maintenance functions as instructed. (Minimum requirements for vehicles: Oil and filter change every 3,000 miles; Preventive maintenance checks every 12,000 miles).
3. Checking and maintaining proper crankcase oil level, tire inflation pressures and radiator water level.
4. Reporting any and all problems or abnormal conditions to the Vehicle Maintenance Department immediately.
5. Completing a form ("squawk sheet") identifying the work requested when submitting a vehicle or equipment to Vehicle Maintenance for regular maintenance or repairs.

The following is the County's Tire Repair Policy:

GROUP I - (All vehicles with Gross Vehicle Weight, GVW, rating of 3 / 4 ton and below and equipped with a spare tire).

1. Operators will change flat tire and deliver it to Vehicle Maintenance for repair.

GROUP II - (All vehicles with GVW of 1 ton and above or vehicles without a spare tire.)

1. Operators will be expected to change flat tires for repair by Vehicle Maintenance.

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2. Exception: Where vehicle is rendered inoperable because of a flat tire (i.e. front axle of a dual tired equipment) service will be provided by Vehicle Maintenance, however, the vehicle operator will be expected to assist in the changing of the flat.

GROUP III - (All other vehicles and equipment not included in GROUP I OR II. General lawnmowers, farm tractors, forklifts, loaders and other miscellaneous equipment).

- Operators will remove flat tire and deliver it to Vehicle Maintenance for repair.
- Vehicle Maintenance will attempt to repair or replace tire while operator waits.

If a department head feels a need for personnel training in tire changing, Vehicle Maintenance will provide this training as requested.

Every employee who operates a County-owned vehicle is responsible for being familiar with this complete policy.

H. PURCHASING POLICY

All contracts proposed by the County for the purchase of supplies, materials and services or for the construction, maintenance, repairs, or renovation of buildings, or for materials used in such construction, maintenance, repair, or renovation, shall be submitted to competitive bidding when such contracts are valued at \$25,000 or more.

In ordering supplies, materials, equipment, and/or services, the department shall use the requisition form provided by the County Auditor's office, and follow the purchasing policies approved by the Commissioners' Court.

Additional information on County purchasing may be obtained by contacting the County Auditor's office.

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