

**HOWARD COUNTY**

**EMPLOYEE MANUAL**

Last Revised and Approved in Commissioners' Court  
DECEMBER 12, 2022

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## HOWARD COUNTY HISTORY

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 coarse 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' 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.

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, 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, and, later, he was appointed to a position on the Supreme Bench of California, but declined the office on account of his advanced age and ill health. He died in 1889.

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

(A duplicate of this page is to be signed and placed 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 read this manual, 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 understand that if I have questions about any provision 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

**HOWARD COUNTY  
INTRODUCTORY POLICES**

**INTRODUCTORY POLICIES**

**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 that 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 that are not clear or problems you have in relation to these policies, you are asked to consult with your department head. Each department may have additional policies or procedures governing their employees. Each elected official may have additional or differing policies or procedures 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. This edition of the Howard County Employee Manual replaces any previous existing manuals.

**B. 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 of 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 respective department. No employee will have authority to bind Howard County into any obligations of contract, express or implied without written consent from the Commissioners' Court and in accordance with law.



**HOWARD COUNTY  
INTRODUCTORY POLICES**

**C. CHANGE OF POLICY**

The County expressly reserves the right to change any policy at any time. We will notify you of these changes on the Employee Self Service and by sending them to your department head to post. Changes will be effective on the date determined by the Commissioners' Court and you may not rely on policies that have been superseded.

**D. 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 for 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.

HOWARD COUNTY  
INITIAL EMPLOYMENT INFORMATION

## 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 Fair Labor Standards Act. Exempt employees do not earn overtime (time or cash) for hours worked over 40 hours in a seven-day work period; law enforcement employees do not earn overtime for hours worked over 80 hours in a 14-day work period. 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.
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.
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.

HOWARD COUNTY  
INITIAL EMPLOYMENT INFORMATION

- 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, gender, age, disability, veteran status, genetic information, 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 they have been unlawfully discriminated against or harassed should notify their supervisor immediately. If, for any reason, the employee feels uncomfortable discussing the matter with the supervisor, they should feel free to go directly to their 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**

The County may not take an 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**

The law prohibits harassment of employees on the basis of race, color, religion, gender, LGBTQ+, national origin, disability, age, veteran status, genetic information, 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 customer. All employees, including

HOWARD COUNTY  
INITIAL EMPLOYMENT INFORMATION

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; or

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 either to 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.

**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 their 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

HOWARD COUNTY  
INITIAL EMPLOYMENT INFORMATION

Treasurer representative present at all times. The employee may also request a copy of their 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 online posting. Employees may not participate in on-duty campaigning for any particular candidate. No County official shall pressure any County employee to support them 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 they supervise.

In cases not involving officials covered by the nepotism laws, the County will allow the employment of relatives. However, in any situation where relatives are employed, the County reserves the right to evaluate the nature of each 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 required 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.

HOWARD COUNTY  
INITIAL EMPLOYMENT INFORMATION

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

**J. REFERENCES**

The County has a neutral reference policy. All requests for employment references should be sent to the County Treasurer's office. The Treasurer will confirm dates of employment only.

HOWARD COUNTY  
SAFETY AND HEALTH

## **SAFETY AND HEALTH**

### **A. EMPLOYEE SAFETY**

Safety in Howard County is the responsibility of every employee. 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 their 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. As such, the County prohibits the possessing or carrying of concealed or other weapons while on County business (except when secured in the employee's personal vehicle), onto the County's premises, or in County vehicles. This policy applies regardless of whether the employee is legally licensed to carry a concealed weapon under state law, or if the weapon is otherwise legally possessed by the employee. Certain authorized positions, such as law enforcement, may be exempt from this policy.

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

HOWARD COUNTY  
SAFETY AND HEALTH

or shorter. “Possessing” or “carrying” means to exercise care, custody, control or management over, whether directly or indirectly, what is in one’s physical possession..

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.

**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.



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**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.

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 or cooperate in an investigation on possible violations, including refusal to consent to a drug test, may also result in corrective action or termination.

**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

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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 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 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

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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 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

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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.

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 they are 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;

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- g. All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

**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 their 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 they undergo 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:

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

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- Flushed face
- Change of speech (i.e. faster or slower)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets
- Forgetfulness - performance faltering - poor concentration
- Borrowing money from 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 they believe, 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.

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- 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 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 their 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



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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, they shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in their system. Adherence by drivers to post-accident specimen collection requirements is a condition of continued employment.

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,

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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.

**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 they 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 their 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.

# Howard County CDL Drug and Alcohol Testing Policy and Procedures for Road & Bridge and EO

## Introduction

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

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

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

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

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Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. Howard County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective 01/06/2020 and will supersede all prior policies and statements relating to alcohol or drugs for CDL drivers.

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

## Policy Statement

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

It is the policy of Howard County to comply with the U.S. Department of Transportation, FMCSA Clearinghouse, a secure online database that provides employers with real-time information about CDL driver drug and alcohol program violations. Howard County will conduct both electronic queries and traditional manual queries with previous employers from January 6, 2020 to January 5, 2023 as required by FMCSA's drug and alcohol use testing program, for checking CDL driver violation histories. Drivers may view their own records. Employees will be required to provide a consent form from the CDL holder to conduct both Limited and Specific inquiries.

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

- The performance of safety-sensitive functions is prohibited by CDL employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, Howard County prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.
- Use of controlled substances by CDL employees covered by the Policy is prohibited and is in accordance with the regulations issued by the U.S. Department of Transportation.

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- A CDL employee is performing a safety-sensitive function at the following times:
  - All time on county property, public property, or other property waiting to be dispatched to drive,
  - All time inspecting, servicing or conditioning any CMV at any time,
  - All CMV driving time,
  - All time other than driving time in or upon any CMV,
  - All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded,
  - All time spent performing driver requirements relating to accidents, and
  - All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## Definitions

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

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

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

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

**Clearinghouse:** A secure online database that gives the county real-time information about CDL driver drug and alcohol program violations.

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

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

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

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

- Has a gross vehicle weight rating or gross combination weight rating of 26,001 lbs. or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials as determined by the Hazardous Materials Transportation Act, 49 USC 5101, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations, 49 CFR chapter I, subchapter C.

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

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

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

**Driver** means any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers: casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are directly employed by or under lease to the County or who operate a commercial motor vehicle at

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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.

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

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

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

**On duty time** means all time from the time a driver begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work. “On duty time” shall include:

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

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

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

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

**Screening test:**

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

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

## Responsibilities

**Road & Bridge Dept. or Road Administrator:** is responsible for the following Drug and Alcohol Screening compliance activities:

- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by the Road Administrator pursuant to county policy.



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- Review all driver qualification forms and documents for completeness and compliance.
- Maintain Driver Qualification files includes mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more' a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)
- **Use the DOT Clearinghouse to make queries regarding CDL drivers violations, as well as, updating Clearinghouse after a CDL driver has completed drug and alcohol testing in accordance with DOT regulations.**

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

- Active participation in the hiring process for employees who drive CMVs, which includes:
  - Ensuring all offers of employment shall be contingent upon successful conformation of prior employment, driving record, completion of physical, drug and alcohol testing, and other DOT requirements for drivers.
  - Ensuring the post-offer applicant obtains their CDL drug testing.
- Informing and requiring CDL drivers to submit a urine sample for drug/alcohol testing at the designated medical and/or collection facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and County policy, and
  - Contact Road & Bridge Department as soon as possible following the incident, and
  - Complete the Supervisors Reasonable Suspicion Form.
- Compliance with DOT regulations

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

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

### SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS

A. Alcohol use means the consumption of any beverage, mixture, or preparation,

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including any medications containing alcohol which, when consumed causes an alcohol concentration of 0.02 or greater.

- B. **Controlled Substance:** In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

Marijuana

Cocaine

Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)

Amphetamines

Phencyclidine (PCP)

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

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

## PROHIBITIONS

### A. Alcohol Prohibitions:

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

1. Use while performing safety-sensitive functions.
2. Use during the 4 hours before performing safety-sensitive functions.
3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.02 or greater.

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

**B. Drug Prohibitions:**

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

1. 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;
2. Testing positive for drugs; and
3. Refusing to take a required test.

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

## Procedures

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

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testing guidelines and regulations issued by the Department of Transportation. The following tests are required:

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

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

- Abnormally dilated or constricted pupils
- Glazed stare - redness of eyes (sclera)
- Flushed face
- Change of speech (i.e. faster or slower)
- Constant sniffing
- Increased absences
- Redness under nose
- Sudden weight loss
- Needle marks
- Change in personality (i.e. paranoia)
- Increased appetite for sweets

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- Forgetfulness-performance faltering-poor concentration
  - Borrowing money from co-workers or seeking an advance of pay or other unusual display of need for money
  - Constant fatigue or hyperactivity
  - Smell of alcohol
  - Slurred speech
  - Difficulty walking
  - Excessive, unexplained absences
  - Dulled mental processes
  - Slowed reaction rate
- 
- **Random:** Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs.
    - Each year, the number of random alcohol tests conducted by the County must equal at least \*10% of all the safety-sensitive CDL employees.
    - Random drug tests conducted by the County must equal at least \*50% of all CDL employees.

\*Note: These percentages are subject to change. The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol and controlled substances testing will be applicable starting January 1 of the calendar year following publication in the **Federal Register**.

- **Return to Duty and Follow-up.** Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. All positive tests require a negative test result in order for employee to return to duty.
  - Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty.
  - Follow-up testing may be extended for up to sixty (60) months following the return to duty.

### Conducting Tests

- **Alcohol:** DOT rules require breath testing using evidential breath testing (EBT) devices.
  - Two breath tests are required to determine if a person has a prohibited alcohol concentration.

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- A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second, confirmation test must be conducted
- **Drugs:** Drug testing is conducted by analyzing a driver's urine specimen, and must be conducted through a U.S. Department of Health and Human Services certified facility.
  - Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.
  - DOT rules require a split specimen procedure.
    - Each urine specimen is subdivided into two bottles labeled as primary and split.
    - Both bottles are sent to the laboratory.
    - Only the primary specimen is opened and used for the urinalysis.
    - The split specimen remains sealed at the laboratory.
    - If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.
  - All urine specimens are currently analyzed for the following drugs:
    - Marijuana (THC metabolite)
    - Cocaine
    - Amphetamines
    - Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)
    - Phencyclidine (PCP)
  - Testing is conducted using a two-stage process.
    - First, a screening test is performed.
    - If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.
    - Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
  - All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the County.
    - If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen.
    - For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive

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test result. The MRO will take into consideration when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.

- If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative as a negative result.

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

- Refusal to submit to an alcohol or controlled substances test means that a CDL employee:
  - Fails to provide adequate breath for testing without a valid medical explanation after they have received notice of the requirement for breath testing in accordance with the provisions of this policy,
  - Fails to provide adequate urine for controlled substances testing without a valid medical explanation after they have received notice of the requirement for urine testing in accordance with the provisions of this policy,
  - Refuses to wash their hands after being directed to do so during collection of a urine sample,
  - Admits to the collector of a urine sample that they have adulterated or substituted their specimen,
  - An observed collection of a urine sample, fails to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if they have any type of prosthetic or other device that could be used to interfere with the collection process,
  - Possesses or wears a prosthetic or other device that could be used to interfere with the collection process, or
  - Behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

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

- CDL employees who have any alcohol concentration, defined as 0.02 or greater, who are tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for a minimum 24 hours.

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- Disciplinary action may up to and including termination may be imposed upon an employee whose alcohol test reveals any alcohol concentration, between 0.02 and 0.04.
- CDL employees who engage in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use, must be immediately removed from safety-sensitive functions for a period of time determined by the County at its' sole discretion.
  - Disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use.

NOTE BELOW ARE ONLY SOME OPTIONS TO CONSIDER:

- Unless the circumstances warrant more serious discipline, the first time a CDL employee tests positive for alcohol use greater than 0.04 or drug use, they shall receive a one (1) day unpaid suspension.
- If a CDL employee tests positive for alcohol use greater than 0.04 or drug use for a second time within the five year period immediately following their first positive test, they will be terminated.
- A CDL employee in their introductory or training period who tests positive for any alcohol concentration (defined as 0.02 or greater) or drug use, shall be terminated.
- A CDL employee who tests positive for alcohol use greater than 0.04 or drug use, but is not terminated must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with their alcohol or drug problem. Failure to comply will result in immediate termination.
  - The payment for any recommended treatment will be strictly at the expense of the employee (or their health insurance program, if applicable).
  - Employees may be placed on sick leave or leave without pay status during the treatment period, whichever is appropriate.
- CDL employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
- Once an employee successfully completes rehabilitation, they shall be returned to their regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

**Information/Training**



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

### **Record Keeping**

- Howard County will keep detailed records of its drug and alcohol program per DOT Regulations.
- These records are confidential. Test results will only be released to the county, the substance abuse professional or the MRO. Any other release will only be made with written consent of the CDL driver or in response to court order.
- **All Howard County drug and alcohol test results will be updated in the DOT Clearinghouse online database as required by DOT regulation.**

### **APPEAL OF TEST RESULTS**

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of Howard County, but causes serious individual health consequences to those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-

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sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.

- B. Any driver testing positive for the presence of a controlled substance will be contacted by the County's MRO. The driver will be allowed to explain and present medical documentation to explain any permissible use of a drug. All such discussions between the driver and the MRO will be confidential. The County will not be a party to, or have access to matters discussed between the driver and the MRO. If medically supportable reasons exist to explain the positive result, the MRO will report the test result to the County as a negative.
  
- C. Within 72 hours after the driver has been notified of a positive test result for drugs they may request a retest at their expense of the split sample. This signed request will be provided to the MRO in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, the test will be voided by the MRO, and the County's Alcohol and Drug Program Administrator will be notified. A retest may be initiated as appropriate.

**VIII. CONFIDENTIALITY**

Under no circumstance, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee, **except for the requirement to utilize the Clearinghouse, which is the DOT online database for drug and alcohol testing results.**

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 their alcohol or controlled substance tests. Copies will be provided within 5 days.

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

Alcohol test results will be forwarded by the MRO to the Alcohol and Drug Program

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Administrator for confidential record keeping.

# Drug/ Alcohol & Accident Reporting Policy

## Statement of Purpose and Policy:

This policy is to clarify the County Policy for CDL drivers employed by the Road & Bridge Department as it relates drug / alcohol testing & accident reporting. As all employees, except for the administrative assistant and Part Time Maintenance Tech IVs are required to have a CDL within 6 months of being hired therefore this policy applies with the exceptions noted even within the first six months. The Howard County Employee Manual, Safety and Health Section, Subsection F, 4. 4. Driver Applicant and Current Driver Testing, c. Post-Accident Testing (Pages 19&20) place responsibility on the driver and state that the testing shall be done “as soon as possible”. Current Federal Regulations require that an alcohol test be performed within 2 hours of an accident. Therefore notification of the accident must occur with enough time to conduct the required drug/alcohol test within the allotted 2 hour period.

## Definitions:

Accident- means any action that results in bodily injury of a person that requires medical treatment, whether that treatment is immediate or occurs later. A collision between two vehicles regardless of the amount of damage, including two County owned vehicles. A single vehicle collision resulting in damage to the vehicle of more than \$1,000.00.

## Procedure:

- A) On Duty, Non-Emergency Accident: Within 1 hour of an accident as defined in this policy it is the duty of the employee to notify their supervisor or the department head of the accident. The supervisor or the department head will determine if the employee can drive to the testing facility or if that person needs to be driven there. Failure to notify the supervisor or the department head within this time frame is considered refusal to take a required test.
- B) Off Duty, Non-Emergency Accident (applies only to those driving County Vehicles home): Within 1 hour of an accident as defined in this policy it is the duty of the employee to notify their supervisor or the department head of the accident. The supervisor or the department head will determine if the employee can drive to the testing facility or if that person needs to be driven there. The testing facility is available 24 hours a day at (432) 264-1920. Failure to notify the supervisor or the department head within this time frame is considered refusal to take a required test.
- C) Emergency Accidents: Depending on the severity, notify 911. If conscious and able the employee is to notify their supervisor or the department head of the accident. If the injured employee is not conscious or able, and another employee is at the scene that employee shall make the necessary notification. If 911 has not been notified the supervisor or the department head will decide to take the employee to the emergency room or triage at our testing facility. In the event of 911 notification or transport to the

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emergency room the supervisor or the department head will contact the testing facility, which is available 24 hours a day at (432) 264-1920 and arrange to have a technician at the emergency room. In the event of life threatening injuries the need to receive medical attention is foremost priority, however all practical efforts to insure testing must be made. Whenever possible the test should be made before pain medication is given.

# Accident Reporting Policy

## Statement of Purpose and Policy:

This policy is to clarify the County Policy for CDL drivers employed by the Equipment Operating Department as it relates drug / alcohol testing & accident reporting. As all employees are required to have a CDL within 6 months of being hired this policy applies even within the first six months. The Howard County Employee Manual, Safety and Health Section, Subsection F, 4. 4. Driver Applicant and Current Driver Testing, c. Post-Accident Testing (Pages 19&20) place responsibility on the driver and state that the testing shall be done "as soon as possible". Current Federal Regulations require that an alcohol test be performed within 2 hours of an accident. Therefore, notification of the accident must occur with enough time to conduct the required drug/alcohol test within the allotted 2 hour period.

## Definitions:

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- A) On Duty, Non-Emergency Accident: Within 1 hour of an accident as defined in this policy it is the duty of the employee to notify their supervisor or the department head of the accident. The supervisor or the department head will determine if the employee can drive to the testing facility or if that person needs to be driven there. Failure to notify the supervisor or the department head within this time frame is considered refusal to take a required test.
- B) Off Duty, Non-Emergency Accident (applies only to those driving County Vehicles home): Within 1 hour of an accident as defined in this policy it is the duty of the employee to notify their supervisor or the department head of the accident. The supervisor or the department head will determine if the employee can drive to the testing facility or if that person needs to be driven there. The testing facility is available 24 hours a day at (432) 264-1920. Failure to notify the supervisor or the department head within this time frame is considered refusal to take a required test.
- C) Emergency Accidents: Depending on the severity, notify 911. If conscious and able the employee is to notify their supervisor or the department head of the accident. If the injured employee is not conscious or able, and another employee is at the scene that employee shall make the necessary notification. If 911 has not been notified the supervisor or the department head will decide to take the employee to the emergency room or triage at our testing facility. In the event of 911 notification or transport to the emergency room the supervisor or the department head will contact the testing facility,

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which is available 24 hours a day at (432) 264-1920 and arrange to have a technician at the emergency room. In the event of life threatening injuries the need to receive medical attention is foremost priority, however all practical efforts to insure testing must be made. Whenever possible the test should be made before pain medication is given.

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# Use of Employee-owned Vehicles for Work

Location: Howard County  
Effective Date: July 26, 2021  
Revision Number: 1

## Scope

The scope of this policy is to establish rules pertaining to the use of an employee-owned/ leased or rented/ hired vehicles for work-related business. This policy applies to all Howard County employees using their personal vehicles for work-related business.

## Definitions

Employee-owned vehicle: A vehicle for which the employee is the owner or sole signatory of a vehicle-lease agreement.

Work-related business: Any activities carried out in connection with the interests of Howard County.

## Personal Vehicle Use

Howard County recognizes that certain employees, because of their job requirements, will have to operate their personally owned/ rented vehicles or rented/ hired vehicles while conducting Howard County business. Use of a personal vehicle for work-related business is strictly prohibited without prior written permission from management. In emergency situations, such as serious illness or a medical emergency, the authorized employee may designate an unauthorized operator to use their personal vehicle strictly on an emergency-only basis.

- Employee must be eligible to drive for Howard County to qualify.
- Employees' vehicles must meet safety standards.

## Driver Criteria

Motor vehicle records (MVRs) will be requested at least once per year. Management reserves the right to use its discretion in determining an unsatisfactory MVR. As a guideline,

MVRs will be obtained on new drivers at the time of employment or when transitioning into a driving position. MVRs will be obtained annually thereafter. Management will determine the acceptability of a driver's MVR based on the grid below. Prospective employees must have an MVR that is CLEAR or ACCEPTABLE in order to be hired for positions requiring driving. Current drivers must have a record that is CLEAR, ACCEPTABLE, or BORDERLINE. Management may restrict the driving privileges of individuals with BORDERLINE records or require drivers to receive additional training or monitoring. Drivers with POOR records will be suspended from driving on organization business.

**Management reserves the right to make exceptions and changes to this policy as deemed acceptable**



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Number Of Violations	NUMBER OF PREVENTABLE ACCIDENTS			
	0	1	2	3+
0	CLEAR	ACCEPTABLE	BORDERLINE	POOR
1	ACCEPTABLE	ACCEPTABLE	BORDERLINE	POOR
2	ACCEPTABLE	BORDERLINE	POOR	POOR
3+	POOR	POOR	POOR	POOR
ANY MAJOR <small>Past Five Yrs.</small>	POOR	POOR	POOR	POOR

**Poor or Borderline MVRs**

- Prospective employees – do not hire for driving positions.**
- Volunteers – do not authorize to drive.**
- Current drivers – suspend driving privileges and/or implement controls.**

Examples of controls for borderline MVRs:

- Counsel the driver, highlighting the impact of another violation or accident
- Obtain MVRs on a quarterly basis
- Lower speed governors on vehicles equipped with them
- Monitor truck engine reports for hard brakes, speeding and other signs of aggressive driving
- Periodic ride-alongs to observe driving behavior and coach driver
- Defensive driving training
- Loss of driving privileges between work and home for those with an assigned vehicle
- Loss of all personal use of a company vehicle or ability to drive on company business

Driving an employee-owned vehicle for work-related business under the influence of alcohol or any other illegal substance is strictly prohibited and is grounds for termination. Additionally, employees are not to be under the influence of prescription drugs that cause drowsiness and/or other forms of impairment that prevent the safe usage of motorized vehicles.

**Prohibited Behavior**

Use of company vehicles is a privilege. Behaviors that result in suspension or permanent loss of driving privileges include the following:

- Driving while under the influence of drugs or alcohol
- Negligent homicide
- Operating a vehicle with a suspended license
- Using a motor vehicle for commission of a felony
- Aggravated assault with a motor vehicle
- Reckless driving

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Hit and run

Three convictions for moving violations

Use of a company vehicle without authorization

Three or more major traffic violations

More than two preventable accidents involving personal injury or property damage in any three-year period

### **Drug and Alcohol Testing**

Our company reserves the right to conduct initial and/or periodic random drug and alcohol testing. Testing will be conducted by a licensed medical facility designated by the company. Any positive results will be cause for loss of privilege of driving for work-related purposes.

### **Safe Driving Requirements**

All employee-owned vehicle operators are responsible for using their vehicles in a safe and responsible manner while conducting work-related business and are to abide by all applicable traffic laws while operating the vehicles.

Usage of any handheld device (e.g., cell phones and GPS devices) is **strictly prohibited** while driving. Cell phone usage with hands-free audio is also prohibited while operating a vehicle for work-related business.

Employees must drive vehicles that have at least four wheels for business use. (ie: Motorcycles are not allowed to be driven on company business)

Employees operating non-owned vehicles for company business must follow all MVR and company rules set for operators of company vehicles.

Drivers operating personal vehicles on company business are insured for liability incurred on an excess basis under the Howard County, insurance program. Personal insurance or other available insurance coverage limits must be exhausted before Howard County, insurance applies.

Drivers operating Howard County owned or rented vehicles within the course and scope of employment and/or authorization are insured for liability that may arise from their actions under the provisions of the above referenced statute. There is no insurance coverage for unauthorized use of Howard County owned or rented vehicles, and the driver is responsible for all damages.

Commercial rental or leased vehicle owners/agencies that have incurred damages arising from company business use of these vehicles should be referred to the Human Resources Manager for information about the Howard County carrier, claim forms and/or information about submitting a liability claim.

### **Licensing Requirements**

Employees operating an employee-owned vehicle for work-related business are required to possess a valid driver's license in good standing, and the license held must be valid for the type of motor vehicle being used. Any operator who has their driver's license revoked or suspended shall notify Howard County immediately. In this event, the operator shall immediately cease any usage of employee-owned vehicles for work-related business.

Howard County reserves the right to check employees' MVRs at any time while they are using an employee-owned vehicle for work-related business. Employees approved to drive on work-related business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive, or their continued insurability.

### **Insurance Requirements**

Prior to using their vehicle for work, employees will properly register, license and insure their vehicle.

There is no insurance coverage offered by Howard County for physical damage to personal vehicles used on Howard County business (including deductibles).

Drivers operating their personal vehicles are responsible for notifying their insurance carrier of business use and such personal insurance must be set up to allow for business use.

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### SAFETY AND HEALTH

Insurance limits must be \$100,000 for bodily injury liability insurance per person, \$300,000 for total bodily injury liability insurance per accident, and \$100,000 for property damage liability per accident.

Drivers must submit evidence of insurance coverage and limits to the Human Resource Manager before driving on company business.

Drivers also notify the Human Resources Manager if their coverage is lost or cancelled anytime during their policy period.

Each employee must have, maintain and renew the aforementioned insurance coverage while the vehicle is used to conduct work-related business. Employees must also provide their supervisor with proof of insurance before using the vehicle for work-related business and at any point in which the policy is renewed or changed. Employees must provide proof that they have declared the use of their vehicles for work-related business to their insurers.

#### **Vehicle Standards**

Howard County will apply the following criteria before approving any employee-owned vehicle for work use. The vehicle must:

- Satisfy requirements of the State it is driven in.
- Be in sound mechanical condition.

#### **Employee-owned Vehicle Maintenance**

To retain the safety and integrity of the employee's vehicle, the employee must conduct routine motor vehicle maintenance according to the manufacturer's specifications. Maintenance includes conducting a visual pre-trip vehicle inspection, including a review of tires, windshield wipers, brakes, mirrors and lights. Employees should report any needed repairs to their supervisor immediately.

Where appropriate, employees are expected to use a qualified individual—such as a certified mechanic—to conduct the checks. Employees should record inspection results to document the fact that the checks are conducted on a regular basis.

Our company reserves the right to review employee maintenance records at any time, for any reason.

#### **Incident Reporting Procedures and Investigations**

If involved in a motor vehicle incident, employees will cooperate to help Howard County meet its obligations and to take steps to prevent future occurrences. All accidents and moving violations must be reported to the driver's supervisor as soon as possible, but no later than 24 hours after the incident. The employee must be willing to participate in the incident investigation, and work with the investigation team to complete the investigation report and implement corrective measures.

If an employee sustains physical damage to Howard County property as a result of their negligence, the employee may be held responsible for reimbursement for the damage incurred.

#### **Reimbursable Expenses**

The following vehicle-related expenses are reimbursable: Mileage on a personal owned vehicle. The mileage reimbursement rate includes a cost factor for personal insurance. Refer to the Howard County Vehicle Mileage Reimbursement Policy for more information.

HOWARD COUNTY  
SAFETY AND HEALTH

I have read, understand and agree to abide by Howard County Use of Employee-owned Vehicles for Work Policy. I understand violations of this policy will not be tolerated and may include disciplinary action, including termination.

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Printed Name

Employer Witness Signature

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Employee Signature

Date

HOWARD COUNTY  
SAFETY AND HEALTH

# Mobile Technology Device Policy While Driving

Location: All Howard County Employees

Effective Date: July 26, 2021

Revision Number: 1

## Purpose

This policy establishes how Howard County will comply with restrictions of mobile device use when operating a motor vehicle.

## Scope

This policy applies to all employees who use company vehicles, rented vehicles on the company's behalf or personal vehicles used for company purposes.

## Background

Use of mobile technology devices such as cellular phones, laptops, personal digital assistants, navigation systems, and portable digital audio and video players have been shown to distract drivers and can increase the risk of motor vehicle accidents. To help reduce the possibility of vehicle accidents in connection with the use of mobile technology, Howard County has adopted this policy applicable to all employees while driving a company vehicle or any other vehicle (including rented, leased, borrowed, or personally owned vehicle) while conducting company business.

- Employees should comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cellular phones.
- Use of handheld cellular phones while driving is prohibited, with limited emergency exceptions.
- Cellular phone calls using hands-free technology while driving is prohibited, except by emergency vehicles.
- Sending or reading text messages or e-mails, dialing cellular phones, viewing television, videos or DVDs and inputting data into laptop computers, personal digital assistants or navigation systems should be prohibited while driving.

Receipt and acknowledgement of the written mobile technology device use policy by each employee is documented.

## Definitions

- **Hand-held mobile device** (also known as **cellphone, mobile phone, smart phone, hand-held cell, handset**): Any mobile communication device that falls under or uses any commercial mobile radio service, as defined in the Federal Communications Commission (FCC) 47 CFR § 20.3. Wireless communication devices such as satellite phones and broadband radio service are also included in this definition. Two-way radios, walkie-talkies, citizens band radios and compliant mobile devices (i.e. hands-free headsets) are not considered hand-held mobile devices.
- **Driving**: Operating a motor vehicle on the highway—including while temporarily stationary because of traffic, a traffic control device or other momentary delay. Driving does not include operating a motor vehicle when the driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

## HOWARD COUNTY

### SAFETY AND HEALTH

#### **General Procedures**

- Use of hand-held mobile devices while driving is strictly prohibited under Howard County policy. This includes all functions of the device, including phone calls, text messaging/SMS, email, MMS, internet use and camera use.
- Passengers making or taking calls for the driver is permissible, provided the interaction does not affect the driver's performance.
- Regular callers must be informed that the driver will not be available while driving and should be notified beforehand of the best times to call based on driving schedule.
- Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker to call back at a more appropriate time.

#### **Headset/ Hands-free Use**

Howard County prohibits employees from making calls regardless of the use of hands-free devices or headsets. Due to the increased risk of injury from distracted driving, Howard County prohibits the use of mobile devices in company vehicles to keep those on the road safe and reduce the liabilities of our drivers and Howard County, as a whole.

- If the need arises for the use of a mobile device, employees must pull over and find a safe place to park their vehicle prior to making the phone call. This can include parking lots, gas stations or, if necessary, the side of the road. The vehicle must not be in motion at any point of time that a phone call is being made.

#### **Exception in Cases of Emergency Vehicles**

Drivers are permitted to use a hand-held mobile device if necessary to communicate with law enforcement or other emergency services.

Howard County is not responsible for any traffic violations or parking tickets acquired by a violation of city ordinance, state or federal laws regarding your driving habits and during your operation of a company motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for our company. Drivers must report any traffic violations or parking tickets to their supervisor by the end of the shift during which they received the violation.

it is our policy that employees are prohibited from using a mobile device during the operation of a company vehicle, a company leased vehicle, or a personal vehicle being used for company purposes.

All company employees must comply with this Hand-held Mobile Device policy, and failure to follow the policy will result in discipline and/or termination. It is Howard County's mission to reduce the risk of traffic-related fatalities due to distracted driving caused by using a mobile device.

#### **Acknowledgment**

If you have any uncertainty or questions regarding the content of this policy, you are required to contact your supervisor. This should be done prior to signing and agreeing to this policy.

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I have read and understand Howard County's Hand-held Mobile Device Policy, and I understand the requirements and expectations of me as an employee. I agree to adhere to all provisions and procedures outlined in the policy, and I understand that failure to do so will result in discipline up to and including termination.

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Print Employee Name

Date

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Employee Signature

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HOWARD COUNTY  
SAFETY AND HEALTH

# Mobile Technology Device Policy While Driving For Road & Bridge / Equipment Operating

Location: All Howard County Employees

Effective Date: July 26, 2021

Revision Number: 1

## Purpose

This policy establishes how Howard County will comply with restrictions of mobile device use when operating a motor vehicle.

## Scope

This policy applies to all employees who use company vehicles, rented vehicles on the company's behalf or personal vehicles used for company purposes.

## Background

Use of mobile technology devices such as cellular phones, laptops, personal digital assistants, navigation systems, and portable digital audio and video players have been shown to distract drivers and can increase the risk of motor vehicle accidents. To help reduce the possibility of vehicle accidents in connection with the use of mobile technology, Howard County has adopted this policy applicable to all employees while driving a company vehicle or any other vehicle (including rented, leased, borrowed, or personally owned vehicle) while conducting company business.

- Employees should comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cellular phones.
- Use of handheld cellular phones while driving is prohibited, with limited emergency exceptions.
- Cellular phone calls using hands-free technology while driving is allowed.
- Sending or reading text messages or e-mails, dialing cellular phones, viewing television, videos or DVDs and inputting data into laptop computers, personal digital assistants are prohibited while driving.

Receipt and acknowledgement of the written mobile technology device use policy by each employee is documented.

## Definitions

- **Hand-held mobile device** (also known as **cellphone, mobile phone, smart phone, hand-held cell, handset**): Any mobile communication device that falls under or uses any commercial mobile radio service, as defined in the Federal Communications Commission (FCC) 47 CFR § 20.3. Wireless communication devices such as satellite phones and broadband radio service are also included in this definition. Two-way radios, walkie-talkies, citizens band radios and compliant mobile devices (i.e. hands-free headsets) are not considered hand-held mobile devices.
- **Driving**: Operating a motor vehicle on the highway—including while temporarily stationary because of traffic, a traffic control device or other momentary delay. Driving does not include operating a motor vehicle when the



**HOWARD COUNTY**  
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driver has moved the vehicle to the side of, or off, a highway and has halted in a location where the vehicle can safely remain stationary.

**General Procedures**

- Use of hand-held mobile devices while driving is strictly prohibited under Howard County policy. This includes all functions of the device, including phone calls, text messaging/SMS, email, MMS, internet use and camera use.
- Passengers making or taking calls for the driver is permissible, provided the interaction does not affect the driver's performance.
- Regular callers must be informed that the driver will not be available while driving and should be notified beforehand of the best times to call based on driving schedule.
- Employees who receive calls from co-workers who are driving are obligated to ask that the co-worker to call back at a more appropriate time.

**Exception in Cases of Emergency Vehicles**

Drivers are permitted to use a hand-held mobile device if necessary to communicate with law enforcement or other emergency services.

Howard County is not responsible for any traffic violations or parking tickets acquired by a violation of city ordinance, state or federal laws regarding your driving habits and during your operation of a company motor vehicle. Any ticket issued is the employee's responsibility, even if the ticket is issued while conducting business for our company. Drivers must report any traffic violations or parking tickets to their supervisor by the end of the shift during which they received the violation.

it is our policy that employees are prohibited from using a mobile device during the operation of a company vehicle, a company leased vehicle, or a personal vehicle being used for company purposes.

All company employees must comply with this Hand-held Mobile Device policy, and failure to follow the policy will result in discipline and/or termination. It is Howard County's mission to reduce the risk of traffic-related fatalities due to distracted driving caused by using a mobile device.

**Acknowledgment**

If you have any uncertainty or questions regarding the content of this policy, you are required to contact your supervisor. This should be done prior to signing and agreeing to this policy.

I have read and understand Howard County's Hand-held Mobile Device Policy, and I understand the requirements and expectations of me as an employee. I agree to adhere to all provisions and procedures outlined in the policy, and I understand that failure to do so will result in discipline up to and including termination.

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Print Employee Name

Date

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Employee Signature

HOWARD COUNTY  
STANDARDS OF CONDUCT  
AND PERFORMANCE MANAGEMENT

**STANDARDS OF CONDUCT  
AND PERFORMANCE MANAGEMENT**

**A. EMPLOYEE APPEARANCE AND CONDUCT**

It is the policy of the County that each employee is accountable for adhering to standards of dress and image that project professionalism and contribute to a respectful and business-like environment. A dress code provides the minimum standard for this image and employees are encouraged to exceed the minimum.

All clothing must be clean and pressed, and personal grooming and hygiene must be neat and clean. Clothes must fit properly, and not be overly loose or tight, sexually provocative, sheer, or unhemmed. Undergarments may not be exposed. If an employee has a question about whether a particular item of clothing is appropriate, the employee should consult a supervisor before wearing the item of clothing to work.

If exposed, tattoos must be discreet and tasteful. Offensive tattoos or those covering significant amounts of visible skin are prohibited. Hair must be conservatively styled and, if artificially colored, must be a color that grows naturally. Facial jewelry is prohibited.

For employees who work in office settings, professional business-casual attire is required while working, including for all trainings, conferences, and similar events unless otherwise instructed by management.

Some County employees may have different dress codes or uniform requirements. These will be communicated to employees by their supervisors. Supervisors must administer guidelines that are appropriate for their work units and counsel their employees when necessary. Employees who are issued uniforms shall be responsible for maintaining their uniforms in a neat and orderly manner. While in uniform, employees must conduct themselves in a manner that represents pride in the County and the citizens they serve.

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.

HOWARD COUNTY  
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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.*

**C. CONFIDENTIALITY**

Certain 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. Such confidential information includes but is not limited to: employee health information and information related to ongoing litigation. Certain positions at the County may have a higher duty of confidentiality if they are entrusted with information because of their position, such as employees working in human resources, tax, medical facilities, etc. All outside requests for public information must be forwarded to the elected official or department head for response in accordance with the Texas Public Information Act and its exceptions.

HOWARD COUNTY  
STANDARDS OF CONDUCT  
AND PERFORMANCE MANAGEMENT

**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. Department Heads should review and approve 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 their job.

To maintain safety for our employees and others on the road, the use of any cell phone or other handheld communication device while driving a County vehicle is strictly prohibited. Additionally, employees are prohibited from using any cell phone or other handheld communication device for County business purposes, while driving any vehicle. This includes, but is not limited to, answering or making calls and engaging in phone conversations (unless using a hands-free device), and reading or responding to emails and text messages.

**Expectation of Privacy**

Texts, emails and other communications sent on your personal cell phone or device may be subject to open-records requests if such communications involve County business. If you send or receive communications relating to County business on your personal device, you must transmit it to the County system or otherwise preserve it according to record retention laws.

Additionally, any information received or transmitted on County devices, whether County business or not, may be subject to open-records requests.

**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,

HOWARD COUNTY  
STANDARDS OF CONDUCT  
AND PERFORMANCE MANAGEMENT

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 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.

HOWARD COUNTY  
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AND PERFORMANCE MANAGEMENT

**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, INTERNET, AND SOCIAL MEDIA 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 email. 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 email 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 online applications and postings.

Officials, staff and volunteers who post material on non-County social media 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. This policy does not, however, prohibit employees from exercising their First Amendment rights.

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

**I. SMOKING/TOBACCO USE**

Howard County is a tobacco-free work place. Employees are prohibited from using any form of tobacco product while on duty except for designated break periods. Employees and

HOWARD COUNTY  
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visitors are prohibited from smoking, including using “e-cigarettes”, or using any form of tobacco product inside County buildings, enclosed walkways and County vehicles.

While on break, employees should refrain from smoking or using any form of tobacco product in public areas where the public and/or employees must walk through to enter a County building (i.e. near a door of a County building.)

**J. 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.

HOWARD COUNTY  
WAGE ADMINISTRATION AND PAYROLL PRACTICES

**WAGE ADMINISTRATION AND  
PAYROLL PRACTICES**

**A. TYPES OF POSITIONS**

1. **Full-time regular** - Employees in this classification work at least 30 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 30 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 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**

All newly hired employees are to report to the County Treasurer's office to complete new hire paperwork, such as W4, Time-Clock forms, retirement and insurance forms.



HOWARD COUNTY  
WAGE ADMINISTRATION AND PAYROLL PRACTICES

**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 employees who are appointed by elected officials other than the Commissioners' Court may have their departmental operation set by those who appointed them. The Commissioners' Court may establish the hours of operation in 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.

**Nursing Mother Breast Milk Expression (Pumping) Break Policy:**

For the year following the birth of their child, employees who are nursing mothers are allowed reasonable break time, comfort and privacy to express milk. If regularly scheduled breaks and meal times are not sufficient, nursing mothers may take additional time to express milk. These additional breaks are not considered compensable working time and should be deducted from the total time worked. Employees may choose to use accrued paid leave for this purpose. Nursing mothers should notify their immediate supervisor or HR of their need for this accommodation so that arrangements can be made to provide a private, comfortable location to express milk.

**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 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.**

## HOWARD COUNTY

### WAGE ADMINISTRATION AND PAYROLL PRACTICES

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 checkmarks, and for paper time sheets to be completed and in the County Treasurer's office. 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 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 (e.g., holidays, vacation and sick leave) will not be used in calculating overtime, this may mean adjusting sick/vacation hours down so weekly total is even 40 hours.

Law enforcement employees with 14 consecutive day work periods are entitled to time and one-half overtime pay for hours **actually** 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.**

HOWARD COUNTY  
WAGE ADMINISTRATION AND PAYROLL PRACTICES

**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.

**H. WAGE DEDUCTIONS FROM SALARIED, EXEMPT EMPLOYEES**

This policy applies when deductions are made from the wages of salaried, exempt employees only. Deductions from accrued leave banks are allowed in partial- or full-day increments, and are not covered by this policy.

Exempt employees paid on a “salary basis” are those who regularly receive a predetermined amount constituting all or part of the employee’s compensation, which is not subject to deduction due to variations in the quality or quantity of work performed. Exempt employees need not be paid for any seven-day workweek in which they perform no work. In order to remain exempt from overtime, salaried employees will receive full salary for any week in which they perform any work without regard to the number of days or hours worked, unless the wage deduction is based on legal withholding (e.g., payroll taxes, authorized insurance payments, legal garnishment), or the deduction falls under one of the following exceptions:

Allowable Wage Deductions

- A. Pay deductions may be made for an absence of one or more full days for personal reasons (unrelated to sickness or disability) following the employee’s exhaustion of applicable accrued paid leave. (For example, if an exempt employee is absent for 1½ days, a deduction will be allowed for one day).
- B. Pay deductions may be made for an absence of one or more full days for sickness or disability in accordance with our written benefit policies regarding sick leave, vacation leave and/or disability leave.
- C. During a workweek where some work is performed, no deductions will be made for exempt employees’ absence due to jury duty, attendance or testimony as a witness, or for temporary military leave.
- D. Pay deductions may be made as penalties for good-faith enforcement of written workplace safety rule violations of major significance.
- E. Pay deductions may be made for unpaid disciplinary suspensions of one or more full days imposed in good faith for violations of written workplace conduct rules, but not for performance or attendance problems.
- F. Pay deductions may be made during the employee’s first and last week of employment, for the balance of the week before the start date and after the last day of work.

## HOWARD COUNTY

### WAGE ADMINISTRATION AND PAYROLL PRACTICES

G. Pursuant to the Family and Medical Leave Act, pay deductions may be made for any proportion of unpaid leave taken pursuant to the FMLA, including intermittent or partial day leave.

#### Improper Deductions

- A. Pay deductions of less than one week will not be made for absences made necessary by operating requirements of the County.
- B. Deductions are not permitted for partial-day absences.
- C. Deductions are not permitted for variations in the quality or quantity of work.

#### Grievance Procedures

Improper deductions are not permitted. Any employee who suspects or believes that improper deductions have been made from the employee's salary should report the possible violation in writing to the County Treasurer. The Treasurer will promptly investigate the complaint/report of any improper deduction. The County will not tolerate retaliation against the employee for making a complaint regarding improper pay deductions—regardless of whether the complaint/report is determined to have merit. If it is determined that improper deductions have been made from an employee's pay, the Treasurer will promptly reimburse the employee(s) for such deductions. Additionally, the Treasurer will make every effort to ensure that no similar improper deductions are made in the future. Questions regarding payroll and deductions should be directed to County Treasurer.

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**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. DIRECT DEPOSIT**

Howard County adopted a mandatory Direct Deposit Policy for paychecks to all employees and elected officials on January 10, 2022 to begin on April 1, 2022. All new hires will be required to fill out a Direct Deposit form to the banking institution of employee's choice in the new hire process in the Treasurer's Office.

**D. DEFERRED COMPENSATION**

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

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**E. GROUP HEALTH AND DENTAL INSURANCE**

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

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

**F. 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. Examples 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

**G. 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.

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**H. 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: \$25.00 per month for each year of service.

Example: Three years' employment would result in payment of \$75.00 longevity pay per month.

Prior Service: Employees returning to work with the County will be considered a new employee and will go through the above process to receive longevity pay with no prior credit in amount previously received before leaving employment with the County.

**I. 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 their contribution. The employee shall not be entitled to the County's portion contributed to the system on their behalf, should the employee make a withdrawal.

County employees eligible for membership in TCERS 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 they have:

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

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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.

Disability Retirement

TCDRS allows vested members of the system disability retirement benefits, regardless of age, upon a finding that the member is 1) mentally or physically incapacitated to engage in any gainful occupation, 2) that such incapacity is likely to be permanent, and 3) that the member should be retired.

Retiree Insurance

For certain retirees, Howard County provides additional retirement benefits beyond what is provided under TCDRS. 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 retires under TCDRS, and

- 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.

Retirees are not eligible to remain on the County's health plan if they have become insured under another employer's plan upon reaching the age of 65, as they are not eligible for the County's Medicare supplemental insurance and are no longer eligible for the County's regular health coverage. They may, however, end their current employment with another employer at the time they reach age 65 and still be eligible for County health insurance.

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, or contact the County Treasurer's office for further information.



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**J. SICK LEAVE**

Sick leave shall be earned at the rate of eight hours each month. Sick time will not accrue during unpaid leaves of absence extending for periods more than one month. Carry-over from one year to another will cap at 240 hours. For those that had more than 240 hours prior to Oct. 1, 2016, their hours will freeze. Sick hours taken will be deducted but no sick hours will be earned until total hours fall below 240.

An employee may be allowed sick leave with pay when a member of their 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 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 their supervisor or cause their 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 their 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.

**Travel or Working while on Sick Leave, Injury Leave, and/or Workers' Compensation Leave**

Employees on paid sick leave, injury leave or workers' compensation leave are expected to stay in or near their home or doctor/health care facility during the time of their incapacity; medically necessary travel must be documented and approved by your department head in advance.

Employees on paid sick leave, injury leave or workers' compensation benefits may not work another job or otherwise earn income during such paid leave.

**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 their accumulated sick leave, whichever is less, shall be paid to the former employee or their estate.

An employee laid off under a formal reduction-in-force policy, shall have their sick leave balance restored up to 240 hours if re-employed by the County within six months of termination.

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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.*

**K. 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 Commissioners Court will make the final decision concerning use of the pool.

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

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:

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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 40hour 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-third (1/3) of the balance available in the pool or 90 days (720 hours) whichever is less. The maximum leave granted in any fiscal year is 90 days.

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.

**L. 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 leaves of absence extending for periods more than one month.

Vacation time will accumulate in the following manner:

<b>YEARS OF SERVICE</b>	<b>PAID VACATION DAYS</b>
6 months - 5	10
6	11
7	12
8	13
9	14
10 - 20	15
21	16

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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 their department head at least one week (this may vary in different departments) prior to the time they desire 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 40 hours vacation time over the one year allotment:

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

**M. 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 their job. Workers' compensation also pays a partial salary continuation benefit for time lost from work in

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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, they shall be compensated partially by workers' compensation plus they are allowed to supplement the partial workers' compensation payments with accrued leave if available until they are 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.

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 their 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 their job description, essential elements, and introduction letter explaining the Return-to-Work Process, if applicable.
4. If an employee is restricted from work, their 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.

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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.

**N. LEAVES OF ABSENCE**

Employees will not accrue any vacation, sick leave, longevity, or service time while on workers' compensation, disability income, or other leave of absence without pay from the County. Nothing in this section is intended to conflict with the provisions of military leave law, including the Uniform Services Employment and Reemployment Rights Act (USERRA); please refer to the military leave policies, below.

**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 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 bereavement leave.

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**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 their 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 normally be separated from employment due to unavailability for work. However, the County will comply with the Americans with Disabilities Act (ADA) when additional, limited time off 1) is necessary to accommodate an employee's disability, 2) such leave is for a reasonable, specific time period (not indefinite), 3) the leave can be granted without undue hardship to the County, and 4) the employee is otherwise qualified for the position. 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 without pay 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 unpaid leave time unless the leave is FMLA qualifying, workers' compensation, or 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 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.

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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 County 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 they 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 their reemployment rights expire, whichever event occurs first, for themselves and eligible dependents. Employees must pay 100% 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.

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

After an employee has exhausted all available paid military leave (including any other paid leave time that the employee chooses to use to cover a military absence), the employee will be placed on leave without pay for up to five years, or longer as required by law.



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The deadline for an employee to return to work and/or notify the County that they intend 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 them 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, the employee is allowed to maintain any unused sick leave accrued at the time he went into military service, to the extent accrual is permitted.

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 and other benefits 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 to re-employ an employee, the County has no legal obligation to re-employ an employee following their 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 their eligibility for an official County leave of absence.

**Required Documentation.** To qualify to return to work, an employee returning from leave must provide documentation of the length and character of their military service. Also, evidence of discharge or release under honorable conditions must be submitted to the County if the military leave lasted more than 31 calendar days.

**Rights to Continued Employment.** Employees who serve in the military for more than 6 months will not be discharged by the County without cause for one year following the date of their reemployment. Employees who serve for between one and six months will not be discharged without cause for six months following the date of their reemployment. Employees who serve for 30 days or less are given no protection under federal law from discharge without cause.

**5. Jury Service/Citizenship Leave**

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No deduction shall be made from the salary or wages of any employee who is called for jury service, witness duty (when subpoenaed in a case where the employee is not a party in a personal matter), 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.

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

**O. 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

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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 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 the law of the state in which the employee resides.
- 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 15 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. Caring for a military member's parent who is incapable of self-care, when such care is necessitated by the military members' covered active duty (e.g., arranging for alternative care, providing care on an immediate need basis, admitting the parent to a care facility; or attending meetings with staff at a care facility).
  9. 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.

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**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 the 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 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 or reduced schedule leave under this policy shall be allowed 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.

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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 their department head. Where practicable, an employee must give their 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.

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.

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**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 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 their rights under the FMLA.



HOWARD COUNTY  
GENERAL ADMINISTRATION POLICES

## **GENERAL ADMINISTRATION POLICIES**

### **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 them 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**

#### **Purpose of the Policy**

The purpose of this policy is to establish procedures for travel outside of the County. County employees are often required to travel in order to receive training, earn continuing education credits, attend conferences, or represent the County in an official capacity. The Auditor's office is responsible for the administration of this policy, and employees should contact the Auditor's office with questions and to obtain detailed procedures. All purchases must be of a reasonable and prudent nature that would pass public scrutiny and keeps in mind the taxpayers' interests.

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Employees shall use their own judgment and make expenditure decisions as if they were paying for them personally.

**Expenses Not Covered**

Items specifically prohibited include but are not limited to the purchase of personal items, alcoholic beverages, pay-for-view movies, health club charges, Internet access, and laundry or dry cleaning charges. Prohibited also are the expenses of the employee's family who accompany the employee on a trip. The expense report must be prepared to reflect only those expenses incurred by the employee.

**Types of Travel**

The following restrictions apply for travel, seminars/conferences, etc.

**1. Overnight – Business Travel Away From Home**

*Reimbursable charges for this type of travel include lodging, per diem for meals, travel expenses, and registration.*

**Travel Days** - If you can leave by 7:00 a.m. to reach your destination in time for the start of your conference, using MapQuest or other reliable driving directions, then a hotel room is not allowable for the night preceding the conference start day.

If the conference concludes before or around noon, then the concluding day is considered a travel day and a hotel room is not allowed for that night.

If the conference concludes after noon, and you cannot reach your home destination by 7:00 p.m. then a hotel room is allowable for that night.

**2. Local Business Travel**

If your business travel does not require you to be away from your home substantially longer than an ordinary day's work, and you do not need to sleep or rest, this is considered Local Business Travel.

*Reimbursable charges for this type of travel include mileage reimbursement (for those not receiving an automobile allowance), registration and, in some cases, meals.*

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 mileage at the approved IRS rate. Reimbursement for local transportation is made from speedometer readings on the personal auto and a description of the purpose of the official County business.

**Meals**

Employees will not:

- Use the County credit card for employee meals;
- Be reimbursed or provided per diems for meals that are included in conference registration costs or are otherwise provided at no cost to the employee; or
- Be reimbursed for snacks for any of the below listed travel.

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**1. Overnight – Business Travel Away from Home**

A “per diem allowance” is a payment made for meals and incidental expenses. The daily allowance paid is set by the Commissioners’ Court.

“Incidental expenses” include, but are not limited to: fees and tips for services, such as waiters and baggage handlers. Employees are required to adhere to the per diem limit, which includes tips.

When using this flat rate for meals purchased while traveling away from home, employees will not need to return meal receipts to the Auditor’s Office. For partial days away from home (example - flight returns in the early afternoon), the per diem allowance must be prorated. Employees can contact the Auditor’s Office to learn the current per diem rate.

**2. Local Business Travel**

The County will reimburse for meals for local travel (when there is no overnight stay). This is usually limited to the lunch meal. To be reimbursed, the employee must submit a receipt and travel voucher to the Auditor’s Office and will be reimbursed through payroll. *There will be no per diem for day trips.*

**3. Inmate Transport & Juvenile Transport**

Employees can use the County credit card to pay for meals of the inmate or juvenile they are transporting. They must turn in a travel expense form with receipts and must specify the number of people eating if more than one. *This does not include snacks and drinks between meals.* The receipt should be an itemized receipt, not just the credit card receipt. The employees should leave no more than the standard tip (15 - 20%). *County employees may not use the County credit card for their own meals under any circumstances.* To pay for their own meals, County employees who are transporting inmates or juveniles must follow the meal policy outlined above.

**Transportation**

Transportation to the conference or meeting should be the least expensive mode that is reasonable under the circumstances.

**1. Air Travel**

Air travel is usually more economical in time and money when making a long trip. Only “coach” flights will be authorized. 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. Flight insurance is not reimbursable.

**2. Car Rental**

Car rentals are sometimes the most expensive mode of transportation; therefore, local transportation such as taxis, shuttles, etc. should be utilized whenever possible. If a car is rented, County employees are covered under the County’s insurance; consequently, all optional insurance should be declined.

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**3. Private Automobile**

Employees should ensure that they have adequate automobile insurance, as the County will not be responsible for costs incurred in the event of an accident.

The standard business mileage rate set by the IRS will be used to determine the mileage reimbursement amount. Employees traveling to the same destination should make every attempt to travel together where possible.

Mileage shall be calculated using an online mapping source such as MapQuest, or a reliable GPS system. Mileage is calculated based on the distance from the point of departure (home or office) to the travel destination, and back to the final destination (home or office) that concludes the travel event.

**4. County-Owned Vehicles**

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

**5. Taxicabs and Shuttles**

Taxicab and shuttle expenses will be reimbursed at cost. Receipts required.

**6. Parking**

Parking will be paid for both private and County-owned vehicles. If valet parking is required at the destination, the employee will be reimbursed at cost. Documentation must be provided about *requirement* of valet parking. Receipts required.

**Lodging**

The cost of lodging will be reimbursed by the County. The County will reimburse only for single room rates (unless two employees share a room). County employees may be accompanied by their spouse or family while on travel status. However, the employee will be expected to pay all expenses incurred by the spouse and family including the incremental difference charged for a hotel accommodation for two or more persons.

If the conference has reserved a room block for attendees at a lower price and time constraints allow, employees are required to participate at the reduced cost.

Expenses *not* covered include:

- Meal charges and snacks
- Personal expense items such as cleaning or laundry
- Alcoholic beverage charges
- Hotel Club charges
- Internet charges
- Recreation facilities use charges
- Movies and personal phone calls

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**County Credit Cards and Travel**

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 employee 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 the 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.

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 possible when 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.

**E. 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 a department head/supervisor or by Commissioners' Court shall use County owned vehicles or equipment.

A current, valid Texas Driver's 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.

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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.
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.

**F. 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 \$50,000 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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HOWARD COUNTY, TEXAS

TECHNOLOGY  
USAGE  
POLICY

HOWARD COUNTY  
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Howard County, Texas  
Technology Usage Policy  
Revision

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**3 Introduction**

The policies and procedures set forth in this manual provide guidelines for management of employees during employment, but do not create contractual rights regarding termination or otherwise. This policy **DOES NOT** supersede any policies already in effect in county departments as enacted by the official or department head over the respective department. This document is used as a guideline to create base policies for users that will be connected to, accessing, storing data on, or transmitting any other data across the computer network owned and operated by Howard County for the purposes of conducting IT business. The purpose of this document is to provide the county, IT officials, IT department heads, agents, contractors, and employees the basis for acceptable use of the county's technology resources. This policy **DOES NOT** replace any policy currently in effect as found in the "*Howard County Personnel Policies and Procedures Manual*".

This policy has been reviewed and approved by the Commissioners Court of Howard County. All authority granted to the parties named within was vested in the open meeting of the Howard County Commissioner's Court on: August 8, 2022.

In order to maximize the benefit of the Information Technology investments across Howard County, the Information Technology Services (IT) department has created this Technology Usage Policy as a way to address and communicate existing and new policies. Goals of this policy are:

1. Support the overall Vision and Goals of Information Technology Services.
2. Protect confidential, proprietary information of the county from theft or unauthorized disclosure to third parties;
3. Be cost-effective and prevent waste of information technology (IT) resources;
4. Reduce, and if possible, eliminate, potential legal liability to employees and third parties

This policy requires that all new and existing employees sign a written statement that they have read this policy and understand these guidelines.

- **3.1 Information Technology Services Vision Statement**

Provide value-added technical services and solutions to Howard County that enhance or enable better service to our citizens and employees.

- **3.2 Goals**

- Ensure the availability and security of our network
- Enable ease of obtaining and sharing of data.
- Lower costs - Achieve IT Standardization where feasible
- Better enable disaster recovery of critical systems.

- **3.3 Guiding Principles:**

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- IT will provide quality customer service and solutions.
- IT will demonstrate professionalism and be customer focused – to our citizens, County teammates, and business partners.
- IT will maximize our information technology investment by fully leveraging our solutions and services possible across the County.
- IT will promote and implement standard technology and solutions, where feasible, throughout all County offices to support common business processes.
- IT will use commercially available software packages wherever possible.
- IT will dynamically re-engineer our business processes around the functionality of available application packages.

IT will work efficiently using best practices.

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#### 4 Communication

IT will update this policy, as needed, and once approved, will communicate the updates to all Department Heads and IT Contacts, as appropriate. IT will also provide access to this policy on the County website. The County will use reasonable efforts to notify Users when software patches or other software is deployed to User PCs and where there may be a disruption to the User. There will be times where software will need to be deployed where prior notice may not be feasible, as in the case where there is a **security risk or legal/statutory compliance requirement** or where such deployment is transparent to the user, as in the case of operating system or application upgrades; asset inventory data collection, data collection for license management and compliance, or for new software that the county deploys and which can occur in the background without disruption to the User.

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#### 5 Standards

IT has the responsibility for support and problem resolution for the County's PCs and network. To effectively and efficiently carry out that role, IT must be able to rely on standard hardware and software configurations on the desktop. Users must request hardware and software through Information Technology.

- **5.1 Hardware Standards**

Department Heads who have a need to deviate from the standards must request an exception. The IT Director will review the request and either approve request as is or suggest alternate solution to ensure support can be provided. If a satisfactory solution cannot be agreed upon, the issue will be raised to the appropriate member of the Howard County Commissioner's Court.

The IT Department is responsible for the configuration and acquisition of **ALL** county-owned technology equipment that will interface with the county computer network at any level or connected to any computer or device that is connected to the county computer network, regardless of what fund pays for said equipment. **Any county-owned technology equipment that is purchased without prior IT approval SHALL NOT be allowed to be connected to ANY county-owned computer, or to the computer network.** The IT Department shall have

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uninhibited access to all county-owned computer equipment that is connected to the county computer network for inspection and inventory control upon request at any time.

Due to security configurations of the county network, no County official, department head, employee, or contractor shall move or authorize to be moved any county-owned computer equipment that is connected to the county computer network without first notifying the IT Department. The IT Department shall either move the equipment or approve a user to move said equipment. If a user moves any equipment, and does not inform the IT Department, the device will not function at IT new location due to network configurations.

- **5.2 Software Standards**

IT must first acquire and test programs and executables before employees save them to their desktop computer. Software may only be used in compliance with the terms of the applicable license agreements.

The Software Standards specify the technologies supported by the organization and serves as a guideline for all technology purchasing and use decisions, including hardware, software, peripherals, and network components. Current software standards are listed on the County's intranet site.

- **5.3 Unauthorized Software**

Use of unauthorized software can degrade the county's network and Internet service, create security risks and personal computer problems, divert focus from county-related issues, reduce employee productivity and increase costs. It is the responsibility of all Users in all departments to comply with maintaining the County standard by not downloading or installing unauthorized software onto any County owned PC or laptop. Any software which needs to be downloaded and installed is to be done by IT. **Unauthorized software is any software that is not approved for use by IT to conduct the business of Howard County.**

Information Technology Services will 1) immediately inform the department head and if warranted, remove the unauthorized software in use when encountered and 2) on a routine basis, check and remove unauthorized software, unless the software has a legitimate business purpose for the User as determined by the IT Department and the appropriate Department Head

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- **6 Network Resource Usage – Internet, Email & Data**

Access to and use of the Computer network, Internet and/or e-mail systems is provided to employees of Howard County for the purpose of advancing the goals of the County. This access imposes certain responsibilities and obligations on County employees, (full-time, part-time and temporary employees), officials, and as well as any companies or individuals (third parties) contracted to do work for the County, or use County IT resources, (hereinafter termed "Users") and is subject to County government policies and local, state and federal laws. All data, e-mails, e-mail attachments, documents and other electronic information within the network/e-mail system are the property of Howard County. **THERE SHOULD BE NO EXPECTATION OF PRIVACY OR CONFIDENTIALITY IN COMPUTER NETWORK USE,**

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**INTERNET ACCESS AND E-MAIL USE ON THE COUNTY'S SYSTEMS.** The County, acting

through IT managers and supervisors, has the capability to view data and e-mail at any time. Whereas all county employees are allowed access to the Internet, only full time employees are allowed E-Mail accounts within the County's system. Part-time and temporary employees are not granted e-mail address by default. If a need exists for said employees to have access to the county e-mail system the department head should express that to the IT Director who will determine if there is enough free e-mail boxes to make the allocation and inform the Department Head making the request. The IT Director shall have the final decision in the allocation of e-mail resources. This policy does not supersede any state or federal laws regarding confidentiality and appropriate use.

The primary purpose for using the County's Computer or Telephone network, Internet and e-mail connection is in advancing the business of the County. This includes, but is not limited to:

- Communication with, and providing service to, clients and citizens of Howard County.
- Conducting the business of your department or unit
- Communicating with other employees for work-related purposes.
- Gathering information relevant to your duties or to expand your expertise.

Acceptable use always is lawful, ethical, reflects honesty, and shows restraint in the consumption of shared resources. Users shall refrain from monopolizing systems, overloading networks with excessive data or wasting computer time, connect time, disk space, printer paper, manuals or other resources. County users may be subject to limitations on their use of the networks, or other action, as determined by the appropriate supervising authority. Users are also expected to cooperate with any investigation regarding the use of your computer or your activities associated with Information Technology resources.

Content of all electronic communications should be accurate. Users should use the same care in drafting email and other electronic documents as they would for any other written communication.

As with internal e-mail messages, Internet e-mail can be changed by outside parties and forwarded to others without the employee's knowledge or permission. Users must use caution in using Internet e-mail and must comply with all state and federal laws. Access or interception of other's e-mail is a violation of state and federal law and will be reported to the appropriate authority for investigation and possible prosecution.

User data and documents are a County asset and should be treated as such. For this reason, Users who have access to a shared network drive should store all data files on the shared drive as these files are backed up daily. Recovery of data stored on desktops is the User's responsibility. Storage only on a PC hard drive is a risk in that if the hard drive fails, the data may not be recovered.

- **6.1 Limited Personal Use**

Authorized Users of the County may also use the Internet and e-mail for **limited personal use**. This is defined as any personally initiated online activity (including e-mail and Internet usage) that is conducted for purposes other than those listed above. ***This is a privilege***, not a right, and may be limited or removed at any time by management. Howard County does not accept liability for any loss or damage suffered by an employee as a result of that employee using the County Internet connection for personal use. Occasional, limited, appropriate personal use of the computer system is permitted when the use does not:

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1. interfere with the User's work performance (It shall be infrequent and brief.).
2. interfere with the normal operation of your department or work unit.
3. interfere with any other User's work performance or have a negative impact on overall employee productivity.
4. have undue impact on the operation of the computer system.
5. cause any additional expense or load to the County or department.
6. compromise your department or the County in any way.
7. violate any other provision of this policy, any other policy guideline, any law/regulation, i.e., HIPAA, or standard of Howard County.

• **6.2 Inappropriate Use**

The use of public resources for personal gain and/or excessive private use, such as but not limited to the items listed below, by any User is absolutely prohibited and punishable by applicable County disciplinary procedures, which may include termination and/or criminal prosecution depending upon the nature and severity of the transgression. The term public resource as used in this policy includes not only the unauthorized use of equipment, hardware, software or tangible articles, but also the employee time expended in the engagement of the unauthorized use while on County time.

Examples of unauthorized use of software include streaming music, stock tickers, news reels, etc., to the desktop, movie downloads, games, screensavers used from the Internet, unauthorized messaging software such as AOL, YAHOO, Windows Messenger; and "chat" software.

Employees may not:

1. Use IT resources for personal gain, or to support or advocate for non-County related business or political purposes.
2. Create, distribute, upload or download any disruptive, abusive, harassing, threatening, or offensive messages, including offensive comments or graphics about sex, race, gender, color, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, or national origin.
3. Use IT resources for illegal or unlawful purposes or to support or assist such purposes.
4. Use IT resources for wagering, betting, or selling chances or to support or assist such purposes.
5. Use IT resources for personal long distance telephone calls.
6. Attempt to circumvent or subvert system or network security measures, provide internal network access to any non-Users or use your account to gain unauthorized access to external networks and systems.
7. Mount an attack on the security of any system (i.e. attempting to hack or introduce viruses into a system).
8. Use the network to disrupt network Users, services or equipment. Disruptions include, but are not limited to, distribution of unsolicited advertising, propagation of computer "worms" and viruses, and sustained high volume network traffic that substantially hinders others in their use of the network.

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9. Intercept network traffic for any purpose unless engaged in authorized network administrative duties.
10. Install or use encryption software on any Howard County computers without first obtaining written permission from your Department Head and IT. Users may not use encryption keys or encryption passwords that are unknown to their Department Head.
11. Engage in online fundraising (unless approved by Department Head or Official)
12. Engage in mass-mailing or send County-wide messages without department head approval.
13. Send County-wide mailings about viruses, or other warnings about outside computer attacks (these are almost always a hoax and should be turned over to IT for disposition).
14. Initiate or forward chain letters by email.
15. Spoof (disguise) your identity or send anonymous e-mails or send e-mail under another employee's name without permission.
16. **Download any non-standard or non-business-related files or software, including "freeware" and/or "shareware" programs unless previously approved.**
17. Load personal Internet Service Provider accounts (i.e. AOL, CompuServe, etc.) on County owned equipment.
18. Unless expressly authorized, sending, transmitting, or otherwise disseminating proprietary data, trade secrets, or other confidential information of the county is strictly prohibited. Unauthorized disseminating of this information may result in substantial civil liability as well as severe criminal penalties under the Economic Espionage Act of 1996. Employees must obtain permission from their Department Head to gain access to the County's Internet facility.
19. Make or use illegal copies of copyrighted software or other mediums, store such copies on County systems, or transmit them over the County network.
20. "Rip" music CDs and store said music in the My Documents folders or any other folders that are located on county owned servers. This is a waste of county resources and server storage space and can potentially have a negative effect on county business.

It is the shared responsibility of all county employees, the supervisor, manager and/or department head, and the IT Department to be aware of how the County's Internet facility is being utilized by his/her employees and ensure that employees are periodically informed and aware of the IT policies at a minimum on an annual basis.

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**A. 6.3 Network Monitoring**

All computer applications, programs, data and work-related information created or stored by County employees on County information systems and resources are the property of Howard County. Howard County employees shall have no expectation of privacy in anything they store, send, or receive on the County's computer systems. Data may be monitored without prior notice. The County IT Department reserves the right to access and monitor e-mail use and any other computer related transmissions, as well as stored information, created or received by County Users with County Information Technology systems and resources under the following circumstances:

1. Performance monitoring or problem-solving purposes  
Necessary during an investigation for possible violation of County policies
2. There is reasonable suspicion that a User has committed, or is committing a crime against the County or for which the County could be liable
3. Random or automated monitoring to ensure that content is in compliance with the business's established policies.
4. Request for monitoring is made by appropriate authority
5. Required to do so by law

The reservation of this right is to ensure that public resources are not being wasted and to ensure the County's information systems are operating as efficiently as possible in order to protect the public's interests. This includes blocking access to certain Web sites for which access is deemed to be in conflict with County policy.

• **6.4 E-Mail Records Retention**

Users are cautioned that deleting an e-mail message from a User's own mailbox does not mean all copies of the message are also deleted. The message may still reside in the recipient's mailbox, may have been saved in some other folder, or forwarded to other recipients. Also, any message sent the day before may be saved in the nightly system backup and retained for 5 years.

IT will NOT be held liable for any e-mail that is deleted that should have been retained pursuant to records management requirements it is the responsibility of the user to ensure they comply with records management requirements.

As with other records, no e-mail record may be destroyed after it is requested for reasons including but not limited to: employee termination & disciplinary action, until: a) the request is granted, or b) 60 days have elapsed after the request is denied or c) litigation on the records availability is complete and any court order has been obeyed.

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Managers and supervisors may, with Department Head approval, access, as necessary, an employee's e-mail if employees are on leave of absence, extended leave, or are transferred from one department to another.

- **6.5 Data Storage**

IT provides a dedicated area for employees to store their data either on a server (Courthouse, Sheriff's Office, County of Howard Office Building), or a designated folder on a designated computer (JP's and Precincts). These folders will be backed up to the IT backup system nightly.

IT holds backups for about 90 days. However the amount of time the data is held varies by the amount of data vs storage available.

IT is NOT responsible for loss of any data that is not stored in the designated areas.

- **6.6 Cloud Storage**

Any data owned by Howard County that will be stored in any Cloud environment MUST be stored in their county One Drive account.

- **7 Security**

Howard County has a comprehensive computing environment that encompasses a broad array of networking, server and desktop computing platforms as well as the complimentary systems software. Users should never consider electronic communications to be either private or secure. E-mail and data could potentially be stored indefinitely on any number of computers, in addition to that of the recipient. Copies of email messages or altered messages may be forwarded to others either electronically or on paper. In addition, e-mail sent to nonexistent or incorrect user names may be delivered to persons that the sender never intended.

Each User is responsible for ensuring that his or her use of outside computer and networks, such as the Internet, does not compromise the security of Howard County's computer network. This duty includes taking reasonable precautions to prevent others from accessing the County's network without authorization and to prevent introduction and spread of viruses.

- B. 7.1 Network / Internet Security**

Standards and requirements exist to ensure security and availability of the data and systems. The County's network connects to the Internet through a firewall and Intrusion Prevention System (IPS).

The County also employs a web content filtering system in an effort to ensure that county internet resources are not being mis-used. Examples of mis-use would be visiting websites for extended periods of time, or repeatedly that have no value to the operation of business activities of Howard County. There are some sites that will be blocked by the I.T. Director whenever use of those sites is felt to have a negative influence on employee performance by a department head. Department heads can request that sites become black-listed to the I.T. director and he shall make every effort to investigate the feasibility of such a block.



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At times there will be other technology that will be employed by other departments for the operation of that department. It is the I.T. Department's responsibility to ensure network security at all times. It is suggested that before ANY technology is connected to the County's network, that was not procured by the I.T Department, the I.T. Director should be contacted and be present at any meetings with the vendor prior to purchasing and installation of said technology, in the interest of network security. Failure to follow this guideline can result in denial of installation of said equipment / software.

**Security Patches** -The County has a process to update all computers with the latest security patches to enhance security. The application vendors should adhere to the industry practice of compliance to the latest version of system software levels to ensure maximum security to information and services provided by the County.

**Network Devices** – Prior approval from IT must be obtained before any of the following activities are attempted. These are not allowed by default:

- Connecting any networking devices to the County network.
- Usage of modems on individual servers / desktops /workstations for remote access purposes.
- Allowing non-county agencies or entities to access the County network without prior IT approval.
- **Allowing ANY person who is not employed by Howard County access to any computer or private network connection.**

The following activities should only be carried out by IT or IT authorized designees:

- Connecting networking devices to the County network.
- Interconnecting external networks by routers or VPN.

To maintain the security of the County network, all the Virtual Private Network (VPN) Users should ensure that:

- Their County PC has the most current virus protection installed • Operating system has all the recommended patches installed • Browsers have all the recommended patches installed.

**Security Issues** – The Howard County Information Technology department has several levels of potential security related issues, such as security breaches, or violations, that should all be handled in the appropriate manner according to severity.

- **Level I Incident** ○ User feels that their user name and password have been compromised and feel that an un-authorized person can gain access to the County's computer system with their account.

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- Suspected sharing of user account information with other users and or non-employees • **Level II Incident**
- Involuntary employee termination ○ Employee arrest
- **Level III Incident** ○ Suspected Computer break-in or computer virus ○ Loss or suspected compromise of VPN password
  - Physical Intrusion (unauthorized entry of both criminal and non-criminal type) ○ Disaster or any form of major damage at computer site (Howard County Courthouse Data Processing Room and Howard County Sheriff Office) ○ Sudden employee resignation.

**Actions to take upon level of severity** – The following should be followed upon learning of a security issue guided by the severity set forth above.

- **Level I Incident** – Notify the Howard County Information Technology Department within one working day of the suspected violation. The IT department will then determine the action required, if any, from the user.
- **Level II Incident** – Notify the IT Department and District Attorney's Office within one hour of the security issue, at which time the IT staff will take appropriate actions to suspend or terminate the user's account.
- **Level III Incident** – Notify the IT Department immediately of the incident, regardless of time of day, by the appropriate means of contact. The IT staff will then immediately rectify the situation or respond to the location the issue occurred at.

The I.T. director, may, at his discretion remove computer access from any user account that could potentially constitute a security breach of the Howard County System for any of the above reasons WITHOUT notice or request from an Official or Department head if the potential security breach could compromise the data and network security of the County network (e.g. computer virus, backdoor, data collector, employee arrest, sudden resignation, etc.)

**If contact cannot be made with the IT director, contact the Howard County Sheriff's Department, who will at all times, have contact with the IT director or IT Technician for Level III incidents.**

- **7.2 Anti-Virus Protection**

The County network is protected from viruses with the help of firewalls, e-mail scanning software and desktop scanning software. However, Users must follow these guidelines:

In some cases, simply reading an e-mail can spread a virus to a User's computer, and from there to many other internal and external County recipients. The County will take prudent measures to scan incoming e-mail and attempt to intercept viruses. However, no safeguard is foolproof, and viruses can find their way into County Users' computers from a variety of other ways (e.g., USB drives, internet file transfer, etc.). Each User is responsible for taking reasonable precautions to avoid introducing viruses into the County network, including but not limited to:

- Always run the County standard, supported anti-virus software that the County provides.

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- NEVER open any files or macros attached to an e-mail from an unknown, suspicious or untrustworthy source. Delete these attachments immediately, then "double delete" them by emptying your Trash.
- If you receive an email with an attachment from someone you know, verify the email and attachment is something you were expecting. If not then contact the sender to verify that the attachment was something they intended to send.
- Delete and never forward spam, chain, and other junk e-mail.
- \* Never download files from unknown or suspicious sources.
- Avoid USB drive sharing with read/write access unless there is absolutely a business requirement to do so.

Viruses and Laptops/Mobile Device

Viruses can gain back door entry via laptops and mobile devices that are normally outside the network and which may get infected. To eliminate such risks, the following guidelines should be used while using laptops on the County network.

1. Always make sure that you have current antivirus protection on the laptops. County provided laptops should have Bitdefender antivirus software on them. If it is not present, please contact IT.
2. If connected on the county network, the antivirus signature for this software is updated daily. All other county laptop Users should ensure that they periodically, (monthly) connect the laptops to the county's network overnight to get the signature updates.
3. Scan your hard disk periodically for any virus. Once a week is an ideal frequency as this would help the ongoing detection of any virus, or new virus, on your machine.
4. If required, IT will schedule a maintenance window with the department head to turn in their laptop to be scanned and updated.

Non-County laptops or mobile devices are not be connected to the County network. If it is totally unavoidable then the user must use the Guest Wifi Network.

Following these steps while using your laptop or mobile device will help ensure the safety and security of the County's data and network. For questions, please call the IT Department.

**C. 7.3 WIFI**

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Wireless access is available at multiple locations throughout the county. Sharing the Pre Shared Key to other people without authorization is prohibited.

Wireless access at the Justice of the Peace and Precinct Barns are designed for County Employee use only. Wireless access at the Sheriffs Office, Courthouse, and library are defined by two separate SSID's. All devices that need access to the wifi at these locations MUST be registered with the IT.

SSID HowCO is designed for county employees only that need to access the servers with their county owned laptop or tablet.

SSID Court\_Public is designed for all other devices owned by County Employees, vendors, and guest that are working on location on behalf of Howard County.

Devices to be used on the HowCo and Court\_Public network MUST be registered with IT prior to use.

**1. 7.4 Remote Access**

Remote access is limited to employees authorized by their department heads and IT.

**D. 7.5 IDs & Passwords**

Passwords are an important aspect of computer security. They are the front line of protection for User accounts. A poorly chosen password may result in the compromise of Howard County's entire corporate network. The scope of this policy includes all personnel, including third parties, who have or are responsible for an account (or any form of access that supports or requires a password) on any system that resides at any Howard County facility, has access to the Howard County network, or stores any non-public Howard County information. As such, all are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

Users are responsible for safeguarding their passwords for access to the computer system. Users are responsible for all transactions made using their passwords. No User may access the computer system using another User's password or account without express permission or portray oneself as another User.

In order to provide appropriate network security, this policy mandates that County IT utilize passwords and periodically require Users to select a new password, one that they have not used before. Although Users have confidential passwords, this should not be construed to mean that the application data is the property right of the User or that network, internet nor that e-mail access is for personal confidential communications or that the

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password is to protect the employee's privacy. Users are expected to follow these guidelines:

- Passwords shall remain confidential and should not be printed, stored online or given to others.
- Passwords are recommended to be changed every 90 days.
- Passwords shall be at least eight characters long.
- Passwords shall contain characters from at least three of the following four classes: (i) English upper case letters, A, B, (ii) English lower case letters, a, b, (iii) Westernized Arabic numerals, 0,1,2, and (iv) Non-alphanumeric ("special characters") such as punctuation symbols.
- Passwords may not contain your User name or any part of your full name.
- Passwords must not be inserted into e-mail messages or other forms of electronic communication.
- The password shall not be a word found in a dictionary (English or foreign)
- The password shall not be a common usage word such as names of family, pets, friends, co-workers, fantasy characters,
- The password shall not be a computer term, name, command or a site, company, hardware, or software name.
- The password shall not be your birthday or other personal information such as address and phone number.
- The password shall not be a word or number pattern like aaabbb, qwerty, zyxwvuts, 123321, etc.
- The password shall not be any of the above spelled backwards.
- The password shall not be any of the above preceded or followed by a character (e.g., secret!, Isecret).

**7.6 Third Party Access**

ALL Third-party access, or outside consultants MUST be approved by the IT Director of Howard County, before access is granted.

**E. 7.7 Desktop Security**

Please follow the guidelines below to avoid security breaches:

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- Close sensitive or confidential applications and lock your workstation when you leave your desk.
- Do not leave portable media unattended such as CDs or USB drives.
- Log off or lock your computer when you leave for extended periods.
- Never write your passwords on a sticky note nor try to hide them anywhere in your office.
- Remove printouts from printers before leaving your office.
- Shred sensitive printouts or paper when you are done with them.
- Where appropriate:
  - Use a screen filter to minimize the viewing angle on a computer monitor.
  - Enable a password-protected screen saver. (Must be disabled for technical support.)
  - Clear cache files on computer and memory on devices like printers regularly.

### **F.7.8 Backup Policy**

All back ups are done by the Microsoft Cloud and there is a 5-year retention policy for all data.

### **G. 7.9 Computer Data Backup**

For all servers in the county's data center in the Courthouse, the following backup policy is administered.

**Full Backup:** Every day each vital server is backed up. This includes the application files and data files. Individual work stations are not backed up. A Master is performed with incremental forever. However a new master is created at random intervals for backup cleanup. Backups occur at night so any new data lost between backups can not be recovered.

**Retention Policy:** Backups are retained for a 30 days duration.

**User Data Backup:** All users of the County network are allocated a network share drive that will be connected as the I:\ Drive, J:\ Drive or K:\ Drive on your computer under the My Computer option. The IT Department has allocated the network drives to safeguard all electronic property of the county and to allow users to quickly recover from a crashed

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computer by not having their data located directly on their computer. Users are STRONGLY encouraged to participate in this method of document storage.

**H. 7.10 Security Access Removal**

**Computer System Security:** Department heads shall notify IT immediately of when a user is or will be terminated so their computer and email account can be deactivated. Terminated employees email will be archived off the server for 3 years before deletion unless the department head request something different.

Persons no longer employed have no right to the contents of their e-mail messages or data stored in County systems, and should not be allowed access to the internal system.

7.11 Retirement/Destruction

All computers, network equipment, and peripherals replaced will be reviewed to see if it can be recycled for County use or if it must be retired. The recycling of a device is determined on whether it will support the current operating system and run without error.

All computers that are brought into IT will have the hard drive removed and held for a minimum of 90 days. This includes SSD drives, mechanical drives, and M.2 Storage devices. After 90 days if the drive can be reused then it will be formatted and held as a spare. If the drive is an obsolete drive then it will be destroyed.

**I. 7.12 Related Laws and Statutes**

The State of Texas has established laws relating to computer and electronic security and crimes related thereto. Texas Penal Code Chapter 33 details the definitions, offenses, and penalties for computer crimes committed in the State of Texas. All logged computer transactions are logged by a user's access credentials, (username / password). Users of the County network are advised to NOT give ANYONE their password or username for security of the county network, and to protect the user. Different users inside departments may have different levels of access to the computer system, and by sharing their password to someone who may not have the same access, a security risk is introduced, and possible violation of criminal / civil law may occur.

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Texas Penal Code Chapter 16 relates to the interception of electronic communications including telephone “tapping”, interception of electronic mail (e-mail), interception of telephone calls, and disclosure of said information.

## **8 Weather Emergencies and Protection of Computer Equipment**

Upon activation of the Emergency Operations Center (EOC) for weather emergencies the following steps are to be taken by each User to help protect both computer hardware and software.

- All computer equipment should be powered off. This applies to personal computers; workstations, printers and any associated peripheral devices (i.e., scanners, etc.). After powering down the equipment, disconnect the power cables from the receptacles to protect equipment from potential surges from lightning.
- Any equipment located on the floor should be moved to a higher location and away from any windows. All monitors should be turned so that no screens face the direction of any windows.
- Cover all equipment with plastic sheeting/bags and secure with masking tape. The purchasing of plastic bags and/or masking tape is the responsibility of the individual departments.

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## **9 Policy Infraction**

County employees who violate this policy may have their access removed and may be subject to disciplinary action up to and possibly including termination. Other legal remedies, including criminal prosecution, may also be pursued if warranted.

It is the policy of Howard County to handle infractions as follows:

1. The violation shall be reported to the User’s supervisor or manager.
2. The User’s supervisor should approach the violator(s) directly with the findings, ensure the User is aware of the policy, and give them the opportunity to cease and desist; or, depending on the severity, follow disciplinary procedures consistent with the guidelines and policies of “*Howard County Personnel Policies and Procedures.*”



## 10 Computer Support / Technology Requests

### A. 10.1 Help Desk

Information Technology Services offers support for existing County computer systems by calling a local number during business hours, 8:00am-5:00pm, Monday through Friday. For those departments that require 24/7 support, (Sheriff and Emergency Services), cell phone numbers have been provided.

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## 11 Definitions

- Attachments - Files created in other applications (such as Word, Excel).
- E-Mail - An electronically transmitted message, along with any attachments and any information appended by the e-mail system.
- E-Mail System - Computer hardware and software system that allows personal computer users to send, receive and store messages, documents and files with other individuals or groups of people over an internal network or the Internet.
  - Employee – Any person who is currently on the Howard County payroll and works in a county office. Any elected or appointed County official. Can be full-time (40 work hours in a week) or part-time (less than 40 hours in a week).
  - Encryption - A means of coding messages so they appear to be random characters. Encryption has two benefits. First, it prevents disclosure of sensitive information to unauthorized third parties. Second, encryption allows for “authentication” of the information sent.
  - Freeware - programming that is offered at no cost, which is copyrighted so that one can't incorporate IT programming into anything one may be developing.
  - Hacking – the unauthorized attempt or entry into any other computer or system.
  - Internet – a world wide computer network through which you can send a letter, chat to people electronically or search for information on almost any subject you care to think of. Quite simply it is a "network of computer networks".

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- Internet Browser - an application that displays HTML and other information found on the Internet. Netscape Communicator, Internet Explorer, and Mosaic are examples of browsers. This type of client software accesses the World Wide Web and Gopher services and lets you drift from link to link without having to have a purposeful search.
- Internet Service Provider (ISP) - an entity that charges startup and monthly fees to users and provides them with the initial host connection to the rest of the Internet usually via a dialup connection.
- Intrusion Alarm System – An electronic system that is designed to detect unauthorized entry into a building or secure location during a set time period and to report any unauthorized entry to the appropriate authority.
- IT - Information Technology Services Departmental label referring to the employees of Howard County Information Technology and current information technology outsource vendor.
- Panic System - A system installed that is used to immediately report danger or request officer assistance due to an unforeseen or unknown situation. The panic system is created utilizing wireless “pendant” panic buttons that, when activated, cause a pre-recorded message to broadcast over the Howard County Sheriff’s Department main radio channel.
- Public Record – as defined in Texas Open Records Act.
- Public Resource - Includes not only County equipment, hardware, software or tangible articles, but also the employee’s time expended while on duty with the County.
- Risk - Those factors that could affect confidentiality, availability, and integrity of Howard County's key information assets and systems. Howard County is responsible for ensuring the integrity, confidentiality, and availability of critical information and computing assets, while minimizing the impact of security procedures and policies upon business productivity.
- Shareware - software that is distributed free on a "trial basis" with the understanding that the user may need to pay for it later. Some software developers offer a shareware version of their program with a built-in expiration date (after 30 days, the user can no longer get access to the program). Other shareware (sometimes called liteware) is offered with certain capabilities disabled as an enticement to buy the complete version of the program.
- Third Party – Any individual from an outside source (contracted or otherwise) who requires access to our information systems for the purpose of performing work. A third party could consist of, but is not limited to: software vendors, contractors, consultants, business partners, and security companies.
- Trade Secret – as defined by law.
- World Wide Web (WWW) - a hypertext-based distributed information system for linking databases, servers, and pages of information available across the Internet.

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▪ RELEVANT PENAL CODE AND OTHER STATUTES

- 1.) Texas Penal Code CHAPTER 33. COMPUTER CRIMES
  - 2.) Texas Penal Code CHAPTER 16. CRIMINAL INSTRUMENTS,  
INTERCEPTION OF WIRE OR  
ORAL COMMUNICATION, AND INSTALLATION OF TRACKING  
DEVICE
  - 3.) USC – Electronic Communications Privacy Act
  - 4.) Other related State and Federal Law
  - 5.) CJIS Security Policy Manual dated: April 2007 (Version 4.4)
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• **12 Signature of Agreement**

I, \_\_\_\_\_ have read and agree to abide by the Technology Usage Policy while employed, affiliated with, or doing business with Howard County.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_