

SMITH COUNTY
EMPLOYEE HANDBOOK



Table of Contents

Chapter 1: Introduction

- Order of Approval
- Purpose
- History of Smith County
- How County Government Works
- Implementation and Administration of Personnel Policies
- Definitions

Chapter 2: Recruitment and Selection

- Equal Employment Opportunity
- Employment Status
- Selection and Transfer Policy

Chapter 3: Employee Practices and Standards

- Introductory Period
- Starting Pay
- Hours, Schedules and Alternative Programs
- Overtime and Compensatory Time
- Health and Safety
- Nepotism
- Physical Standards
- Drug and Alcohol Abuse
- Communicable Diseases
- Donations
- Travel

Chapter 4: Employee Responsibilities

- Anti-Harassment Policy
- Electronic Information and Technology Policy
- Parking
- Outside Employment
- Personal Conduct
- Use of County-owned Property
- Smoking/Tobacco Use
- Conflicts of Interest
- Political Involvement
- Employee Identification Badges
- Work Ethics Policy
- Cellular Phone Policy

Chapter 5: Benefits

- Classification of Employees
- Payroll Adjustments and Options

Medical, Dental, and Life Insurance
Section 125 Cafeteria Plan
Retirement
Holidays
Service Recognition
Credit Union
Longevity Pay
Pay Practices
Direct Deposit
Workers' Compensation
Tuition Reimbursement

Chapter 6: Leave and Emergency Situations

Administrative Leave
Family and Medical Leave Act
Sick Leave
Sick Leave Pool
Vacation
Military Leave
Citizenship Leave
Funeral Leave
Emergency and Inclement Weather Conditions
Emergency Service, Residential and/or Detention Operations
Natural Disasters and Other Emergencies

Chapter 7: Discipline Policy

Discipline
Separation and Discharge
Unemployment
Grievance Policy

Chapter 1: Introduction

Purpose

It is the purpose of this handbook to establish and maintain a uniform system for managing personnel matters, to comply with applicable employment laws, and to provide for the standards, terms, and conditions of employment with Smith County in a clear and comprehensive fashion to maximize the efficiency and orderliness of operations. It is further intended, by adoption and periodic amendment of these policies and procedures that they serve as a guide for employees of Smith County in their routine work activities and relationships to the extent that the objectives of both Smith County and individual employees can be achieved.

For us to be successful, all departments must work together to achieve the team concept. Everyone must be a team player in their individual department.

It is my desire that this handbook will serve not only as a reference, but a guide to each employee, thereby rendering us the type of public servants our taxpayers deserve.

Sincerely,

County Judge

Footnote: Each Department may have additional policies or procedural requirements specific to that department. Ask your immediate supervisor or department head if additional policies apply.

History of Smith County

Smith County was created by the legislature of the new State of Texas on April 11, 1846. The first Commissioners Court meeting was held in December of that year. The first two floors of the original courthouse were completed in 1851 on the courthouse square. Another beautiful courthouse was built in 1908, and was replaced by our present structure in the mid-1950's. To meet population growth the courthouse was remodeled and additional buildings purchased to provide more courtrooms and more office space for expanding departments.

County government plays an important part in the history of County residents as we provide services throughout their lives by recording births, adoptions, marriages, divorces, providing health care to indigents, certifying deaths and probating wills of the deceased. Texans depend upon counties to record land records, register voters, hold elections and maintain rural roads. The counties in Texas also maintain the important historical documentation of the state's past.

Smith County personnel carry out responsibilities in the justice system of the various courts, law enforcement, probation and housing of inmates awaiting trial or punishment, public safety, health, welfare, veteran and agricultural services as well as various administrative functions.

Approximately 700 full and part-time employees work for Smith County in thirty-eight separate departments performing these functions and documenting the collective memory that our civilization requires.

How County Government Works

The basic structure of Smith County Government and the functions it performs are prescribed by the State of Texas. The County itself, and many of its offices, are created by the State Constitution and by State Law.

The Commissioners Court

The Smith County Commissioners Court is the one body with authority and responsibilities which allow it to affect all areas of County operation. It is composed of five elected officials; the County Judge who is elected County wide, and four County Commissioners who each are elected by a different geographical area within the County - a Precinct.

As a group, the Commissioners Court is the chief policy, administrative or executive branch of County government.

Among its many functions, the Court:

- * Sets the tax rate
- * Adopts the annual budget
- * Approves new programs or changes existing ones
- * Adopts regulations and policies
- * Approves and manages County facilities

The Court carries out these and other specific duties by meeting in regular sessions or special sessions. Regular sessions usually take place each Monday. Decisions of the Court require a majority vote.

Independent Elected Offices

While the Commissioners Court has the wider range of authority, in some areas state law gives greater authority to other Elected Officials. These Elected Officials - whether they are Judges, the Tax Assessor-Collector, the Sheriff, etc - are directly responsible to the voters for performing the duties assigned to their offices. In these areas, while the Court may influence the functions through the budget, the Elected Officials have the policy making and administrative responsibility for their respective offices.

Appointed Offices

State law also prescribes some offices whose Directors are appointed by Elected Officials and it allows the Commissioners Court to create some departments and appoint personnel to run them. The Auditor, who is appointed by District Judges, is an example of a state appointed officer.

The Records Service Director is an example of a position created and filled by the Commissioners Court.

Coordination and Cooperation

The mixture of independent and group authority, elected and appointed officials, and exclusive and shared power require intra-county cooperation and coordination. To function effectively, Smith County activities require the various offices and the people in them to work as a team. An example of coordination, cooperation and also control can be seen in planning and administering the budget.

The Budget

Each year, the County Budget Officer prepares a budget to cover all proposed expenditures of County government for the next fiscal year. Development of a budget involves estimating revenues from various sources and working with department heads to determine County needs for the next year. The preliminary budget may include a suggested tax rate to generate adequate revenue to meet estimated expenses. Texas counties are required by the constitution to operate on a cash basis except for bonded indebtedness. The budget is submitted to the Commissioners Court and after discussion, evaluation, and public hearings, a final budget is adopted. No money may be spent without certification by the Auditor to assure the funds are available in the budget item for which they are drawn. The fiscal year for Smith County is October 1 through September 30.

Purchasing

State law governs all purchases made in the name of the County. No employee is authorized to make purchases without first obtaining a purchase order. Smith County has centralized purchasing located in the Purchasing Department. Copies of the purchasing procedure may be obtained from the purchasing agent.

Law Enforcement

Another example is shown when the Sheriff or Constables who are elected and charged to investigate crimes and arrest law breakers, but the District Attorney must prosecute them, and independently elected Judges preside over their trials. If convicted, they may be supervised by appointed probation officers or be sentenced to the County Jail - supervised by the Sheriff.

Implementation and Administration of Personnel Policies

These policies are established and approved by the Commissioners Court of Smith County. They replace all previously approved policies to the extent of any conflict. Amended, revised, or new policies must be approved by the Commissioners Court. In cases where federal or state law or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary to comply. Each of these policies and parts of policies are intended to stand independently. Therefore, if any policy or part of a policy becomes invalid because of federal or state law or other authority, it shall not affect the validity or application of other policies or parts of policies.

These policies apply to all employees of Smith County which report directly to the Commissioners Court or who work in departments or agencies directly responsible to the Commissioners Court.

They shall also apply to employees of Elected Officials to the extent they are affirmatively adopted by such Elected Official. All Elected Officials of Smith County are encouraged to adopt these policies to the fullest extent possible in order for uniformity of personnel administration to exist.

Insofar as the Commissioners Court has fiscal responsibility or authority which relates to the employer-employee relationship of Smith County employees, these policies set forth the position of the Commissioners Court as guidelines for the information of employees, Department Heads and Elected Officials regarding such matters as payroll, vacation, sick leave, holidays and holiday pay, overtime, retirement insurance, travel, etc. All Elected Officials are expected to follow these guidelines for their employees, and their failure to do so could result in the Commissioners Court taking appropriate legal action.

Reminder - This Personnel Policy Manual does not constitute any type of contract, employment or otherwise, between the County and any employee.

Definitions

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accrued leave – paid time off from work which is earned but not yet used.

At-will employment –the employee is not under an employment contract. This doctrine simply means that either the employee or the employer can terminate the employment relationship at any time for any or no reason. However, under no circumstances will an employee's constitutional rights be violated in the process.

Compensation – means a financial benefit. Usually thought of as wages, pay or salary; as monetary benefit. Compensation or remuneration may also be a gift or special favors which have a monetary value.

Department head – includes elected officials, heads of departments appointed by the Commissioners Court, all officials appointed to elected offices, and all heads of departments appointed by the District Judges.

Drug – includes all illegal drugs or derivatives thereof, illegal inhalants, all drug paraphernalia, alcohol, and prescription drugs when not taken as directed by the employee's doctor.

Human Resources – County department responsible for administering a comprehensive Human Resource Program for Smith County that includes: providing a Job Line for applicants; conducting new employee

orientation and processing; administering benefit programs; processing and testing of applicants; developing and ensuring compliance with Personnel Policies and Procedures; maintaining compliance with Federal and State rules and regulations regarding employment; administering worker's compensation and unemployment compensation.

Insubordination – failure or unwillingness to accept or recognize the authority of a superior. Also includes failure to follow the directions or procedures of their department or supervisor.

Intoxication – to be under the effect of alcohol or *drugs*.

Licensed practitioner – a practitioner who is licensed to practice in the State of Texas, who is practicing within the scope of his/her license.

New Employee Orientation – consists of the federal and state required paperwork for employees as well as Smith County specific information. These include personnel data forms, insurance, retirement, and any other required forms.

Reportable Accident – an accident that meets any of the following criteria: occurs on county property; causes damage to county-owned property; causes bodily injury to a county employee or a private citizen.

Retiree – a person who is no longer employed by Smith County and meets the definition of retirement under section 5.05 Retirement.

TCDRS – Texas County and District Retirement System.

Note: Each of the above words appear in *italics* throughout this manual.

Chapter 2: Recruitment and Selection

Equal Employment Opportunity (Rev. 01/24/94)

The policy of Smith County is to provide equal employment opportunity, and not to discriminate on the basis of race, color, sex, creed, age, national origin, physical or mental disability, or political affiliation and to assure that all matters affecting employees including recruiting, hiring, compensation, benefits, transfers, demotions, promotions, layoffs and reinstatements will be administered accordingly.

Reasonable accommodations shall be made for otherwise qualified individuals with a disability to afford them the same opportunities for selection, advancement and all conditions and privileges of employment as non-disabled applicants and employees.

Determination of reasonable accommodation shall include but is not limited to consultation with the disabled employee(s) or applicant(s) and any other sources of relevant information.

This policy, however, is not to be construed to prohibit the County from establishing bonafide occupational qualifications that relate to abilities required to perform a job.

The Human Resource Department maintains on file a document, "Equal Employment Opportunity Plan". This document is available for review at any time, as are the copies sent to each Elected Official and or Department Head.

Employment Status

Employment by Smith County shall be "*at-will*" and no contractual obligations shall exist by any reason of any policy, handbook, or promise unless specifically provided in writing by the Commissioners Court or the appropriate elected official.

All employees should be aware that placement on the payroll does not constitute a contractual relationship of a specific length of time of employment. Employment with Smith County is considered "*at will*". That is, either the employee or employer can sever the employment relationship at any time without notice, for any legal reason, or for no reason at all. Employment "*at will*" has been the County's employment policy in the past and will continue to be until changed by official order of the Commissioners Court. Employment "*at will*" supersedes all other policies contained in the Smith County Personnel Policy Manual.

Selection and Transfer Policy – Revised 8/06

Employee vacancies in the County are filled on the basis of merit, whether by promotion from within or by initial hire. Smith County has three methods of recruiting and selecting persons to fill vacancies. Announcement of known vacancies to County employees and the public will be made by the Human Resources Department. Current employees will be permitted to apply for positions for which they believe themselves to be qualified. The Texas Workforce Commission is advised and advertising or other methods may be utilized.

An applicant is disqualified from employment by the County if they do not meet the minimum qualifications for performance of the duties of the position involved; fail the *drug* test; are unable to perform the essential functions of the position with or without a reasonable accommodation based on the results of the physical examination if required for the position; knowingly have made a false statement on the application form; have committed fraud during the selection process; or are not legally permitted to hold the position.

Employees who wish to apply for a position in another department should notify their supervisor or Elected Official or Department Head of their intent. In order to ensure a smooth transition, if an employee is accepted for transfer between departments, the respective supervisors, Elected Officials or Department Heads shall confer and agree upon an effective date of transfer which, generally should provide for a two week notice period. An employee who transfers from one Department to another is subject to the provisions of the three month introductory period beginning on the first day of transfer. Transfers will not change the anniversary date of the employee. All accrued time will transfer with the employee to his/her new Department with the exception of an employee whose classification changes. The supervisors, Elected Officials or Department Heads may waive the notice period by mutual agreement.

Promotions

Promotions are changes in the duty assignment of an employee from a position in one classification to a position in another classification in a higher pay range. It is the policy of Smith County to provide current employees with advancement opportunities whenever reasonably possible. While the County's policy is to fill each position with the best qualified applicant, preference shall be given to current County employees where, in the County's opinion, all other qualifications are equal.

Promotions are approved by the Elected Official or Department Head within the staffing pattern and budget limits approved by the Commissioners Court.

All promoted employees shall be required to complete a 90 day introductory period in the new position before the promotion is considered to be fully approved. If an employee cannot meet the required standards of the new position, the employee may be restored to the position from which they were promoted or to a comparable

position if a position is available and with the approval of the Elected Official or Department Head.

Lateral Transfers

Lateral transfers are movements of an employee between positions in the same pay level. Lateral transfers may be made within the same department or among other departments of the County with the approval of the affected Department Heads or Elected Officials.

Demotions

A demotion is a change in duty assignment of an employee from a position at one pay level to a position at a lower pay level. A demoted employee will have his or her pay reduced. Demotions may be made for the purpose of voluntary assumption of a less responsible position, as a disciplinary measure, or because of unsatisfactory performance in a higher position.

Post-Retirement Employment – Revised 12/05

Smith County may rehire retirees without a suspension of their monthly annuity if the following criteria are met.

- The retiree's separation was a bona fide separation, that is, there was no prior agreement or understanding between the employer and the employee that the employee would be rehired after retirement.
- The retiree must have had a break in service of at least one full calendar month.

A retiree who resumes employment with Smith County and does not have a break in service of at least one full calendar month, or who resumes employment with Smith County in essentially the same job as was previously held, will not be considered to have retired from the TCDRS. Thus, the employee's service retirement annuity will be discontinued and the employee must return payments received.

Any County department or office that is considering hiring a retiree should first consult the Personnel Department.

Any retiree who is rehired consistent with the policy will establish a new membership with TCDRS and will be considered a new member for the purposes of beneficiary determination and benefit selections.

Chapter 3: Employee Practices and Standards

Introductory Period

Each new Smith County employee shall be subject to a 90 day introductory period. During the introductory period sick leave, vacation, or funeral days cannot be used by the employee.

At any time during the introductory period, the department or employee may choose to initiate a “no fault” separation which will not adversely affect the employee’s personnel records. However, nothing in this section shall limit or restrict the “*at-will*” employment status of an employee. Smith County retains the right to terminate the employee at any time either during or after the introductory period for any reason or no reason, and no right to employment for a specific period of time shall be implied by the introductory period.

New employees shall not be eligible for paid vacation time or an administrative holiday nor shall they receive pay for accrued vacation or an administrative holiday if their employment is terminated for any reason during the introductory period. The employee shall be credited for vacation time and sick time accrued from the date of employment upon successful completion of the introductory period.

Starting Pay

Starting pay for all positions will be set by the department head or elected official for the appropriate department in accordance with the adopted budget that has been approved by the Commissioners Court.

Hours, Schedules and Alternative Programs

Office Hours

A department head, with the approval of the Commissioners Court, has the right to establish and schedule reasonable work hours, rules, and working conditions in a manner most advantageous to the county in accomplishing its service and work requirements. Compensatory and overtime are also scheduled by the elected official/department head according to appropriate county policies. County offices are expected to remain open between the hours of 8:00 a.m. – 5:00 p.m., including the noon hour, unless otherwise approved by the Commissioners Court. Employees should verify office and work hours with their supervisor.

Breaks and Lunches

A department head may establish breaks and lunch periods for their employees in accordance with their service and work requirements. Employees may be granted one fifteen (15) minute break for each four (4) hours worked. Employees are paid while on break. A lunch period may be 30 minutes or one hour depending on the work schedule approved by the elected official/department head. Lunch periods are in addition to the regular eight hour work period. Employees are not paid during their lunch period, therefore, they should be relieved of all duties and be free to leave their posted work station.

Flex time

If an employee is required by his/her Department Head to work more than their regular work day, the Department Head is encouraged to reduce work hours another day during the same work week. This will ensure that the employee does not exceed 40 hours in their regular work week.

Department Heads are strongly encouraged to “flex” their employees’ time to avoid their working overtime.

Overtime and Compensatory Time

Employees may be required to work overtime in addition to those hours in their regular work week. In such cases, employees will be given time and one-half compensatory time in lieu of overtime payment. Non-exempt employees **MUST HAVE PRIOR APPROVAL** from their Department Head before working overtime. Any non-exempt employee who works overtime without obtaining prior approval may be subject to disciplinary action. Exempt employees are not eligible to earn compensatory time.

When a non-exempt employee accumulates 240 hours of compensatory time, all compensatory time in excess of 200 hours shall be paid in that payroll period.

When a non-exempt law enforcement employee accumulates 480 hours of compensatory time, all compensatory time in excess of 400 hours shall be paid in that payroll period.

Department Heads are strongly encouraged to allow their employees to use their accrued comp time to avoid the 240 and 480 hour ceilings.

Upon termination of employment or classification change to an exempt, excluded or elected position, an employee shall be paid for any unused compensatory time at a rate of *compensation* not less than:

- The average regular rate received by such employee during the last 3 years of employment, or
- The final regular rate received by such employee, whichever is greater.

Temporary Assignment Compensation – Revised 1/08

To facilitate the operations of and minimize the disruption of a County Department, the Commissioners Court may designate an employee to act as interim Department Head. Temporary assignments of this nature in excess of one month may be eligible for additional temporary compensation as determined by the Commissioners Court. Upon completion of the temporary assignment, the employee's compensation shall return to his/her former rate of pay.

Factors that shall be considered when determining eligibility for additional temporary compensation are:

- Estimated length of temporary assignment
- Circumstances resulting in absence of Department Head
- Scope of additional responsibilities
- Availability of funding

Health and Safety

Workplace Violence

It is Smith County's policy to promote a safe environment for its employees. The County is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Smith County will not tolerate such acts when directed at an employee. Neither will Smith County tolerate an act of workplace violence committed by an employee toward a citizen or co-worker.

Violence, threats, harassment, intimidation, and other disruptive behavior in our workplace will not be tolerated. All reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties or both. Acts of workplace violence include acts of family violence.

Your cooperation is required to implement this policy and to maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on county property, whether he or she is a county employee or not, report it immediately

to your supervisor or department head. You may also report the circumstances to the Human Resources Director or the Administrative Assistant to the Commissioners Court. Employees may also go to any member of the Commissioners Court. Failure to report these described behaviors or a related situation is a violation of the County's personnel policies.

Individuals who receive such reports should seek advice from the Sheriff's Department [or the Human Resources Department] regarding investigating the incident and initiating appropriate action.

Injuries

An employee who suffers an on-the-job-injury or job-related illness shall notify their supervisor immediately. An on-the-job injury is an injury arising out of or resulting from the performance of job duties by an officer or employee of the County, which takes place during an activity which would be compensated by the County. If medical treatment is required, the employee should go (or be taken) to a physician of their choice or to an emergency room, as appropriate. The employee and supervisor will fill out the appropriate reporting forms.

Safety Policy

It is the policy of Smith County to ensure adequate provision is made for the safety and health of all employees and other users of County facilities and that appropriate risk management and loss control strategies are employed.

The Commissioners Court and the appointed Safety Coordinator are responsible for overseeing the assignment of responsibilities for an effective safety and health program. Specific goals will be established to ensure that all personnel are made aware of safety standards and procedures. This will be accomplished through safety meetings, safety training, safety inspections, accident investigations and any corrective actions that may be necessary to ensure safe working conditions.

This policy maintains safety as a standard of conduct required by all county employees. The overall success of the safety and health program requires the participation and support of all employees. Note that violations of a standard of conduct, including safety, may result in disciplinary action, including termination.

Each employee must share in following safety and health procedures. By reporting any unsafe practices to your Department Head or the Human Resources Department, you can help prevent accidents and losses for a better Smith County.

Nepotism

It is the policy of the County for all County departments and offices to comply with the Texas Nepotism Statutes (Vernon's Texas Codes Annotated, Government Code,

§573) which states: A public official or appointed official may not appoint, confirm the appointment of, or vote for the appointment or confirmation of the appointment of an individual to a position that is to be directly or indirectly compensated from public funds or fees of office if the individual and official are related to each other by the degrees established by state statute.

Individuals are related either by consanguinity (blood) or affinity (marriage). Individuals who are related within the third degree of consanguinity or the second degree by affinity to elected officials, appointed department heads, or employees currently employed who would have supervisory authority over that individual are not eligible for employment with Smith County.

Persons related within the third degree of consanguinity or the second degree by affinity to an employee may not work in the same department due to potential conflicts. Likewise, applicants related within the third degree of consanguinity or the second degree by affinity to an employee may not be hired for a position in the same department as a relative. Failure to disclose such a relationship at the time of application is grounds for termination. Current employees, as of May 26, 2009, related to other employees in the same department will not be subject to this provision unless such person leaves and is seeking to be rehired after the effective date of this provision.

Elected officials, appointed officials or any employee with questions about the nepotism statute or definitions of degrees are encouraged to direct their questions to the Human Resources Department.

Physical Standards

Certain job classifications within the County require physical examinations to determine if an individual can perform the essential job functions with or without a reasonable accommodation.

These physical examinations will be required of each individual who receives a conditional job offer in certain job classifications.

Determination of reasonable accommodation for otherwise qualified individuals shall be made in accordance with the provisions of the policy on equal employment opportunity and in keeping with the Americans with Disabilities Act.

Drug and Alcohol Abuse

The policy of Smith County, Texas, is to require a *drug* free workplace. Illegal *drugs*, substance abuse (including alcohol) and abuse of legal *drugs* will not be tolerated. Employees will be terminated if found to be in violation of this policy.

- Test results which demonstrate positive findings (zero tolerance) for illegal *drugs* are grounds for termination.
- Test results which demonstrate positive findings (zero tolerance) for alcohol when reporting to work or during work are grounds for termination.
- Test results and conduct or behavior indicating abuse of legal prescriptions or therapeutic medications are grounds for termination.

Testing for use of alcohol or controlled substances is required by written regulation of the Federal Highway Administration found at 49 CFR, Part 382. This regulation applies to every person who operates a commercial motor vehicle in interstate or intrastate commerce and who is subject to the commercial driver's license requirements of 49 CFR, Part 383. Testing of Smith County employees other than drivers required to hold commercial driver's licenses is not based upon the Federal Highway Administration regulations, but rather is based upon the independent authority of Smith County.

All test results and other documents relating to administration of this policy will be confidential.

A post accident *drug* and alcohol test shall be required on any *reportable accident* involving a county employee.

Policy

It is the intent of Smith County to maintain a work environment free from the use, exchange or presence of illegal or illicit *drugs* and to prevent the misuse of legal *drugs* or alcohol by Smith County employees while working in County offices, facilities, worksites or wherever their duties require them to be. Smith County recognizes that *drugs* and alcohol impair employee judgment, which may result in increased safety risks, hazards to the public, employee injuries, faulty decision-making and reduced productivity. Therefore, the County requires all employees to be in a state of mind and physical condition fit to complete their assigned duties safely and competently.

In the interest in providing a *drug* free workplace, the following applies:

1. Employees are required to refrain from the use, manufacture, procurement, distribution, sale, dispensing or possession of any controlled substance without a lawful prescription.
2. Employees are required to refrain from the use or possession of alcohol while on duty and the use of alcohol for a sufficient time prior to the performance of duty so that none of the effects (including positive test results) of the use of alcohol remain during job performance.
3. Employees are required to refrain from the use or misuse of legal *drugs*, chemicals or substances containing elements having a potential for abuse while

on duty and for a sufficient time prior to the performance of duty so that none of the effects (including positive test results) of the use or misuse of legal *drugs*, chemicals or substances containing elements having a potential for abuse remain during job performance.

4. Employees are required to refrain from the use of, misuse of or exposure to substances and materials available in the workplace which may result in physical or mental impairment.
5. Any employee who is convicted under a criminal statute relating to illegal *drugs*, alcohol or misuse of legal *drugs* or a controlled substance, shall notify their immediate supervisor no later than five (5) days after the conviction. Within thirty (30) days after receiving notice from an employee of a conviction of a criminal statute, the Elected Official or Department Head shall take appropriate personnel action up to and including termination of that employee.

Elected Officials or Department Heads shall not allow any employee to remain on duty who is found to use, manufacture, distribute, procure, sell, dispense or possess any controlled substance without proper legal authority or who is found to use or misuse legal *drugs*, chemicals, or substances containing elements having a potential for abuse or use alcohol when the effects (including positive test results) remain during job performance and may result in physical or mental impairment and shall initiate action to remove from employment such employee.

This *drug*-free workplace program establishes that illegal *drugs*, substance abuse and abuse of legal *drugs* will not be tolerated. Failure of the *drug* test for illegal *drugs* is any positive result (zero tolerance). Failure of the test for alcohol is a positive result (zero tolerance) when reporting to or during working hours. Employees will be terminated if found to be in violation of this policy.

All *drug* test results and other documents relating to it will be held and treated in confidence.

Any employee who has a problem with the use of illegal drugs, alcohol, or abuse of legal substances is encouraged to come forward and speak with their Department Head or the Director of Human Resources. An employee who voluntarily admits being a user of any controlled substance without proper legal authority or an abuser of alcohol PRIOR to being identified through other means and who obtains counseling or rehabilitation and thereafter refrains from such abuse in accordance with the provisions of this policy will not be subject to disciplinary action. All medical evaluations and treatments are confidential unless authorized specifically in writing by the employee.

The Director of the Human Resource Department will develop and implement a *drug*-free awareness program to inform employees about the following: (1) the dangers of substance abuse in the workplace, (2) the *drug* and alcohol abuse policy, (3) the action imposed on employees for violations. The Director of the Human Resource

Department is designated by Smith County to answer questions about the policy and related materials.

Drug and Alcohol Testing

Smith County will maintain compliance with Federal and State laws regarding *drug/alcohol* testing of employees in particular job classifications. As part of the overall program to provide a *drug* free workplace, newly hired employees will have successfully passed a pre-employment *drug/alcohol* test. At the time of testing the applicant will be informed of the testing procedure and consequences of positive results. The applicant will be requested to sign a consent release form acknowledging understanding of the test, authorizing the procedure, and releasing the test results to the County. Any applicant who refuses to sign the consent release form or refuses to undergo the *drug/alcohol* testing will not be considered for employment, since *drug/alcohol* testing is an integral part in determining suitability for employment. If an applicant fails the test, a second test on the same sample will be run immediately. If that test proves positive, the applicant will not be hired.

All employees who are using a prescription or nonprescription medication which may in any way impact their job performance must notify their supervisor in writing as to the possible effects of such medication on the performance of their assigned duties and related physical/mental capability. The Elected Official or Department Head may require a doctor's statement if the employee indicates that there is a need to use the medication for an extended period.

When a Supervisor has reasonable suspicion to believe that an employee, at work or when reporting to work, appears to be impaired or unfit for duty due to the influence of alcohol or any controlled substance, the employee will be required to consent to a *drug/alcohol* test. Impairment is defined as being unable to perform their duties safely and competently due to use of alcohol or controlled substances. If the employee refuses to sign the consent release or refuses to undergo the *drug/alcohol* test, they will be advised that unless they consent to the *drug/alcohol* test and sign the consent release form, they will be terminated.

Effective immediately, the County may conduct unannounced searches or inspections where there is reasonable cause to believe alcohol or illegal *drugs* are present. This may include, but is not limited to, searches of employee personal effects, including requiring the employee to empty the contents of pockets, lockers, lunch boxes, purses, briefcases, containers and desks located on County property, in work sites, and in County-owned or operated vehicles. Private vehicles located in County parking lots are also subject to search.

Reasonable suspicion is a belief that the employee has violated the alcohol or controlled substances prohibitions based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

Commercial Driver's License (CDL) Testing

Employees and/or applicants for employment in job positions requiring a Commercial Driver's License are subject to specific federal laws and regulations regarding drug and alcohol testing including post-accident and random requirements. However, these requirements do not change the County's policy of termination for testing positive (zero tolerance) on any use of illegal drugs, abuse of legal drugs, substance abuse or testing positive (zero tolerance) for alcohol concentration level when reporting to or during working hours.

Communicable Diseases Policy

Smith County's decisions involving persons who have communicable diseases shall be based on current and well-informed medical judgment concerning the disease, the risks of transmitting the illness to others, the symptoms and special circumstances of each individual who has a communicable disease, and a careful weighing of the identified risks and the available alternative for responding to an employee with a communicable disease.

Communicable diseases include, but are not limited to, measles, influenza, viral hepatitis-A (infectious hepatitis), viral hepatitis-B (serum hepatitis), human immunodeficiency virus (HIV infection), AIDS, AIDS - related complex (ARC), leprosy, Severe Acute Respiratory Syndrome (SARS) and tuberculosis. Smith County may choose to broaden this definition within its best interest and in accordance with information received through the Centers for Disease Control and Prevention (CDC).

Smith County will not discriminate against any job applicant or employee based on the individual having a communicable disease. Applicants and employees shall not be denied access to the workplace solely on the grounds that they have a communicable disease. Smith County reserves the right to exclude a person with a communicable disease from the workplace facilities if, based on medical determination, such restriction is necessary for the welfare of the person who has the communicable disease and/or the welfare of others within the workplace.

Smith County will comply with all applicable statutes and regulations that protect the privacy of persons who have a communicable disease. A breach of confidentiality by any employee, Elected Official or Department Head of Smith County may be cause for litigation which could result in civil and criminal penalties and disciplinary action, including discharge, against such person.

Donations

Although Smith County encourages all employees to be good County citizens by participation in and support of charitable drives, no employee shall be forced to contribute or make donations to any fund or collection.

The only County-wide recognized drive is the United Way. Before any other office collection can be started it must be approved by the Elected Official or Department Head.

Travel

Smith County employees or officials required to travel in the performance of County business shall be reimbursed as provided for in this policy. All funds that are to be used for reimbursement will have been previously budgeted by the Commissioners Court.

All travel reimbursements will be made in accordance with the regulations and procedures as presented in the Smith County Travel Manual which is approved by the Commissioners Court and is available through the County Auditor's Office. Distribution of these manuals is made to all Department Heads and Elected Officials and at their request to any other County employee that they designate to receive one. The forms related to travel are also available from the County Auditor's Office.

When travel on County business is necessary for employees without a travel budget, a Travel Request Summary Form needs to be authorized by the Elected Official or Department Head and sent to the Commissioners Court prior to travel. If an advance payment is being requested, a copy of the form needs to be submitted to the County Auditor's Office at least fourteen days prior to travel.

All employees or officials wishing to be reimbursed for travel must present a Travel Reimbursement Form to the County Auditor's Office for expense verification and then submit it to the Commissioners Court for approval.

An employee or official using a private motor vehicle for transportation shall be reimbursed at a rate that is established by the Commissioners Court. This rate shall be paid on a per mile basis. When two or more employees or officials travel in the same vehicle, only one may claim mileage reimbursement.

An employee or official shall be reimbursed for accommodations (hotel room and meals) pursuant to the Smith County Travel Policy, which are supported and verified by submitting all receipts to the County Auditor's Office with the approved request form. Only after verification will reimbursement occur.

TRAVEL - Reimbursement of Travel/Conference Expenses Policy (Rev.05/24/11)

I. POLICY

Smith County realizes the benefits that accrue to the County when their employees attend conferences, seminars, and professional training activities. The County will bear expenses incurred by county officials and full time county employees to attend such activities provided that the following procedures are followed. Smith County will only pay for conferences, seminars, training, and travel for expenses directly related to the work of the county office involved.

II. PROCEDURE

- A. Attendance by county employees at conferences and seminars shall be at the discretion of the county officials and department heads. The travel expense must be related to the duties and responsibilities of the county office incurring the expenses and there must be adequate funds budgeted to cover the expenses to be reimbursed.
- B. Although no specific prior approval by Commissioners Court is required for travel expenses, the Commissioners Court reserves the right to deny payment for any travel reimbursement that it deems to be improper or unnecessary. Additional justification for reimbursement or expenses may also be required for all county employees and department heads.
- C. Registration fees will be paid in advance by the County. The request for payment of registration fees must be submitted to the County Auditor's office along with the completed registration form and a course schedule or agenda. If a request for prepaid fees is not received in time for regular processing by the Auditor's office, then the registration fees must be paid by the county official or employee and reimbursed by the County.
- D. Lodging will be reimbursed at the conference host hotel rate or lower. If there is no host hotel, the County will reimburse at the current State of Texas In-State Lodging rate as posted at the time of travel.
- E. Meal expenses will be reimbursed at the current State of Texas per diem rate in effect at the time the expense is incurred. Per diem reimbursement will be approved only when an overnight stay has occurred. Meal reimbursement will not be allowed for training that does not result in an overnight stay. One day per diem will be added to the length of the conference to cover travel related days.

- F. Personal automobile expenses are reimbursed at the current State of Texas mileage rate in effect at the time of travel. Acceptable mileage calculations include the Texas Mileage Guide from Tyler to the destination city, or a computer generated document, such as Mapquest, showing the starting location as the address of Smith County office requesting the travel and the ending location being the hotel of your destination. Officials/employees receiving a fixed car allowance will only receive reimbursable mileage for training related travel outside of Smith County.
- G. All reimbursements will be made according to the County's usual and customary procedures for processing claims.
- H. Request for Travel Reimbursement forms must be signed by the county employee and the department head for reimbursement to be made. Such signatures serve as an affidavit that the claim for reimbursement is valid. Forms can be found on the County's intranet page under Smith County Forms.
- I. Smith County will not refund as travel/education expenses any fees or tuition for courses taken which could apply toward a college degree or for which academic credit hours are granted. College tuition may be reimbursed to eligible County employees according to the terms of the Smith County Tuition Reimbursement Policy.
- J. All claims for travel/education expense must be submitted to the County Auditor's office for processing by accounts payable no later than three (3) months after being incurred. Payment will be denied on any reimbursement claims presented after this time limit.
- K. Any training/conference costs requested for an employee that does not have full time status will require **express** Commissioners Court approval 30 days in advance of the scheduled training.
- L. Some expenses may be advanced per the Travel Advance Policy.

TRAVEL - Advance Payments Policy (Rev.05/24/11)

I. POLICY

Travel advance checks will be issued to employees traveling on county business through the following policy:

- A. If lodging cannot be direct billed to the County, a check to the hotel can be issued in the amount of the daily charge time the number of days included in the trip. Travel advance checks will not be issued in the employee's name for lodging.
- B. Registration fees for conferences will continue to be paid through the Auditor's office per Travel Reimbursement Policy, Section II (C).
- C. Travel advance check requests must be received in the Auditor's office and placed on the bill report prior to payment. Requests must be received by 8:00 a.m. on Tuesday morning to be on the next scheduled bill report for Commissioners Court approval.
- D. Additional expenses incurred over and above advanced amounts (i.e., taxi fare, shuttle fare, airport and hotel parking, tax on hotel rooms not included in the lodging advance, and mileage within the destination city to and from meetings) will be reimbursed per Policy 3.11. Unused or unaccounted for funds must be remitted back to the County.

II. PROCEDURE

Employees must complete the Request for Advance Payment form and submit it to their department head for approval. Completed forms should be submitted to the Auditor's office in accordance with paragraph C of this policy.

Chapter 4: Employee Responsibilities

Anti-Harassment Policy

Policy

Harassment on the basis of race, color, religion, sex, national origin, age or disability is discrimination and, as such, is a violation of federal law. Harassment of any individual in the workplace is a violation of Smith County Policy and will not be tolerated.

No employee or future employee is to be subject to discrimination or harassment. Management will maintain a focused effort to prevent and discourage such action by all employees or officials. Any violation of the letter or spirit of this policy by any employee, including supervisors or managers, shall result in disciplinary action up to and including, where appropriate, termination. Compliance with this policy is a condition of employment.

Sexual harassment is deserving of special mention. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- Submission or rejection of conduct by an individual is used as a basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

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Questions concerning Sexual Harassment should be directed to the Human Resources Director.

Retaliation against any employee for having complained of discrimination, for having been a party to or a participant witness to any unlawful employment practice, or having inquired about or having discussed the possibility of filing a discrimination complaint because of sex, race, color, national origin, religion, age (age 40 and over) or disability is forbidden. All employees have the right to report a complaint of discrimination and the right to inquire about or discuss the possibility of filing a discrimination complaint. Such inquiries should be directed to the department head or Human Resources Director, as appropriate.

Procedures

Complaint Procedures

- All employees may report harassment of any type directly to their supervisor, department head or official, or the Director of Human Resources. Employees should report such complaints as soon as possible after the incident precipitating the complaint. County departments may forward such complaints to the Human Resources Department.
- Department managers and supervisors should make every effort to allow the complainant and other employees time, with pay, to meet with the investigating officer when the meeting is requested by the staff assigned to investigate the complaint.
- This procedure shall be available to all applicants and/or employees except those who have utilized another Smith County grievance or appeal procedure for the same or closely related issue. Nothing in this procedure shall restrict the right to file a complaint with any state or federal agency responsible for the enforcement of civil rights laws.
- Investigations of all complaints will be handled as confidentially as possible.

Investigation Procedures

Complaints received by the Human Resource Department or the Civil Division of the Criminal District Attorney's Office shall be reviewed in the following manner:

INFORMAL REVIEW PROCESS

Upon receipt of a complaint, the Human Resource Department shall notify the Civil Division of the Criminal District Attorney's Office and the Department Head or Official of the complaint. The Human Resource Department or the Civil Division of the DA's Office shall investigate the complaint promptly. The investigation shall include the right to all necessary information to conduct a thorough review. This includes, but is not limited to, the right to interview witnesses and to request the complainant and the respondent to join in discussions of the complaint. Investigations will be completed within thirty (30) days from the date the discrimination is reported. If this is not possible, the investigating party will explain the delay to the parties involved and obtain approval from both sides for an extension.

Complaints may be administratively closed for various reasons, such as, but not limited to, the following:

- The complainant withdraws the complaint;
- The complainant does not cooperate in the investigation; or

- The complainant cannot be reached after repeated efforts.

NO PROBABLE CAUSE FINDING

After the appropriate review process, if there is insufficient evidence to support the charge of discrimination, the complaint shall be closed with a finding of no probable cause to believe there was discrimination.

CONCILIATED SETTLEMENT

If a finding of probable cause is made, the Human Resource Department or the Criminal District Attorney's Office will attempt to reach an agreeable resolution of the complaint. If a mutually acceptable conciliation is achieved the case shall be closed. A written notice shall indicate the agreement reached and shall be provided to the complainant, the respondent, and the appropriate management officials.

FAILURE TO CONCILIATE

If conciliation efforts fail, the Human Resource Department or the Criminal District Attorney's Office shall provide the appropriate authorities with a recommendation regarding appropriate remedial action. Remedial action may include apologies, training, warnings, reprimands, demotions, unpaid suspensions, reassignment, termination or a combination of the above actions.

Electronic Information and Technology Policy

Computer Use

No Expectation of Privacy: Smith County expects its employees and any authorized users to exercise good judgment in the use of all County assets, including telecommunications equipment and information systems, which include, but are not limited to, personal mainframe computers, telephones, telecommunications internal and external electronic networks, Intranet and Internet, voice mail, e-mail, business and fax machines, software, electronic media storage devices, electronic records, tapes, discs, CD ROMS, work areas, storage locations or facilities, and the like which are collectively referred to as "Information Systems". Information Systems are intended to be used for proper business purposes consistent with all County policies. Smith County reserves the right to access, monitor, read, review, delete and audit, without prior notification, all usage or content of Information Systems. There is no expectation of personal privacy or confidentiality with respect to any use or content of Information Systems. By virtue of this policy statement, Smith County does not intend to waive any confidentiality or privilege it may have with respect to Information Systems including content. Users should not disclose passwords or access authorizations to other persons. Users should not use unauthorized access authorizations or passwords to gain access to other users' files or communications.

Games: Non-business programs should not be installed on personal computers; computer games, for example, may not be used on County owned equipment.

Prohibited Activities: Material that is fraudulent, harassing, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful, inappropriate, or offensive (including offensive material concerning sex, race color, national origin, religion, age disability, or other characteristic protected by law) may not be downloaded from the Internet, viewed, stored in, or distributed from County owned equipment. Violation of this policy may result in disciplinary action up to and including termination.

Parking

Smith County employees perform their work at many locations in the County. Parking is generally available for all locations. For employees working in the downtown area (Courthouse, Annex, Smith County Office Building, Jail, etc.), the County leases a lot and parking is available on a controlled basis.

Employees should not park in metered spaces during controlled hours as it is illegal to park beyond the initial parking time allotted and it would be a loss of work time to the County for an employee to have to go out and move their vehicle several times a day.

Outside Employment

County Employees shall not engage in other employment during the hours they are scheduled to work for Smith County.

Employees wanting to engage in outside employment must complete and submit an Outside Employment Request Form to their immediate supervisor prior to starting such employment. If the supervisor concurs that it will not conflict with the County's interests, the Department Head or Elected Official or their designee is notified and notes the final approval decision on the Outside Employment Request Form. Any change in the outside employment as to employer, hours or the nature of work performed must also be approved.

Personal Conduct

Smith County is a public tax-supported organization. Employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work items assigned as their responsibility, to maintain good relationships with the public, with other governmental employees and officials, with their supervisors, and with fellow employees.

Employees are to be punctual in maintaining work hours, keeping appointments and meeting schedules for completion of work. Regular attendance is important to the overall operation of the department. If for any reason an employee is unable to report for work, they shall notify their supervisor or Elected Official or Department Head

immediately or prior to the start of the workday. If, due to extenuating circumstances, an employee is unable to make the notification, a family member or a friend should contact the supervisor or Elected Official or Department Head.

Each employee's personal appearance and conduct represents Smith County to the public and to other County employees. Employees should maintain a neat, well groomed appearance at all times and avoid extremes in dress. It is important that each employee try to make the best possible impression at all times by setting high standards in appearance and conduct.

Employee Conduct Violations

The Elected Official or Department Head shall be responsible for maintaining a proper work environment and to enforce discipline on violations.

In order to assure understanding of the seriousness of proper conduct by County employees, a list of violations follows. Possible violations are not limited to this list and committing any violation will be grounds for disciplinary action, ranging from reprimand to immediate dismissal.

1. Falsification of official documents or records including employment application or payroll sheet.
2. Failure to wear presentable and appropriate clothing or required uniform.
3. Absence without reasonable cause.
4. Repeatedly reporting late for work.
5. Leaving the job during working hours without permission.
6. Creating or contributing to unsanitary conditions.
7. Accepting bribes in the course of work.
8. Possession of weapons on County premises except as required in official capacity.
9. *Insubordination* or refusal to obey lawful orders of supervision.
10. Refusal or failure to do assigned work.
11. Gross misconduct, threatening, intimidating, coercing or interfering with employees, supervisors or the public.
12. Fighting or gambling on County premises.
13. Engaging in outside employment without receiving approval authorization (see 4.04).
14. Allowing the use of a County vehicle or other property by a non-County employee except in either an emergency or for repairs.
15. Negligent or willful damage of public property.

16. Abusive language to employees, supervisors or the public.
17. Unauthorized use, theft or misappropriation of property of employees or of the County.
18. Use or possession of illegal *drugs* or narcotics; or abuse of legal *drugs*.
19. Possession of, or drinking of, liquor or any alcoholic beverage on County premises at anytime; or reporting for work under the influence of alcohol.
20. Unauthorized use or the intentional or reckless disclosure of information which is restricted by law.
21. Sabotage.
22. Conviction of a felony or of a crime relating to *drugs* or alcohol or of any other crime involving moral turpitude.
23. Immoral conduct or indecency.
24. Conscious or negligent indifference for the safety of self or others.
25. Sexual Harassment
26. Sleeping on-the-job.
27. Failure to report an on-the-job injury or illness immediately or promptly thereafter if immediacy is not possible.
28. Failure to comply with the County's Code of Conduct.

Should an employee be arrested for any offense Class B or above he/she must report the arrest to the Human Resource Department within five (5) days of the arrest.

Use of County-owned Property

The utmost care shall always be exercised in using Smith County property to minimize damage to equipment or waste of supplies. County-owned property and equipment shall be used for County business only.

County-Owned Vehicles

Smith County utilizes a large number of County-owned vehicles in accomplishing the day-to-day business of the County. Only authorized County employees who have proven insurability and the appropriate Texas Drivers License shall be allowed to operate a County Vehicle. The operators of these cars, trucks and other equipment have the responsibility to operate them in a proper and safe manner.

The personal use of County owned vehicles is not allowed. The operation of County owned vehicles by non-employees is not allowed. The use of a County owned vehicle to transport political campaign materials or participate in a political campaign is not allowed.

County vehicles are to be used for conducting official County business only. Smith County reserves the right to inspect and/or search its vehicles at any time, for any purpose. County employees should have no expectation of privacy in County vehicles.

Employees assigned County take-home vehicles shall ensure that their residence has adequate and safe parking for such vehicles. Toolboxes, hand tools, cargo or any other items of value must be locked and secured out of sight in the vehicle, or removed to a secure location while the vehicle is parked. Keys and remote entry devices for the vehicle must be in the possession of the employee at all times or secured in a separately locked location in the home.

Employees on vacation or on a leave of absence for an extended period of time should make arrangements to leave their County take-home vehicle at a work location designated by their supervisor.

Employees authorized to utilize County owned vehicles should be aware that the operation and appearance of the vehicle directly reflects upon the professionalism of the driver, their department and Smith County. As such, employees must be aware of their vehicle condition, driving habits and actions toward others to ensure that their behavior, appearance and operation of the vehicle will demonstrate the highest degree of professionalism and courtesy.

No additional equipment of any kind may be added to the County owned vehicle without first obtaining written approval from the appropriate Elected Official or Department Head. A copy of the approval document must be kept in the vehicle at all times.

No weapons of any kind (with the exception of those carried by certified peace officers) are allowed in any County owned vehicle.

Vehicle Policy

I. Purpose

To increase efficiency in County governmental operations, the Smith County Commissioners Court has formulated a policy which will maximize the County's vehicle resources. The purpose of this policy is to establish the County's guidelines in the use of County-owned vehicles.

II. Role of the Commissioners Court

The Commissioners Court, being the policy development and budgetary control unit of County government, shall be the final authority in determining the utilization of the County's vehicle resources. The policy is subject to revision at any time by the Commissioners Court.

III. Categories of Vehicles

This policy shall affect six (6) categories of County vehicles:

1. Support Vehicles - Support vehicles are those vehicles whose main purpose is to support road construction and maintenance. These vehicles include, but are not limited to, pick-ups, dump trucks, fuel trucks, and other vehicles.
2. Departmental Support Vehicles - Departmental support vehicles are those vehicles which County departments utilize to accomplish the department's objectives. These vehicles include, but are not limited to transport vehicles, law enforcement vehicles, supply vehicles, probation vehicles and pick-ups.
3. Department Vehicle - Department vehicles are those vehicles which are utilized by county department heads in the performance of their managerial and departmental duties.
4. Elected Officials and Support Staff Vehicles - Elected officials and support staff vehicles are those vehicles which are utilized by elected officials and their immediate staff in the performance of their duties.
5. Forfeited Vehicles - Vehicles seized by county law enforcement agencies are those vehicles which are legally seized and forfeited to the seizing county law enforcement agency by the appropriate judicial body.
6. Grant Vehicles - Grant vehicles are those vehicles which are purchased or leased solely by non-county grant funds.

IV. Assignment of Vehicles

1. The acquisition and assignment of fleet vehicles shall be controlled by the policies of Commissioners Court. Upon acquisition, the Purchasing Director will reflect the vehicle's acquisition in the County's fixed asset inventory records.
2. Certain employees may be identified by the Commissioners Court, the appropriate Elected Official and/or Department Head as requiring a county owned vehicle on a twenty-four hour basis. The criteria used for determining if the assignment of a take home vehicle is appropriate are: the employees responds to on call emergencies or critical situations as a primary responder; the employee's primary duties are in the field or at a County facility other than their primary departmental location; the vehicle carries specialized equipment utilized in response to emergencies, and the employee assigned to said vehicle has special skills and knowledge concerning the operation of the equipment.

County employees who operate County owned vehicles must comply with all applicable State and Local laws. If an employee receives a traffic citation while in a County owned vehicle, it is the employee's responsibility to inform his or her supervisor as soon as possible, but, no later than 24 hours from the time the citation was issued. Any and all costs associated with the adjudication of such a citation shall be the sole responsibility of the employee. In cases where a citation has resulted from a malfunction of the vehicle or its systems, the employee's supervisor shall determine if the employee or the County was responsible for the malfunction of said equipment. Employees involved in accidents in a County vehicle while not engaged in the "course and scope of their employment" shall be responsible for all liabilities arising from the accident and shall be subject to future forfeiture of their use of a County vehicle.

3. Vehicles which are assigned to individual officials/employees may be taken to the employee's primary residence only if:

- A) The Department Head has approved the assignment;

All such assignments must be considered temporary subject to review and revocation at any time. Each department shall maintain a listing of those officials/employees authorized to take a county vehicle to the employee's primary residence and a copy shall be furnished to the Smith County Auditor. Vehicles may be used only for work-related duties and to drive to and from work. They may be used for no other purpose except in an emergency or for trips completely incidental to County employment or driving to and from a County-related job site. These officials/employees will be assessed "taxable mileage" in accordance with IRS guidelines. All other vehicles must be parked on County property at the end of the day.

Only County officials/employees, duly commissioned reserve officers authorized by the County Sheriff or Constable, or officers assigned to special operations and/or task force units approved by Commissioners Court, or pursuant to the policies of the Commissioners Court, are authorized to drive a county vehicle. A list of duly commissioned reserve officers, including all relevant necessary information, authorized by the County Sheriff or Constable to drive a county vehicle shall be maintained by the respective elected official and approved by the Commissioners Court and a copy kept by the Purchasing Department and Human Resource Department.

4. Personal Use.

- A) At no time may a County vehicle be used for personal gain, personal business, to drive to a place of secondary or part-time employment not related to County business, or for any other non County-related use.

- B) A County law enforcement official/employee working undercover and assigned an unmarked vehicle may use the assigned vehicle for personal reasons during normal work hours, when called in to work and/or during the commute to and from a work site. Unmarked vehicles shall not be used as transportation to a secondary job.
 - C) Any County department whose employee knowingly violates the provisions of this section shall surrender that county vehicle, in which the violation occurred, to the Road and Bridge main barn facility. However, prior to the department surrendering the vehicle, the County Judge may authorize the department to maintain temporary control of the vehicle until the review process is completed.
 - D) The Commissioners Court, the appropriate Elected Official and/or Department Head may consider violations of this Section on a case-by-case basis to determine if the vehicle should be permanently removed from the violating department's inventory. While conducting the review to determine the final disposition of the vehicle, the Commissioners Court may consider what action has been taken against the individual employee who violated this Section, what restrictions have been placed on the future use of the vehicle by the employee, what the overall impact would be to the department's operations if the vehicle were removed from their inventory and any other criteria which the Commissioners Court believes is relevant to their review.
5. Allowed passengers in County vehicles are: a) anyone in the care and custody of a law enforcement official; b) County employees; and c) a non-employee on County-related business.
 6. All drivers of County vehicles, and those using their personal vehicles on County business, shall comply with all applicable State and local laws. It will be the responsibility of the official/employee to pay any fines imposed for not complying with such laws.
 7. An employee may not routinely be assigned a County vehicle as a take-home vehicle. In case of an emergency or special situation, the department may authorize the employee to take a County vehicle home.
 8. A Department Head may be assigned a department vehicle and use it as a take-home vehicle if the Commissioners Court determines that the vehicle is an essential tool needed to perform his duties and/or the department head is subject to a continuous on-call status.
 9. If the County-owned vehicle is driven out of the county on official business, actual gasoline and repair expenditures shall be reimbursed upon proper documentation and department head approval.

V. MVR Checks

Motor vehicle records (MVR) checks will be performed on the following basis:

- Employees where vehicle operation is a requirement of the job
- Position change where vehicle operation is required
- All existing drivers annually

VI. Wrecked and Disabled Vehicles

1. Whenever a County vehicle is involved in an accident, the driver of the County vehicle shall immediately notify his supervisor and/or Department Head. The Department Head shall notify the Purchasing Department. The Department Head shall forward comprehensive written report to Purchasing within 24 hours of the accident. This report must include a full narrative from the driver of all conditions of the accident, including the name, driver's license number, insurance company, vehicle description, license plate number, assessment of damage to all vehicles involved and assessment of injuries sustained by all parties, if any. It must be signed and dated by the driver of the County vehicle as soon as practicable. A copy of the police report covering the accident must also be submitted as soon as available. The Sheriff's Department should be notified immediately after the accident to come to the accident scene to take pictures, when possible.

The Road and Bridge Shop Foreman shall prepare a report which includes the above information, an evaluation of the extent of damage, and a determination regarding whether the vehicle should be repaired or sold. This report shall be made available to the respective department head and the Purchasing Director.

No Witness Statements without Authorization: Whenever there is an accident, the first priority is to call 9-1-1 for help to assist with medical emergencies, which should be followed by immediately contacting the employee's supervisor and/or department head. Employees must not make any verbal comments or give written statements to third parties or any statements to others, unless it is to assist emergency service workers or law enforcement in the performance of their duties or to answer basic questions by law enforcement. Under no circumstances should there be any statement that could be construed as an admission of liability by the employee (e.g., stating "I am sorry" or "I did not see your vehicle" etc.). If there are either personal injuries and/or substantial personal property damages, then the Civil Legal Division of the District Attorney's Office should be notified as soon as possible (903-590-4631). Additionally, it may be necessary to send out a photographer to document the scene and/or contact the County's insurance carrier immediately. If there is any doubt about taking any actions at an accident scene, please contact the Civil Legal Division immediately.

2. Any person involved in a preventable accident while driving a County vehicle shall be required to attend a defensive driving class within ninety (90) days from the date of accident.
3. If the vehicle has been disabled to the point that repairs are necessary for its safe operation, Road and Bridge will coordinate the repairs with the department the vehicle is assigned to and the Purchasing department.
4. Commissioners Court shall appoint an Accident Review Board to review all vehicle and nonvehicle accident reports of County-owned vehicles and/or equipment where property damage, personal injury or death occurs.

Facts that should be presented to the Board:

- Drivers report of the accident
- Law enforcement investigation reports
- County investigation facts
- Statement of witnesses
- Diagrams, photographs, and any other available evidence
- Past County accident history

VII. Vehicle Safety

1. Each person assigned a County vehicle shall maintain a copy of this policy for reference.
2. Employees shall operate all vehicles in accordance with its designed use, taking into consideration traffic and conditions surrounding the use of the vehicle, and the safety of others.
3. All drivers of County vehicles shall comply with all State, County and local rules and regulations governing the safe and legal operation of vehicles.
4. Seat belts shall be worn and secured at all times when the vehicle is moving.
5. Employees who are convicted of Driving While Intoxicated (DWI) or Driving Under the Influence (DUI) within the last 36 months are prohibited from driving a County owned vehicle.
6. The use of tobacco is prohibited in all County vehicles.
7. The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Under no circumstances shall passengers ride on fenders, running boards, the tops of vehicles, or any place not designed for passengers. Employee drivers are responsible to secure all

doors and check seat belts prior to moving the vehicles. Extra caution should be used when closing sliding doors on vans or other vehicles.

8. Trucks transporting materials shall secure said material tightly to prevent movement in transport. All cargo must comply with current transportation code.
9. Lights, brakes and all safety equipment shall be checked regularly to verify proper working order. Any malfunction of the vehicle shall be reported to the immediate supervisor and arrangements for repairs shall be made immediately. If a vehicle is found to be unsafe, no matter how urgent the need for such vehicle, proper repairs shall be made before it is placed back in service.
10. Flashing lights shall be turned on and traffic cones in place whenever a vehicle or piece of equipment is stopped or where work is being performed, in accordance with departmental guidelines.
11. Whenever backing up, be sure about what is behind you even if it requires getting out of the vehicle to look.
12. Remember: A driver is held responsible for the vehicle he/she is driving, the passengers riding and the load he/she is carrying.
13. Operators must constantly be aware of surrounding conditions, (i.e. ground personnel, overhead lines, pedestrians and other hazardous conditions).
14. All vehicles shall be properly parked and secured before being left unattended at the end of the day. Keys shall not be left in any unattended vehicle.
15. Smith County advocates the safe use of all communication devices. Employees must use due diligence while driving, including but not limited to refraining from texting, using cell phones or other mobile devices that may interfere or cause distractions to the driver while operating the vehicle. Special care should be taken in situations where there is traffic, inclement weather, road hazards or the employee is driving in an unfamiliar area.
16. Drive defensively and observe all traffic laws.
17. Always be courteous to your fellow drivers.

VIII. Use of Personal Vehicles

The use of personal vehicles by County officials/employees in conducting official County business may be necessary on occasion. However, because County owned vehicles are assigned to County departments performing law enforcement duties, the Commissioners Court neither encourages or condones the use of any personal vehicles

by law enforcement personnel, (including cars, vans, trucks, sports utility vehicles, motorcycles, all terrain vehicles, boats, aircraft, or trailers), in conducting official County business. The use of any personal vehicle, excluding cars and trucks, is expressly prohibited without prior approval. Non-county owned vehicles may not display any markings which indicate County affiliation without prior authorization.

IX. Vehicle Maintenance & Safety

Maintenance logs are kept on each County vehicle. County vehicles are serviced and checked every 4,000 miles. It is the responsibility of the appropriate Elected Official and/or Department Head or assigned personnel to ensure scheduling for maintenance is completed in a timely manner.

Vehicle safety equipment should be inspected daily, prior to the vehicles use. Inspections should be documented and work orders generated to correct all deficiencies or problems.

All drivers are required to take a road or performance test using the vehicle they are to drive. Elected Officials/Department Heads shall document the results of the test.

Annual Safety meeting shall be conducted by Human Resource Department. Supervisors should talk to drivers monthly about safety.

X. Consequences

Drug & Alcohol Testing Requirement

Employees involved in vehicle accidents shall be subject to drug and alcohol testing within the 24 hour period from the time of the accident in question. The Elected Official or Department Head is responsible to ensure that the employee is required to take drug and alcohol testing after a vehicle accident. The Human Resources Department shall be available to assist in the coordination and scheduling of drug and alcohol testing for employees involved in vehicle accidents.

Progressive Disciplinary Policy

Employees and supervisors who fail to comply with the requirements of this policy shall be subject to disciplinary action, including but not limited to verbal or written warning, mandatory defensive driving class within ninety (90) days, suspension, termination or demotion. Specifically, preventable vehicle accidents falling within the last seven (7) year period (i.e., accidents where the employee is determined to have acted reckless or negligent) will result in the following progressive disciplinary action(s):

First Offense: Written warning with unpaid leave for ten (10) business days¹, and the employee must take and complete a defensive driving class within ninety (90) days from the date of the accident at the employee's own expense. The employee must submit a certificate of completion to his or her supervisor, a copy of which shall be kept in the employee's file in the Personnel Department. If the employee has completed the defensive driving class within the ninety (90) days but has not yet received the certificate of completion, an extension may be granted for the sole purpose of receiving the certificate of completion to be submitted. No extension will be granted for completing the course within ninety (90) days. Failure to complete the defensive driving course timely will count as a "second offense" as outlined below and will result in further disciplinary action.

Second Offense: Written warning with unpaid leave for fifteen (15) business days². The receipt of a second warning under this policy means that a third accident or offense under this policy will result in termination of employment. If more than one year has passed since the employee's last defensive driving class, the employee must also take defensive driving training upon receipt of a second offense as outlined above for a first offense. If the second offense is based on the employee's failure to complete the defensive driving class within ninety (90) days under a first offense, then the employee shall only have sixty (60) days to finish the course. If the employee has not completed the defensive driving class after the sixty (60) day period under a second offense, the employee shall be terminated.

Third Offense: Mandatory termination, although demotion may be considered in extreme circumstances where there are mitigating factors that justify consideration of demotion in lieu of termination.

Employee and supervisors who fail to comply with the requirements of this policy shall be subject to disciplinary action.

¹ Unless extenuating circumstances justify a different amount of unpaid leave or range of punishment expressly approved by the Commissioners Court or the applicable Elected Official. Elected Officials reserve the right to terminate or provide harsher penalties within applicable legal rules.

² The County's insurance carrier may have a low-cost defensive driving course that will be made available to employees. Additionally, State approved defensive driving classes will also meet this training requirement.

³ See FN1, supra

Road and Bridge Vehicle/Equipment Operators

Road and Bridge employees involved in a traffic accident in a County owned vehicle shall observe the following procedure:

1. Immediately notify the office or a foreman if the office is closed. Remain at the scene unless instructed otherwise.
2. If possible, unless a fatality or serious injury is involved, move the vehicle out of the roadway. Make the scene as safe as practical.
3. If possible, render first aid to other injured parties, if any exist.
4. Make no statement to anyone other than your supervisor, County official, or police officer investigating the scene.
5. Drivers required to drug test shall not consume any alcohol for 24 hours following the accident or until they are tested, whichever occurs first

The procedure for the Road and Bridge Office or foreman is as follows:

1. Notify local or state police officials in the case of death, injury or damage to County owned property or vehicle which exceeds \$1,000.00.
2. Notify the County Engineer and the County Safety Coordinator of all accidents involving County owned property whether they occur on site in the Road and Bridge Department or off site.
3. Post-accident drug/alcohol testing is required for CDL drivers involved in an accident as described above.
4. A copy of the accident report will be placed in the Safety Committee file by the Office Manager. All accidents described above will be reviewed by the Safety Review Committee.

Smoking/Tobacco Products Use

Effective July 1, 2004, Commissioners Court has implemented a policy of no smoking and/or use of tobacco products of any kind on all county owned and/or leased property, including vehicles, within all county owned and/or leased buildings, or within fifty (50) feet of any public entrance to any county facility. Outdoor areas may be designated for smoking and/or use of tobacco products. However, any outdoor areas designated for smoking and/or use of tobacco products cannot be within fifty (50) feet of any public entrance.

This policy, approved in Commissioners Court on April 28, 2004, has been adopted to ensure compliance with all federal, state, county and city ordinances regulating

smoking and/or the use of tobacco products in public buildings and to promote the health and well being of Smith County employees and the public we serve.

NO SMOKING areas shall include:

- Smith County Courthouse
- Court House Annex
- Smith County Office Building
- Cotton Belt Building
- All other County buildings- elevators- restrooms- courtrooms
- Any County-owned vehicle

All Smith County Elected Officials, Department Heads and employees shall refrain from smoking and/or use of tobacco products in accordance with this policy.

STATE OF TEXAS §

COUNTY OF SMITH §

**ORDER OF COMMISSIONERS COURT
OF SMITH COUNTY, TEXAS
SETTING POLICY
FOR ENFORCEMENT OF
SMOKE-FREE ENVIRONMENT INSIDE BUILDINGS
AND DESIGNATED RESTRICTED 50-FOOT AREA
FROM ANY PUBLIC ENTRANCE
IN COUNTY FACILITIES
AND SETTING PENALTIES
FOR EACH VIOLATION**

Pursuant to the Laws and Rules of the State of Texas, the Texas Constitution, article V, § 18 (providing that commissioners court shall “exercise such powers and jurisdiction over all county business), the Texas Local Government Code, § 291.001 (mandating commissioners court to “maintain the courthouse, offices, and other public

buildings”), the Texas Health and Safety Code, § 121.003(a) (authorizing commissioners court to “enforce any law that is reasonably necessary to protect the public health.”), and the common law granting the County authority to regulate the public health and safety, the Commissioners Court of Smith County finds that it is necessary to impose policies regulating smoking within and on county facilities and property.

IT IS THEREFORE ORDERED THAT the following policies are adopted:

- No smoking and/or use of tobacco products of any kind on all county owned and/or leased property, including vehicles, within all county owned and/or leased buildings, or within fifty (50) feet of any public entrance to any county facility;
- Outdoor areas may be designated for smoking and/or use of tobacco products. However, any outdoor areas designated for smoking and/or use of tobacco products cannot be within fifty (50) feet of any public entrance;
- All Smith County Department Heads are directed to immediately strictly enforce the County’s no smoking policies and to take disciplinary action against all employees who violate these policies;
- All Smith County Elected Officials, Department Heads, employees, and the general public shall refrain from smoking and/or use of tobacco products in accordance with County policies; and
- The Smith County Sheriff shall enforce these policies as mandated by

Texas Local Government Code, §§ 291.003 (“county sheriff shall have charge and control of the county courthouse, subject to the regulations of the commissioners court”) & 292.001 (Commissioners authority for “auxiliary county buildings”).

IT IS FURTHER ORDERED THAT the Smith County Physical Plant shall place proper notice of no smoking policies to inform the general public of the restriction or prohibition.

IT IS FURTHER ORDERED THAT that any person violating a rule adopted under this order commits an offense, which is a Class C misdemeanor, pursuant, punishable by fine not to exceed \$200.00 for each violation.

"Enforcement Order effective 5-24-2011 by order of the Commissioners Court, with phase-in exception for implementation by Sheriff for inmates in current jail facilities until January 1, 2012. The exception does not apply to employees in current jail facilities nor does the exception apply to jail facilities built after the effective date of 5-24-2011."

Conflicts of Interest

Gifts, Favors, Remuneration, etc.

An employee may not solicit, accept or agree to accept any financial benefit, other than from the County that might reasonably tend to influence his or her performance of duties for the County.

An employee may not solicit, accept or agree to accept a financial benefit from another person in exchange for performing duties as a County employee.

Private Business Activities

Employees shall not engage in private business activities during their working hours and shall not use County property, equipment or facilities during their working hours or at any time for such purposes.

Contracting and Purchasing

The county will not enter into any contract to purchase any item from an elected county official or an employee, without proper authorization and disclosure by law as provided in Texas Government Code § 553.002. DISCLOSURE OF INTEREST IN

PROPERTY and any other applicable laws. The county will not “do business” with any business owned by an elected county official or who has a partnership, is a shareholder, officer, or director who is an elected county official, unless there has been proper authorization and disclosure by law as provided in Texas Government Code § 553.002. DISCLOSURE OF INTEREST IN PROPERTY and any other applicable laws.

Political Involvement

Smith County employees are encouraged to vote on election day for the person or party of their choice.

County employees will not be allowed to perform or be involved in political campaigning or related activities during the employee’s normal working hours unless personal leave has been approved by the Department Head. No employee will be allowed to perform or be involved in political campaigning or related activities while in County uniform, or while using County vehicular equipment.

Additionally, no Smith County employee shall be required to participate in political campaigns or related activities as a condition to obtain or retain employment, nor be disciplined, deprived of their rights, demoted or terminated for refusing to do so.

County resources, including but not limited to, equipment and supplies shall not be used for campaign purposes.

Employee Identification Badges

Identification Badges will be utilized by all Smith County employees while on the payroll. These will be issued at the time of placement on the payroll, and returned to the County when leaving employment prior to receiving final paycheck.

Badges will be color-coded to facilitate security purposes. Employees working in, and certain others who frequently access the Courthouse, will be issued a color to expedite entrance security as security personnel determine. The other employee badge color will identify County employees as such. Employees will be required to show their identification badges at any time when requested by security personnel or appropriate officials.

Badges are to be worn in plain view while entering, on the premises, and leaving the various County buildings and places of business. These include: Smith County Courthouse and Annex, Smith County Office Building, Smith County Cotton Belt Building, Juvenile Center, Justice of the Peace Offices, Constables Offices, Pre Trial Release Office, etc.

Department Heads will determine and advise employees on badge requirements at their work stations.

Badges remain the property of Smith County. They are to be used appropriately by the employee only, maintained in good condition and not to be altered in any manner. If some change occurs (such as a name change), requiring a new badge, the supervising Department Head will arrange for a new badge to be issued and the old one returned.

In the event of an employee's badge being lost or stolen, the employee is to inform their supervisor immediately who will advise Security and make arrangements for a replacement badge to be issued. The cost to replace a lost badge will be paid by the employee at a rate of \$15.00. If a claim for a replacement badge is based on the badge being stolen, the badge will be replaced at no cost. A stolen badge claim must be supported by a copy of a police report indicating the badge stolen.

Work Ethics Policy

Smith County will comply with all applicable laws and regulations and expects its employees, Department Heads and Elected Officials to conduct business in accordance with the letter and the spirit of relevant laws and refrain from dishonest, illegal or unethical conduct.

To ensure ethical and impartial business, it is prohibited for Smith County employees to:

1. Offer, accept or solicit money, property, service or other items of value by way of gift, favor, inducement or loan with the intent that the offer would influence or the recipient would be influenced by such conduct in the discharge of duties.
2. Use their official position, uniform or badge to secure special advantage in business, personal gain or other benefit derived from such relationship.
3. Use any county owned facility, building, equipment, materials or vehicle for their personal use or benefit, or for the personal use or benefit of any other individual. No employee shall have unauthorized possession of county property.
4. Invest or hold a financial interest, directly or indirectly, in any business entity, transaction or business endeavor that would create a conflict between the employee's duties and the individual's private interest.
5. Engage in any conduct which is in violation of federal, state or local laws.

An employee who has knowledge of or a concern of dishonest, illegal or unethical activity must report said activity to the Director of Human Resources promptly. The Director of Human Resources will be responsible for coordinating an investigation and a determination of corrective action. Corrective action includes, but is not limited to, disciplinary action up to and including termination of employment.

An employee who knowingly and intentionally files a false report of wrongdoing may be subject to disciplinary action up to and including termination of employment.

Cellular Phone Policy

While at work, employees are to exercise the same discretion in using personal cellular phones as they do for County phones. Excessive personal calls during the workday, regardless of the phone used can interfere with employee productivity and be distracting to others. The County encourages a reasonable standard of limiting personal calls during work time to no more than one per day as needed. Employees are asked to make any other personal phone calls on non-work time and to ensure that friends and family members are aware of the County's policy.

The County will not be liable for the loss of cellular phones brought into the workplace.

Chapter 5: Benefits and Leave

Classification of Employees

Employment Categories - Revised 12/05, 12/06, 9/09

There are three (3) categories of employment with Smith County.

- Full Time Employee- Any employee who works the customary number of hours weekly (40 hours) in an authorized budgeted position.
- Part Time Employee- Any employee who works an average of 32 hours per week or less and who maintains continuous employment status on a regular basis.
- Temporary employees are not eligible for any County benefits, including holiday pay.
- Temporary Employee- Any employee hired by the County who works on a specified project or time frame or who works on an on-needed basis for a non-specified period of time. Temporary employees may work full time or part time hours.

Fair Labor Standards Act - FLSA

In administering its wage and salary program, the minimum standards of Smith County shall be the basic standards set forth in the Fair Labor Standards Act (FLSA) and its amendments as it applies to county governments. This policy shall apply to all employees of Smith County who are not specifically exempt from the provisions of the FLSA and are subject to the following:

- The base salary is established on the basis of a forty (40) hour work week and will be paid straight time up to and including forty (40) hours.
- Non-exempt employees who work less than forty (40) hours per week shall be paid according to the hours as recorded on time cards and approved by the appropriate supervisor.
- Time and one-half will be calculated for all hours actually worked in excess of forty (40) hours in standard work week.
- Time not worked but allowed for pay under policy such as vacations, sick leave, compensatory time and other authorized absences must be shown in hours for each day absent. Time not worked that is non compensable must also be shown in hours for absences.
- Employees are required to keep accurate Time Records and are responsible for their own time cards and shall not punch or fill out another employee's time records.
- The employee must sign each time record and the Elected Official or Department Head must approve it.

- Employees are to be compensated only for hours actually worked or hours allowed under policy when absent.

Exempt Employees – Revised 8/06

The following employees are considered exempt in accordance with the criteria set forth by the Fair Labor Standards Act.

- Executive Employee
- Administrative Employee
- Professional Employee
- Computer Professional Employee
- Excluded employee (member of office holder personal staff and as defined by 29C.F.R. 553.1 3(e) (2) (c). of The Fair Labor Standard Act)
- Elected Official

Any questions concerning employee classification may be directed to the Payroll Department in the County Auditor's Office or the Human Resources Department.

Payroll Adjustments and Options

Employees are not to start work before normal starting time or to work after their normal quitting time without the prior approval of their supervisor.

Each department is required to turn in to the Payroll Section of the Auditor's Office approved time records and time records for verification and payment of hours worked. Time records must reflect actual hours worked by the employee. Falsification of a time record may result in disciplinary action up to and including termination. This retention in one central location insures compliance with regulations and provides documentation in the event of dispute relative to *compensation*.

Employees on a leave of absence for two (2) to four (4) weeks shall have any allowance, including but not limited to travel and cell phone allowance pro-rated for that period of time.

Employees on a leave of absence for four (4) or more weeks shall have allowance, including but not limited to travel and cell phone allowance suspended until such time that they return to work.

Medical, Dental, and Life Insurance

Smith County offers group health insurance for regular full-time employees and their eligible dependents. The insurances provided are Hospitalization, Medical, Dental, Life and Accidental Death and Dismemberment.

Regular full-time employees will complete a Benefit Enrollment Form upon hire. Coverage selections made by the employee will be effective the first of the month following 90 days of employment. Premiums for coverage selected by the employee will be deducted from the employee's paycheck on a semi-monthly basis. Premium deductions are made in advance and as such shall start in the month prior to the employee's effective date of coverage.

Employees do have the option of declining medical and dental benefits provided by Smith County. To deny medical coverage, an employee must sign a Waiver of Health Insurance Coverage form. To deny dental coverage, an employee must sign a Waiver of Dental Insurance Coverage form.

If an employee is on a leave of absence or suspension and has not received a paycheck from the County for four (4) consecutive pay periods, such employee shall be responsible for the cost of all premiums for insurance coverage until the employee returns to work. The employee is responsible for cost of insurance coverage or optional insurance premiums upon the first month for which no paycheck is received or the amount of the paycheck does not suffice to satisfy the payroll deduction required.

Upon termination of an employee, at the time the final paycheck is picked up, the Payroll Section of the Auditor's Office will assure County compliance with Consolidated Omnibus Budget Reconciliation Act (COBRA) requirements.

Group Insurance Handbooks are available in the Human Resources Department and each employee is urged to obtain a copy and read it carefully, as the handbook explains in detail all coverages of the Group Insurance Plan.

Section 125 Cafeteria Plan

Employees may elect to participate in the Section 125 Cafeteria Plan. Participation in this plan allows for the deductions of premium payments to be made on a pre-tax basis.

Retirement - Revised 12/05

Smith County participates in the Texas County and District Retirement System (TCDRS) and has belonged since January 1, 1968. This System was established by legislative act in 1967 under the State's Constitution. Under the system, employees contribute 7% of gross salary and the County funds the amount necessary to meet plan obligations and benefits. Interest is credited annually. For details, read the official TCDRS handbook. Some basic information about plan participation is:

- All regular full-time employees of the County SHALL become a member of the Retirement System upon their effective date of employment.

- Effective January 1, 2007 all regular part-time employees of the County SHALL become members of the retirement system.
- Participants are vested after eight (8) years in the system.
- According to the official TCDRS handbook, employees are eligible for retirement benefits if:
 1. At least eight (8) years of credited service and have attained the age of at least sixty (60); or,
 2. Attained age and total accumulated service (both individually rounded down to whole years) equals seventy-five (75); or,
 3. Years of credited service equals or exceeds twenty (20).

Procedure

When a member is eligible for retirement, selection of any one of several optional plans for retirement must be made and an application for service retirement completed AT LEAST 45 DAYS BEFORE EFFECTIVE DATE OF RETIREMENT.

- When the application is received, the various options for service retirement will be explained by the Payroll Section of the Auditor's Office. There are also several disability retirement benefits available to eligible employees.
- Should a participating employee leave the employment of the County prior to qualifying for retirement benefits, that employee shall have the right to apply for refund of their contributions to the system along with interest earned on such contributions. The employee shall not be entitled to the County's portion contributed to the system on their behalf nor the interest thereon.

"A *retiree* is defined as: (1) a person retiring from active county service under the provisions of TCDRS, or (2) a person retiring from active county service who has qualified for retirement under the disability retirement provisions and who is actually receiving retirement benefits from TCDRS.

Continued Insurance Coverage

A *retiree* shall be eligible to continue, at county expense, as a participant in a group health insurance plan selected by the County.

Employees hired on or after June 1, 2005 shall not be eligible to continue, at County expense, as a participant in a group health plan selected by the County at such time when they retire. Said employees will be advised about their rights to continue health insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (COBRA) at the time of their retirement from the County

However, continued coverage under the County's health insurance plan is contingent upon *retiree* enrolling under Medicare coverage concurrent with becoming Medicare eligible. At this occurrence, the heretofore primary insurance as provided by the County will become secondary to Medicare coverage, and be considered as Medicare Supplemental Insurance only, as such, it will continue to be provided at County expense for the life of the *retiree*.

Dependent Insurance Coverage

A *retiree* who has presently elected to include their eligible dependents under the County Health Care plan, upon retirement will be allowed to maintain dependent coverage provided that:

- *Retiree* bears total expense of the dependent coverage.
- There is continuous enrollment, (i.e. *retiree's* dependent(s) is enrolled prior to retirement).
- Concurrent with becoming Medicare eligible, *retiree's* spouse enrolls under Medicare plan, thereby causing County coverage to become Medicare Supplemental.
- The spousal coverage as offered by the County is for the life of spouse herein identified.

Disability Retirement

An employee, who is eligible to apply for disability retirement but has not received determination status at the time pay from the County ceases (sick leave, vacation, etc.), shall be placed on a leave of absence without pay as an employee eligible to participate for group insurance. Up to three (3) months premiums will be paid as a regular employee participant if eligibility has not been determined. When determination is made:

- Ineligible employee is advised of status, is terminated and advised about COBRA rights.
- Eligible employee is advised of status, placed on disability retirement and receives the rights of all retired employees.

All other vested employees terminating but not retiring from the County are not eligible under *retiree* provisions but will be advised about their rights under the Consolidated Omnibus Budget Reconciliation Act (COBRA) at the time of termination from the County.

Supplemental Death Benefit

A Supplemental Death Benefit was established effective January 1, 1995, for all employees participating in the Retirement System. The payment amount of one (1)

year wage shall be paid to the person designated as beneficiary in the event of the employee's death. This benefit is for employees only and ceases immediately upon the employee leaving County employment for any reason such as retirement, resignation, or termination.

Additional details about retirement can be found in the Texas County and District Retirement System Information Handbook. These handbooks are available in the Human Resources Department and all employees are urged to obtain a copy and read it carefully.

Holidays

All regular full-time employees, including those in their introductory period are eligible for holiday pay. Smith County normally observes ten (10) holidays and one (1) administrative day. The actual official holidays and dates are designated on a yearly basis by the Commissioners Court as required by law.

Holidays and administrative day holiday must be taken in full day increments. Compensation for holidays and administrative day holiday will be equal to the employee's regularly scheduled shift or work day.

Prior to the beginning of each calendar year, the official holidays and the dates designated will be posted on the 1st Floor of the Smith County Courthouse, and will also be distributed to all Elected Officials and Department Heads.

Generally speaking, if a holiday falls on a Saturday, it will be observed on the Friday before; if a holiday falls on a Sunday, it will be observed on the Monday following.

Service Recognition

Smith County appreciates employees who serve the County. In an effort to display this appreciation, the County has established a program awarding service recognition pins based on longevity for full time regular employees. The Human Resources Department is responsible to coordinate the program. They will supply the Commissioners Court with appropriate pins to be awarded to the recipients in a timely manner.

Length of service shall be designated by the type of metal and or jewel(s) in the pin, as follows:

Years of Service	Pin/Jewel Type
5-9	Bronze
10-14	Silver
15 –19	Gold

20-24	Gold + 1 Ruby
25-29	Gold + 1 Diamond
30-34	Gold + 2 Rubies
35 - 39	Gold + 2 Diamonds
40+	Gold + 3 Diamonds

Credit Union

All Smith County employees and their families are eligible to join the County and State Employee's (CASE) Federal Credit Union. Information regarding the Credit Union is available from the Human Resources Department.

Longevity Pay

Smith County wants to recognize service and time with the County with the monetary value of longevity. All regular full-time employees, Elected Officials and Department Heads shall be eligible for longevity pay except where it conflicts with state law or code superseding the County's normal rate of longevity pay.

Longevity pay will amount to ten (10) dollars per month after five years; twenty (20) dollars per month after ten years; and thirty (30) dollars per month after fifteen years; and forty (40) dollars per month after twenty years of continuous regular full-time service.

Pay Practices

Smith County pays employees bi-weekly. Time records and/or Payroll Sheets are completed and sent to the Payroll Section of the Auditor's Office for preparation of the payroll from which the Treasurer prints and distributes the paychecks. Payroll sheets are due to Payroll by noon on Friday preceding a Friday payday. If a holiday falls on a pay date, payday will be on Thursday of that week. In the event a payroll check is lost or destroyed, a replacement check will be issued on the next scheduled payroll day. Therefore, a direct deposit election is recommended.

In order to be credited for holiday pay, an employee must be on paid status on the last full normally scheduled work day before and after the holiday to qualify for pay for the holiday. Paid status is regular work, vacation, sick leave, compensatory time off, or another holiday including Administrative Holiday. Employees, not available for work, who have exhausted authorized absence pay (sick pay, vacation pay, administrative holiday pay, compensatory time pay) on a day the County observes as an official holiday, will not receive credit for pay purposes for the holiday unless that day is the return-to-work day from the unpaid leave or absence and the employee works the remainder of the pay period.

If employees work on a designated holiday and receive double time pay (1 for time worked, plus 1 for holiday) for such work, they are not entitled to additional time off. Employees that work on a designated holiday and receive regular pay (no special rate for working on the holiday) will be entitled to take an equal amount of time off at a later date.

If an employee is scheduled to work on a holiday but is ill and does not work, the employee will receive regular pay and show the day as a holiday.

If a holiday falls during a period when an employee is on vacation or sick leave, the day will be paid as a holiday and the day will not be charged as sick leave or vacation.

Employees in their initial 90 day introductory period are not eligible to take the "Administrative Day" holiday. Once they have successfully completed the introductory period, they may schedule it with their supervisor to be taken prior to the end of the calendar year.

Law Enforcement Officials (Constitutional Provision)

The Texas Constitution (Article 3, Section 52e) authorizes that each county shall pay all medical costs and continue to pay their maximum salary to law enforcement officials (Sheriffs, Deputy Sheriffs, Constables, Deputy Constables or any other county or precinct law enforcement officials) injured in the course of their official duties while incapacitated due to such injury. This means that the County will make up the difference between what the incapacitated employee receives from workers' *compensation* up to their usual maximum pay. This will continue as long as the employee is incapacitated or until such time as they return to work or upon the expiration of the term of office to which such official was elected or appointed. If the employee is terminated during the term of office the employee was elected or appointed to, benefits will no longer be provided.

Final Checks

Final checks for employees leaving County employment must be picked up in the Treasurer's Office. When an employee gives notice or is terminated, the Elected Official or Department Head needs to advise the Payroll Section with a New Employee/Employee Change form so preparations can be made in determining final pay especially for computing any compensatory pay due or if vacation pay is to be paid, etc. and also because of legal requirements pertaining to benefits. Final paychecks are ready for pick up on the normal payday following termination, provided separation procedures have been followed.

Workweek

Smith County's official workweek begins Sunday at 12:01 a.m. and ends the following Saturday at midnight.

Hours worked less than 40

Any non exempt employee who does not work a full 40 hours workweek will have his or her *compensation* reduced by the value of the hours not worked or will charge such time not worked to *accrued leave* such as; compensatory time, sick leave, vacation, holiday pay, administrative day, or other leave as provided in this Code.

Payroll Deductions

Deductions will be made in accordance with state or federal statutes and as approved by the Commissioners Court.

Salary Administration – Revised 2/08

The Commissioners Court establishes policies and procedures that provide County employees with a salary administration system.

The goals of this policy are:

- To attract and retain high quality employees;
- To provide uniform pay arrangements throughout the County;
- To provide total compensation (salary and benefits) that is market driven and competitive;
- To maintain control on expenses during the budget process.

Smith County's Compensation Plan defines a set level of compensation for each County position according to classification/pay grade and experience.

The in-hire rate of pay grade will be the entry-level salary (step 01) paid to all newly hired County Employees. This is true whether the position is newly budgeted or vacated through attrition, transfer or promotion.

If an employee transfers to a position that is in the same pay grade as his/her previous position, that employee's salary will remain unchanged. If an employee transfers to a position that is in a different pay grade as his/her previous position, that employee will be paid at the entry-level salary (step 01) for the new pay grade.

All certified and commissioned law enforcement officials (other than elected officials) will be paid according to the Law Enforcement Scale. The maximum advancement rank for non-Sheriff employees is Deputy IV.

Direct Deposit – Revised 8/06, 7/7/08, 7/14/08

Effective January 1, 2009, direct deposit is mandatory for all County employees.

Worker's Compensation

Worker's Compensation Insurance is provided for all employees to protect the employee from damages or expenses resulting from a work related injury or illness.

FOR AN ON-THE-JOB INJURY OR WORK RELATED INJURY TO BE ELIGIBLE FOR COVERAGE UNDER WORKER'S COMPENSATION A WRITTEN INJURY REPORT MUST BE RECEIVED BY THE INSURANCE CARRIER WITHIN 7 DAYS.

Reporting on-the-job Injuries

Employees shall report to the Department Head or supervisor, all job-related illnesses and injuries at the time they occur, no matter how minor the injury or illness appears. It is the responsibility of the worker's compensation insurance carrier to determine if benefits are allowable. Failure to provide notification to the Human Resources Department may result in rejection of claim, placing the health care expense solely onto the employee.

Medical Attention – Revised 9/08

When an on-the-job injury has occurred, an accident report form must be filled out completely by the employee and/or their Department Head or supervisor and returned to the Human Resources Department within two business days after the accident.

Health care providers typically contact the Human Resources Department to verify coverage and eligibility. It is helpful therefore, if the employee's Department Head or supervisor notify the Human Resources Department when an employee seeks medical attention.

Effective May 1, 2008 Smith County will participate in the Political Subdivision Workers Compensation Alliance to manage the health care and treatment employees may receive if they are injured on the job. If an employee sustains an on-the-job injury or illness, he/she may seek medical attention from a health care facility or provider in the Alliance network. Choosing a health care provider from the Alliance network is required in order for the cost of the medical care to be covered. In an employee's injury is a life threatening emergency, he/she should go to the nearest emergency room. The County may require statements of medical condition and release to return to work from the attending physician.

Salary Continuance – Revised 7/05

If an employee sustains an on-the-job injury or illness that renders him/her temporarily unfit to perform the essential functions of the job, the employee will receive salary continuance as follows:

- For up to seven (7) days, the employee receives his/her regular pay for that period with the time charged to accrued sick leave or vacation leave or compensatory time unless the employee chooses to be off without pay.
- Beginning on the 8th day and for any days thereafter, that the employee is unfit for duty, the employee receives weekly benefits from the insurance carrier in accordance with the Worker's Compensation Law.
- Exception – All law enforcement personnel must be paid salary continuance in accordance with the Constitution of the State of Texas

Further information on Worker's Compensation coverage is available in the Human Resources Department or from the Texas Worker's Compensation Commission.

Tuition Reimbursement – Revised 4/27/09

I. PURPOSE

In order to enhance the qualifications and improve the productivity of County employees; motivate employees to improve their job-related knowledge and skills; and encourage the hiring, retention and promotion of qualified, well trained personnel; it is the policy of Smith County to provide a program for tuition reimbursement to employees. The Commissioners Court believes that the County, the employee, and the taxpayers will benefit by expanding educational, professional, and vocational development under appropriate circumstances.

II. SCOPE

The Tuition Reimbursement Program is designed to encourage County employees to improve their skills and job performance by enrolling in post-secondary courses related to their assigned responsibilities. The program is subject to the availability of funds as appropriated by the Commissioners Court through the annual budget process.

III. POLICY (Course Eligibility)

- A. Courses meeting the following criteria are eligible for reimbursement:
1. Relates directly to the duties of the position currently held by the employee;
 2. Enhances job effectiveness/performance and is not offered in-house;

3. Relates to the duties of a position to which the employee may reasonably be expected to advance within the County; or
 4. Is offered by an accredited junior college, college, university, or technical or trade school.
- B. The Tuition Reimbursement Program is for tuition costs only and does not provide reimbursement for any fees, books or supplies.
1. Tuition costs are reimbursed on a percentage basis contingent upon the employee's final grade using the following schedule:

<u>Undergraduate and all Graded Courses</u>	<u>Graduate</u>
100% for a grade of A	100% for a grade of A
75% for a grade of B	75% for a grade of B
50% for a grade of C	0% for a grade of C or below
0% for a grade of D or below;	

2. Courses taken on a pass/fail basis must be passed and are reimbursed at 50% of the course cost.
- C. A **maximum of seven (7) credit hours per semester and fifteen (15) credit hours per calendar year** may be submitted for reimbursement. Tuition costs will be reimbursed at a rate of **\$145 per semester credit hour**, based on the tuition cost for a Texas resident attending the University of Texas at Tyler taking similar courses. The **maximum reimbursement** an eligible participant may receive per semester is **\$1,015** and per calendar year **\$2,175**.
- D. An employee will not be eligible to repeat courses for which he/she has previously received a tuition reimbursement, except for courses in which the content changes substantially and for which the institution itself grants credits for subsequent completion, such as a seminar for college credit.
- E. Review, "CLEP," and auditing courses are not eligible for reimbursement.
- F. The Tuition Reimbursement Program does not cover entrance or qualifying exams such as the ACT, SAT, GMAT, GRE, or LSAT.
- G. Courses offered via Internet access from accredited colleges, universities, and trade schools will be eligible for reimbursement if all other qualifying criteria are in place. The course must be completed within the allotted semester.

IV. **POLICY** (General)

- A. All regular full-time County employees who have completed one year of continuous service with Smith County--unless made ineligible by the rules below--are eligible to participate in the Tuition Reimbursement Program (TRP).
- B. Employees receiving financial assistance from other sources such as GI Bill, Veteran's programs, scholarship, grants, student loans, or other subsidies are eligible for the TRP, but reimbursement can only be applied to the amount not covered by other sources of financial aid. Employees who fail to report alternative sources and amounts of financial aid on the application may be liable for return of the reimbursement award.
- C. The completion of a course does not obligate the County to promote the employee to a higher pay range or different position. The benefits derived from the successful completion of course(s) may be considered when opportunities for advancement occur.
- D. Any employee who resigns or is terminated (voluntarily or involuntarily) prior to completion of a course shall not receive a tuition reimbursement.
- E. Elected Officials are not eligible for tuition reimbursement.
- F. The County is under no obligation to allow employees to take a course during work hours. If a course is available during and after or before regular working hours, the employee should attend the course after or before working hours. If the approved course is available during work hours only, the following procedure may be applied:
 - 1. With prior approval of the Elected Official/Department Head, the employee may use vacation leave, personal leave, leave without pay, or compensatory time in order to attend the class;
 - 2. Work schedules may be rearranged with prior approval of the Elected Official/Department Head; and
 - 3. The County will not compensate employees, or make allowances for tardiness resulting from participating in the TRP.
- G. Approval will be granted only for specific courses for the current semester. Any course changes made at registration should be submitted to the Director of Human Resources within ten (10) days of the registration date for re-approval.

- H. Tuition reimbursement funds are appropriated on a fiscal year basis. Funding approved by the Commissioners Court for the fiscal year beginning October 1 of each year will apply to education courses beginning subsequent to that date.
- I. All grade reports and receipts will be held until the final cut-off date for submission at the end of the semester (see VII, D.). A total budget impact will be calculated for the semester.
- J. Reimbursement for courses at a private institution will be limited to an amount equal to what the cost would have been at the University of Texas at Tyler for similar courses for a Texas resident (see III, C).
- K. Employees of grant programs will be eligible for the same tuition reimbursement rate as County employees whose positions are established in the General Fund. Tuition reimbursement for these employees will be allocated from their funding source, provided the grant recipient is able to budget this funding. There will be no fiscal impact to the County since other funding sources will pay for the tuition reimbursement of employees of grant programs.

V. ADMINISTRATION

- A. The Director of Human Resources, herein after referred to as “Director,” under the supervision of the Commissioners Court, shall supervise the implementation of this program.
- B. The Director shall devise all necessary forms for the administration of the TRP. Employees shall submit the application form along with 1) a copy of the course description from the class syllabus, 2) a copy of the employee’s current job description, 3) a description of the employee’s career goals and how the course directly relates to those goals, and 4) copy of the school calendar published by the school showing the starting and ending dates for the semester requested, and 5) a degree plan if applicable.
- C. The Director shall endeavor to notify applicants prior to the deadline for regular registration concerning the status of their application. The Director will bring any issues resulting from unanticipated circumstances to the attention of Commissioners Court members for their consideration.
- D. The employee is responsible for registering for a course and paying all fees in accordance with the rules, regulations and deadlines of the institution.

- E. Only approved course(s) taken during the current semester will be eligible for reimbursement. Reimbursement will be made at the end of each semester for the course(s) of study completed by an employee who meets the reimbursement criteria.
- F. Upon completion of approved course(s), the employee must submit to the Director 1) a copy of a grade slip or other appropriate proof of grade, and 2) a copy of the bill showing the fees paid. The employee will be responsible to submit any additional information if requested by the Director. No payment will be made unless the employee has furnished the evidence of having successfully completed the course within the due date set by the Director. Since each school has a different completion date and grade submission date for the semester, calendar submission dates will be issued for all paperwork as stipulated in this policy (see section VII).
- G. After the Director has determined that an employee is eligible for reimbursement, a request for reimbursement in the form of a check request shall be submitted by the Director to the Auditor for certification of available funds and payments. The Auditor will prepare the reimbursement for the employee.
- H. Employees in grant funded departments must have the approval of the Grant Administrator and Auditor for the courses to be funded. The Human Resources Department will notify grant-funded departments upon receipt of an application.
- I. Employees may request blank applications/forms and a copy of the policy in e-mail format. However, all required support documentation (see V., B) must be mailed with the forms to the office in accordance with the required deadlines. E-mailing the forms will not constitute a completed application without support documentation.

VI. ELIGIBLE FEES AND EXPENSES

- A. The TRP will reimburse only the eligible employee's direct tuition fees if the approved course is successfully completed and is contingent upon available funds.
- B. Other fees and expenses are expressly excluded from reimbursement. These fees include, but are not limited to, Registration Fees, Late Fees, Change of Class Fees, Parking Fees, Books and Supplies, Transcript Fees, Deposits, Uniform Fees, Photo ID Fees, Health Insurance Fees, Room and/or Board, Laboratory or Other Similar Supplemental Fees, and Travel related expenses.

VII. SUBMISSION OF APPLICATIONS, GRADE REPORTS, AND RELATED DOCUMENTATION (Before and After the Semester)

- A. All application forms and support documentation (see V., B above) must be submitted to the Human Resources Department in the Smith County Courthouse Annex Building prior to the last day of timely registration according to the college's or university's guidelines. Should the calendar due date fall on a Saturday, Sunday, or holiday, the cut-off date will roll to the next regular business day by 5:00 p.m.
- B. Students will be required to provide a copy of the school calendar as published in the institution's catalog or calendar of events. The first day of class for the semester as published will be considered the beginning date, regardless of the day of week the courses meet during the semester.
- C. Receipts/Proof of payment for tuition must be itemized by the school showing tuition, fees, etc. separately.
- D. Submission of receipts and grades will be due no later than thirty (30) days after the conclusion of the course. Should the calendar due date fall on a Saturday, Sunday, or holiday, the cut-off date will roll to the next regular business day by 5:00 p.m.

VIII. REIMBURSEMENT RATES/SCHEDULE

- A. The Director, or designee, will identify the published tuition rates for graduate and undergraduate hours as of September 1st for the University of Texas at Tyler. Students will be reimbursed at these rates or the rates of their own institution, whichever is less. However, if it is necessary to prorate funds, reimbursement may be less, (see IV, H.).

The reimbursement rate is subject to change as rates change or as adjustments need to be made per section IV, G, and H, of the Tuition Reimbursement Policy.

Chapter 6: Leave and Emergency Situations

Administrative Leave

To be eligible for consideration an employee must be a regular, full-time employee who has successfully passed their introductory period.

An Administrative Leave may be appropriate for the following reasons:

- Educational purposes when successful completion will contribute to the benefit of the County.
- The undertaking of a public service assignment.
- Attending to important personal business.

To request a leave, the employee shall:

- Complete and submit a Leave of Absence Request Form to their Department Head or Elected Official at least ten (10) working days prior to the first day of leave, unless emergency conditions exist.
- Provide a written statement indicating that they intend to return to work with the County on a full-time basis and when they will return.

The Department Head may approve up to sixty (60) days unpaid leave but may deny it until the employee has used all earned vacation and compensatory time (if applicable). Granting a leave of more than sixty (60) days is at the sole discretion of the Commissioners Court, elected official or governing board.

Employees on an administrative leave of absence receive no *compensation*, County contributions to their retirement or various insurances, and accrue no benefits such as vacation or sick leave. The employee shall be responsible for the cost of all premiums for insurance coverage until the employee returns to work. The employee is responsible for insurance premiums upon the first month for which no paycheck is received or the amount of the paycheck does not suffice to satisfy the payroll deduction required. However, previously accrued benefits are retained during leave of absence unless otherwise prohibited by the terms or provisions of the benefit programs.

If an employee is on a leave of absence without pay for over ninety (90) days, their continuous service shall be interrupted and reduced by time absent accordingly upon termination or return to work unless applicable laws or regulations supersede this policy.

Family and Medical Leave Act

To be eligible for Family Medical Leave an employee must have been employed by Smith County for at least 12 months and for at least 1,250 hours during the 12 month period immediately preceding the commencement of the leave.

Eligible employees are entitled to a total, not to exceed twelve work weeks, of job protected, unpaid leave, during a twelve month period. The substitution of paid leave for unpaid leave does not extend the 12 work week leave period.

The twelve month period will be calculated on a rolling 12 month period forward from the first day of FMLA leave.

Utilization

FMLA Leave may be used for one or more of the following reasons:

- Because of the birth of a son or daughter of the employee and in order to care for such son or daughter
- Because of the placement of a son or daughter with the employee for adoption or foster care.
- In order to care for the spouse, or a son, daughter or parent, of the employee, if such spouse, or a son, daughter, or parent has a serious health condition. Note the term “parent” does not include a parent a parent “in-law”. The terms son or daughter do not include individuals age 18 or over unless they are “incapable of self-care” because of mental or physical disability that limits one or more of the “major life activities” as those terms are defined in regulations issued by the Equal Employment Opportunity Commission (EEOC) under the American With Disabilities Act (ADA).
- Because of a serious health condition that makes the employee unable to perform the function of the position of such employee.
- Because of military family leave entitlements for eligible specified family members
 1. Up to 12 weeks of leave for certain qualifying exigencies arising out of a covered military member's active duty status, or notification of an impending call or order to active duty status, in support of a contingency operation; and
 2. Up to 26 weeks of leave in a single 12-month period to care for a covered service member recovering from a serious injury or illness incurred in the line of duty on active duty. Leave may also be used to care for a veteran family member who is undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred in the line of duty any time during the five years preceding the date of

treatment. Eligible employees are entitled to a combined total of up to 26 weeks of all types of FMLA leave during the single 12-month period.

Paid and Unpaid Leave

If an employee has *accrued leave*, the employee shall be required to use the appropriate paid leave first, with the remainder of the twelve week period as unpaid leave.

- An employee who is taking leave because of the employee's own serious health condition, or the serious health condition of an eligible family member, will be required to first use all paid sick leave, vacation leave, compensatory time and miscellaneous time with the rest of the 12 week leave period being unpaid.
- An employee taking leave for the birth of a child will be required to take all paid sick leave, vacation leave, compensatory time and miscellaneous time prior to going on an unpaid status.
- An employee taking leave for a medical recovery period, after the birth of a child, will be required to take all paid sick, vacation leave, compensatory time and miscellaneous time prior to going on an unpaid status.
- After the recovery period from giving birth to a child, if the employee requests additional time for bonding, then the employee shall be required to use vacation leave, prior to going on an unpaid status.
- An employee who is taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use all vacation leave, prior to going on an unpaid status.

Certification Requirements

Employees are required to submit to their department head a Leave of Absence Request Form as soon as possible and no less than thirty days prior to the first leave date, unless emergency conditions exist. Employees shall provide department heads with updates at least every two weeks as to the conditions of progress of leave status. An employee requiring medical leave may be required to provide medical certification and be re-certified every thirty days.

- Smith County may choose to exercise its option of requiring 2nd and 3rd opinions as to the medical necessity of leave. The 2nd and 3rd opinions will be at Smith County's expense. In cases of conflicting opinion, the 3rd opinion shall stand.
- Department heads, whose employees request leave under the Act, must notify the Human Resources Department as soon as possible for notification and recordkeeping purposes required by the Act.

- Department heads must also contact the Human Resources Department when an employee has requested leave that is covered under the Act, even when the employee has not specifically requested that the leave be FMLA leave.

Restrictions

- Benefit time and seniority time will be accrued or earned during the unpaid portion of leave under the Act. Vacation, sick leave, and holidays will accrue during the paid portion of Family Medical Leave and will be paid as leave time during the paid portion of the leave.
- If a husband and wife both work for the County, and each wishes to take leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent (but not in-law) with a serious health condition, the husband and wife may only take a combined total of twelve weeks.
- For non-emergency surgeries and similar leave, the employee must cooperate with their department head and allow input on the timing of the leave – subject to a doctor's approval.

Intermittent or Reduced Leave

Intermittent leave under the Act shall be allowed only where it is necessary for the care and treatment of a serious health condition of the employee or the employee's eligible family member.

A reduced schedule under the Act shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee or the employee's eligible family member.

Smith County may require the employee to transfer temporarily, during the period of intermittent or reduced schedule, to an available position for which the employee is qualified and which better accommodates recurring periods of absence than the employee's regular position. The temporary position will have equal pay and benefits. When the employee is no longer on intermittent or reduced leave schedule, the employee will be returned to the same or an equivalent position.

Certification from a health care professional is required for intermittent or reduced schedule leave. The certification must state the reasons why an intermittent or reduced schedule is necessary.

Health Benefits

During FMLA leave an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. To the extent that an employee's FMLA leave is paid, the employee's portion of health insurance

premiums will be deducted from the employee's paycheck. For the portion of the FMLA leave which is unpaid, the employee must make arrangements with the Benefits Department in the Auditor's Office to remit their portion of group health insurance premiums.

Employment Protection

An employee, supervisor, or department head shall not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce another employee for the purpose of interfering with the exercise of any employee's rights under the Act.

Upon returning to work, employees will be restored to their former position or an equivalent position with equivalent benefits. Employees are required to submit a Return to Work Certificate Form to their supervisor, Elected Official or Department Head upon returning to work. A copy of the Return to Work Certificate Form should be submitted to the Human Resources Department.

If the period of leave exceeds twelve workweeks, the department head has the option to terminate the employee for department staffing purposes. The employee will be notified in writing, of the intent to terminate prior to termination.

Questions

This policy covers illnesses of a serious and long term nature, resulting in recurring or lengthy absences. Generally, a chronic or long terming health condition which, if left untreated, would result in a period of incapacity of more than three days, would be considered a serious health condition.

Employees with questions about what illnesses are covered under the Act, or other utilization questions should contact the Human Resources Department.

Sick Leave – Revised 7/05, 12/06

Sick leave will accrue at a rate of eight (8) hours per month while an employee is actually employed by the County on a regular full-time basis. Temporary employees, part-time employees or regular employees on a leave of absence without pay shall not receive the benefit of sick leave.

New employees will earn one-half (1/2) day of sick leave each pay period commencing with their first paycheck.

The maximum number of accrued sick days which may accumulate to the employee shall not exceed 640 hours at the end of the calendar year. However, for every (32) hours of sick leave accumulated over the 640 hour maximum, 8 hours of vacation time shall be granted to that employee.

Utilization of Sick Leave

Sick leave shall be authorized when an employee is physically incapacitated from performance of duties due to non-employment related illness, injury, maternity condition, illness or death in the employee's immediate family or medical appointments in an employee's immediate family.

- The Elected Official or Department Head may request, and employees must provide, a physician's written statement of medical disability to substantiate a request for three (3) days or more of sick leave benefits, or if abuse of sick leave is indicated by a poor attendance record or has exhibited a pattern of absences. The physician's written statement should identify the nature and extent of the incapacitation and when the employee may be expected to return to work on a regular basis.

Employees can also utilize available sick leave in the event of illness or medical appointments for individuals related to the employee by kinship, adoption or marriage, or totally dependent upon the employee for personal care or services on a continuing basis.

- In the event the employee sick leave utilized for the care of a person authorized by this section other than the employee, exceeds three (3) days, the employee must provide a "Sick Leave Affidavit" to substantiate the request. The Elected Official or Department Head may approve or disapprove the request based on the circumstances, the length of time requested and the effect the employee's absence will have on the work in the department.
- Extensive or questionable use of sick leave shall be reviewed by the employee's supervisor and/or department head. Upon a finding of misuse of sick leave disciplinary action up to and including termination of employment may occur.
- To receive paid sick leave, an employee shall personally communicate with their immediate supervisor, Department Head, or Elected Official, **on a daily basis**, at the normal start of work time and no later than one (1) hour after the time set for beginning work, except in cases where the employee is physically unable to communicate.
- Sick leave will not be paid to an employee during a time they are on any other status such as vacation, holiday, compensatory time, on a leave of absence without pay or if they miss work due to an accident or injury received in the performance of duty and are receiving workers' compensation.
- Regular employees will be given accrual credit for their normally scheduled work hours during authorized paid absences under Smith County Policy, such as sick leave, vacation, compensatory time or while being paid under workers' compensation.

- If an employee has exhausted all credited sick leave accrued and other earned pay such as vacation, compensatory time, etc., and has not returned to work, there will be no additional sick leave accrued or credited during any payroll period until the employee returns to work and works a minimum of five (5) full days in a payroll period. Payment for *accrued leave*, paid to an employee on a payday after the exhaustion of benefits does not constitute pay for time worked in that pay period and does not qualify as a return to work.
- On the date an employee gives notice of intent to terminate (not including retirement), no additional sick leave pay will be paid or accrued.
- Upon termination of employment, whether voluntary or involuntary, employees will not be compensated for any unused sick leave hours.

Sick Leave Pool – Revised 12/06, 9/21/09

I. PURPOSE

The Smith County Commissioners Court approved the establishment of the Sick Leave Pool program within the County to allow an employee to voluntarily transfer sick leave time earned by the employee to a County Sick Leave Pool. Tex. Loc. Gov't Code § 157.072(a).

II. SCOPE

The Smith County Sick Leave Pool is designed to provide additional sick leave hours to an eligible employee who has, because of a catastrophic injury or illness, exhausted all his or her accrued paid leave and compensatory time to which the employee is otherwise entitled. Tex. Loc. Gov't Code § 157.075.

III. DEFINITIONS

- A. **“Administrator”** means the person designated by the Smith County Commissioners Court to administer the County’s Sick Leave Pool program. Tex. Loc. Gov’t Code § 157.071(1).
- B. **“Employee”** means a County employee with twelve (12) or more months of continuous employment in a full-time position with the County. Tex. Loc. Gov’t Code § 157.071(2).
- C. **“Catastrophic injury or illness”** means a severe personal illness, injury or physical or mental condition suffered by the employee that involves continued treatment by a medical care provider for chronic or long-term medical conditions that are incurable or so serious that the employee has been absent from his her place of work on paid leave, accrued compensatory time, or leave

without pay for a period of five (5) consecutive working days due to the catastrophic injury or illness. See Tex. Loc. Gov't Code § 157.073(c).

IV. ADMINISTRATION OF THE COUNTY SICK LEAVE POOL

The Personnel Director shall be responsible for administration of the Sick Leave Pool.

Responsibilities include:

Development and maintenance of the Smith County Sick Leave Pool policy;

Development and maintenance of the Sick Leave Pool procedures, forms, and other materials;

Adhering to the Texas Local Government Code regarding employee contributions and requests for withdrawals from the County Sick Leave Pool;

Maintenance of the County Sick Leave Pool balance; and

Serving as the Sick Leave Pool Administrator.

Pool Membership

In order to become a member of the Smith County Sick Leave Pool, an employee shall contribute a minimum of eight (8) hours of accrued sick leave when they first join and a minimum of eight (8) hours each year after, in order to maintain eligibility.

Tex. Loc. Gov't Code § 157.073(a)(1)-(2).

Contributions to the Pool

- A. All contributions to the Sick Leave Pool are strictly voluntary.
- B. Yearly enrollment is conducted in January.
- C. An employee may contribute a minimum of one (1) day, up to a maximum of five (5) days accrued sick leave each fiscal year.
- D. An employee may contribute sick leave to the Pool by submitting a completed Sick Leave Pool Donation Request form to the Administrator.
- E. Days donated to the Sick Leave Pool will not reflect as “sick days used” on personnel attendance records.
- F. “Days Donated” become the property of the Smith County Sick Leave Pool. **All donations will remain in force and cannot be returned even upon cancellation of membership.**

Requesting Sick Leave from the Pool

- A. An employee who meets the eligibility requirements outlined in Section IV of this policy will be considered eligible to receive Sick Pool leave.
- B. A request for Sick Pool leave must be submitted to the Administrator in writing using the prescribed forms.
- C. To apply for use of time from the Sick Leave Pool, an eligible employee must complete a Withdrawal Application form and a Statement of Illness/Injury form and submit the completed forms to the Administrator. The Statement of Illness/Injury form must be completed by both the employee and a physician or other licensed medical practitioner.
- D. The Administrator may require the employee to provide additional information or documentation to determine whether to approve a request for withdrawal of Sick Pool leave.
- E. All documents submitted to the Administrator for the purpose of evaluating eligibility for Sick Pool leave are confidential and will be maintained as such in the Administrator's files.
- F. If an eligible employee is critically ill and unable to file an application for sick leave from the Sick Leave Pool, a representative may submit the application on the employee's behalf.
- G. If the Administrator determines an employee to be eligible to receive leave from the Sick Pool, the Administrator shall request the transfer of time from the Sick Pool to the employee. The time credited to the employee may be used in the same manner as accrued sick leave. Tex. Loc. Gov't Code § 157.075(b).H. The maximum number of days granted each fiscal year to an employee will not exceed the lesser of one-third (1/3) of the total amount of time in the Sick Leave Pool or ninety (90) days.
- I. Sick Pool leave requested for stress related illness will be granted for hospitalized days only.
- J. Sick Pool leave will not be granted when an employee is receiving workers' compensation or long-term disability benefits.

Catastrophic Injuries and Illnesses

The Smith County Commissioners Court has express authority to determine what injuries and illnesses are classified as catastrophic. Tex. Loc. Gov't Code § 157.073(c).

Examples of injuries and illnesses generally considered severe enough to be catastrophic include, but are not limited to:

1. Stroke with residual paralysis or weakness;
2. Incapacity due to complications from pregnancy or childbirth;
3. Major surgery (i.e., hysterectomy, mastectomy, heart bypass, prostate);
4. Cancer;
5. Hepatitis; and
6. Broken Hip.

For the purposes of this policy, examples of injury or illness **not** classified as catastrophic include, but are not limited to:

1. Elective Surgery;
2. Broken limb;
3. Cold/allergy; and
4. Pregnancy with minor or no complications.

Reasons Why Requests May Be Denied

The Sick Pool Administrator will notify the employee in writing as to whether the use of Sick Pool Leave is approved or denied. If denied, the reason for denial will be indicated. Reasons why use of Sick Pool leave may be denied include, but are not limited to, one or more of the following:

1. Employee has not been continuously employed with Smith County for at least twelve (12) months;
2. Employee has not been absent for a period of five (5) consecutive working days due to the catastrophic event;
3. Employee still has accrued time in his or her paid leave and compensatory time balance;
4. Employee has not suffered a catastrophic injury or illness as specified in this policy;
5. Employee has already used the maximum Smith County Sick Pool leave allowable for the current fiscal year;
6. The injury, illness, or condition was obtained in the course of employment with an organization other than Smith County;
7. Employee was injured in the course of Smith County employment and is currently receiving workers' compensation benefits;
8. Employee is currently receiving long-term disability benefits; and/or

9. Insufficient leave time is available in the Sick Leave Pool.

Leave Granted

Any granted, unused Sick Pool Leave will revert to the Pool in the event of:

1. Employee's return to work in a full-duty status;
2. Employee's return to work in a light-duty, modified-duty, or alternate-duty status;
3. Employee's non-disability or disability retirement; or
4. Employee's death.

Use of Sick Pool Leave is not intended for postponing retirement or separation from county employment.

An employee absent on Sick Pool Leave is treated for all purposes as if the employee is absent on earned sick leave and will continue to accrue vacation leave, sick leave, and longevity, provided the employee returns to work following the Sick Pool leave.

The estate of a deceased employee is not entitled to payment for unused Sick Pool leave transferred to the employee from the Smith County Sick Leave Pool.

The Commissioners Court may terminate the County Sick Leave Pool Program at any time for any reason.

Vacation – Revised 7/05

Smith County desires eligible employees to take advantage of their earned vacation for rest, relaxation and change of pace. Vacations play a valuable part in maintaining the health and well being of each individual. Each Department Head is responsible to ensure that their employees schedule and take vacations and to administer the department's vacation schedule so as to assure such time off does not adversely effect the department's operations throughout the year. To make sure that employees understand how vacation is accrued and administered, the following rules apply:

- Regular full-time employees are eligible. Temporary employees, part-time employees or regular employees on a leave of absence without pay are not eligible for vacation benefits.
- Vacation time for employees with less than five (5) years service will accrue at the rate of one (1) day vacation for each month of continuous regular full-time service with the County.

- Effective January 1, 2006, vacation time for employees with five (5) years or more service shall accrue at the rate of 1.25 days vacation for a total of 15 days vacation for each year of continuous regular full time service with the County. After ten (10) or more years of service employees shall accrue at the rate of 1.5 days vacation for a total of 18 days per year of continuous full time service; and after fifteen (15) years or more of service employees shall accrue at the rate of 1.75 days vacation for a total of 21 days per year of continuous full time service.
- New employees during the introductory period are not eligible for vacation benefits.
- New employees will earn one-half (1/2) day of vacation each pay period commencing with their first paycheck.
- If an employee has exhausted all credited vacation time accrued and other earned pay such as sick leave accrued, compensatory time, etc., and has not returned to work, there will be no additional vacation time accrued or credited during any payroll period until the employee returns to work and works a minimum of five (5) full days in a payroll period. Payment for accrued leave, paid to an employee on a payday after the exhaustion of benefits, does not constitute pay for time worked in the pay period and does not qualify as a return to work.
- Employees must submit a Vacation Request Form to their Elected Official or Department Head at least one (1) week prior to the time they desire their vacation time to start. The final decision for vacation schedules rests with each Elected Official or Department Head.
- Employees may accrue a maximum of vacation days according to the following: (Note: A vacation day is equal to eight (8) hours)

<u>Years of Service</u>	<u>Maximum Vacation Time</u>
▪ Less than 10 years	18 days (144 hours)
▪ 10 years up to 20 years	24 days (192 hours)
▪ 20 years or more	30 days (240 hours)

- An official County Holiday occurring during an employee's vacation time shall not be charged against vacation time.
- No employee will be entitled to take unearned vacation time nor will any employee take vacation time in advance of earning said vacation credit.
- Regular employees will be given accrual credit for their normally scheduled work hours during authorized paid absences under Smith County Policy, such as sick leave, vacation, holidays, compensatory time or while being paid under workers' compensation.
- Sick leave may not be used for vacation purposes.

- All vacation accrued as of employee's last day of service will be paid upon death or retirement.
- All accrued vacation up to the maximum number of eligible carry forward days, will be paid upon resignation provided two weeks notice is given or the Elected Official or Department Head waives the notice in writing.
- Employees who transfer into an Elected Official position or an excluded position will be paid all accrued vacation up to the maximum number of eligible carry forward days prior to assuming their new position. All accrued time, including vacation, transfers with an employee who moves from one department to another department with no change to his/her employment classification.

Military Leave

Reserve or National Guard Duty

Smith County full-time regular employees who are members of the National Guard or active reserve components of the United States Armed Forces and can present copies of military orders to perform military duty during normal working hours are entitled to temporary military leave without loss of time or regular pay, for a period not to exceed fifteen (15) days per calendar year. Military leave in excess of fifteen (15) days will be charged to vacation leave or leave without pay.

Active Duty

Smith County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be granted leave as required to fulfill their military obligations. In general, military leave shall be limited to a cumulative period of five (5) years, which may be extended as required by law. Smith County shall restore an employee who returns from military leave to the position the employee would have attained if continuously employed or a position of like seniority, status, and pay, the duties of which the employee is qualified to perform; provided the employee receives a satisfactory discharge and returns to or reapplies for work within the time period required by law.

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days an employee may elect to continue his or her health coverage for up to 18 months of uniformed service, but may be required to pay the entire premium for the continuation coverage.

Citizenship Leave

The County considers jury duty an important aspect of our democracy. Employees are encouraged to serve when called. An employee must notify his supervisor as soon as possible if a summons is received.

Regular, full-time employees will be granted leave with pay for jury duty, for serving as a subpoenaed witness, and for the purpose of voting.

Employees are expected to return to work upon completion or release from citizenship duties. Upon returning to work, employees must submit a work statement to their supervisor stating the time that they served on jury duty.

Funeral Leave – Revised 8/06

A full-time regular employee may take funeral leave, not to exceed three (3) days and to be taken consecutively, for the purpose of attending the funeral of a member of their immediate family. Immediate family members are those specifically listed below, plus any relative who was actually residing in the employee's household.

For all other relatives and friends, or if more than three (3) full days are needed, time-off away from work may be granted at the discretion of the Department Head or Elected Official. This additional time-off may be charged to accrued compensatory time, earned vacation time, administrative holiday or time-off without pay.

These covered relationships to the EMPLOYEE are as follows:

- | | | |
|-----------------------|------------------------|-----------------|
| ▪ Spouse | ▪ Mother | ▪ Father |
| ▪ Step-parent | ▪ Mother-in-Law | ▪ Father-in-Law |
| ▪ Son | ▪ Daughter | ▪ Step-child |
| ▪ Son-in-Law | ▪ Daughter-in-Law | ▪ Sister |
| ▪ Brother | ▪ Brother-in-Law | ▪ Sister-in-Law |
| ▪ Grandparent | ▪ Spouse's Grandparent | ▪ Grandchild |
| ▪ Spouse's Grandchild | ▪ Aunt | ▪ Uncle |
| | ▪ Niece | ▪ Nephew |

In the event of the death of a County employee or someone closely associated with Smith County, a department head may approve representation at the funeral. Those who attend, by discretion of their department head, are representing the County therefore hours so spent will be reported as working hours.

Emergency and Inclement Weather Conditions- Revised 1/08

Authority to close governmental operations

The County Commissioners Court has the authority to close general governmental operations due to emergency conditions including inclement weather conditions that

cause a serious hazard for employees such as road conditions due to flooding, ice or snow.

General governmental operation in the following facilities will close or delay opening based on TISD closing or delaying opening due to inclement weather:

- Smith County Court House
- Smith County Annex Building
- Smith County Office Building
- Cotton Belt Building
- Road and Bridge

Smith County facilities not noted above may choose to not close or delay opening at the discretion of the respective Elected or Appointed Official.

Such action, unless specifically stated does not close essential, emergency, residential, and detention operations.

In the event that an emergency closing is ordered by the County Commissioners Court, regular full-time employees shall be paid their regular wage as the day will be recorded as an official closed day. This time off is not considered time worked and will not be used to determine eligibility for overtime.

An employee who is off or is scheduled to be off on sick leave, vacation, holiday, compensatory time, personal leave, FMLA or leave without pay during a period of emergency closure shall have their leave recorded as such.

Communication of Closures

The County Fire Marshal, at the direction of the County Judge, shall communicate with elected officials/department heads and media outlets if there are office closings or delayed openings due to inclement weather conditions. Whenever possible, notification will be made before 6:00 a.m. to local radio and television stations.

Departmental Closings

Each Elected Official or Department Head has the discretion to decide if conditions warrant an emergency closure of departmental operations and if such employees are excused. However, until such time as the County Commissioners Court has officially closed County operation(s), Department Heads shall require their employees to use accrued leave or time without pay. The elected official/department head **is** encouraged to follow the announcement methods. It is each employee's responsibility to determine the status of their department as employees are expected to work unless their Elected Official or Department Head declares an emergency closing.

Emergency Service, Residential and/or Detention Operations

Employees in essential emergency, residential, and/or detention operations are required to work as scheduled to meet the needs of the operation and/or emergency condition. Essential emergency, residential, and/or detention departments include, but are not limited to: building security, facilities management, road and bridge, fire marshal, juvenile residential operations, sheriff's detention and patrol services.

Essential emergency, residential and/or detention employee's *compensation* during emergency conditions or during periods that general governmental services are closed is the same as during non-emergency conditions. The elected officials/department heads may determine payment of *compensation* during this period for hours not worked, as approved time off with pay, compensatory time, vacation, or may dock the employee's pay.

Natural Disasters and Other Emergencies

Employees of Smith County may be required to work during any natural disaster or emergency. These emergencies may require separation from family members and each employee is encouraged to prepare and provide for their family accordingly. Refusal to work during such emergencies may result in disciplinary action, up to and including termination. This is a formal condition of employment with Smith County. The determination to which positions or natural disaster and the designation of personnel who shall be required to work during such emergencies shall be made by each Department Head or Elected Official and is incorporated in Smith County's Emergency Operations Plan.

Public Health Emergencies

Use of accrued sick leave may be used as required during emergencies concerning public health pandemics upon order from Commissioners Court. When an employee or a member of the employee's immediate family, as defined by Section 6.08, are known to have been exposed to the underlying cause of the pandemic, the individual shall not attend work until cleared to do so by a treating physician. Proper documentation from a treating physician will be required upon request. A maximum number of days while awaiting results will be determined by the information received from the Emergency Services Director or Coordinator (who will make the determination consistent with recommendations from the Department of Health or other official agency).

Use of accrued sick leave may be used for employees as a result of school(s) or childcare type facilities closing due to public health emergencies. Employees who do not have any other means to care for their child, and therefore, are unable to report for duty during their normal work schedule, may use their accrued sick leave time to care for their child. Use of sick leave time under this provision must be reasonable. Employees may be asked to provide verification that there are no other alternative means for child care.

Department Heads are encouraged to be flexible with scheduling arrangements when operating under emergency conditions.

Sick Leave Pool may not be used under this section of the policy.

Chapter 7: Discipline Policy

Discipline

Policy

The purpose of this Progressive Discipline Process is to ensure that discipline is imposed consistently and equitably, with the intention of correcting deficient performance and securing compliance with the working rules. This policy applies to all departments which report to the Commissioners Court and to those departments in which the officials choose to adopt it. Except for dismissals during the introductory period all disciplinary actions taken will be taken in compliance with and under the provisions of this policy.

Procedures

Actions Requiring Discipline

An employee may be subject to disciplinary action up to and including termination for any of the following causes depending on the severity of the offense (s):

- Incompetence;
- Insubordination;
- Violation of the provisions of the rules and regulations of the Commissioners Court or the Department Head/Elected Official;
- Inability to perform his/her job duties properly;
- The employee, through negligence or willful misconduct has caused damage to public property or excessive waste of public supplies;
- Has been guilty of any conduct unbecoming an officer or employee of the County while performing his/her job duties;
- The employee has been convicted of a capital felony, a first degree felony, or a felony related to serious bodily injury, indecency with a child or arson; or when the nature of the felony is directly related to the job.
- The employee has failed to report to work for three (3) days without notification to the supervisor; or has failed to report for three (3) days after the leave of absence has expired;
- Misuse of sick leave privileges;
- Is seriously and/or consistently negligent in the performance of duties;
- Seriously and/or consistently failed to meet the written standards of job performance;

- Has lied about or concealed a material fact: a) concerning a matter under internal or criminal investigation, b) for the purpose of obtaining a benefit for himself/herself or another.
- Has made a false statement of or has misrepresented a material fact in the employee's application for employment, or on other work records;
- Has seriously and/or consistently endangered the health or safety of employees or the general public;
- The employee violates a County Substance Abuse Policy (pursuant to 3.08)
- The employee violates a County Purchasing Policy.
- Fails to submit requested documentation to the elected official/department head concerning a medical condition of the employee which may present contradiction to continued employment;
- Unauthorized removal of County property, misuse or damage resulting from neglect of County owned property.
- The employee violates the privacy regulations of the Health Insurance Portability and Accountability Act.

Note: The above list is not mean to be either all-inclusive or exhaustive.

Progressive Disciplinary Action

Verbal Warning, Level One Reprimand and Level Two Reprimand. Prior to a suspension, demotion, or termination, the approving authority, depending on the severity of the employee's actions, may use lesser forms of disciplinary action. However, nothing in this policy shall prohibit the department head/elected official from beginning the disciplinary process at Level One, Level Two or Level Three which includes suspension, termination or demotion, if the employee commits a major offense that warrants such discipline.

1) Lesser forms of actions that may be taken against the employee include:

- a. Verbal Warning – The least severe form of disciplinary action which is designed to advise the employee of the problem which has resulted in unsatisfactory behavior or performance. This is appropriately used as a response to initial and minor offenses. The supervisor should retain documentation of the verbal warning which is signed by the employee, no copy should be placed in the employee's file. A copy should also be given to the employee.
- b. Level One Reprimand – The first formal step in progressive discipline. This level deals with continuation of minor offenses, when verbal warnings do not result in the correction of the problem by the employee. This level of discipline should be documented and signed by the supervisor and employee, and the employee should be allowed to respond in writing. This response will be placed in the Personnel file in the Human Resources

Department. Copies of the reprimand should be distributed to the employee, Human Resources Department and the immediate supervisor.

- c. Level Two Reprimand – This level of discipline deals with serious offenses or continuation of minor offenses that were not corrected in the first normal step. The second written reprimand may be used without the use of the first written reprimand or verbal warning when the offense is serious enough to warrant it. This level of discipline should also be documented in writing and include the signatures of the supervisor and the employee. The employee should also be allowed to respond in writing to the discipline. This response will be placed in the employee's Personnel file. Documentation should be distributed to: the employee, the supervisor, and the employee's personnel file in the Human Resources Office.

2) Level Three Discipline. This level of discipline deals with major offenses or a continuation of serious or minor offenses which were not corrected by verbal or written warnings. This level may be used without prior issuance of warnings when the severity of the offense makes this level of discipline appropriate. Discipline that may be administered at this level includes:

- a. Demotion. The movement of the employee from his/her present position to one with a lower starting salary. A demotion also results in a salary reduction. Demotion is only available as an option when a department has a vacancy in a position with a lower grade for which employee meets the requirements. If no such position is available, the department may consider downgrading a position.
- b. Suspension Without Pay. This is an ordered absence from duty without pay for a prescribed period of time. Employees who are exempt from the Fair Labor Standards Act may not be suspended without pay for periods of less than one (1) work week unless the offense precipitating the suspension involves a serious safety violation.
- c. Termination. This is the most severe action of all-removal from the public service for misconduct or unsatisfactory job performance.

Mandatory Administrative Leave

This is an ordered absence from duty while in full pay status for a prescribed period of time. It allows for immediate response to a suspected but not fully substantiated offense as well as a period in which an investigation can be thoroughly pursued. The employee shall be available to the County Department until the investigation is completed. The employee will participate in the investigation as directed by the department.

Documentation of Disciplinary Action

- All disciplinary actions shall be documented and such documentation should include:
 - 1) The cause for the discipline;
 - 2) The specific reason supporting the cause;
 - 3) The discipline to be imposed; and
 - 4) The effective date.
- Documentation of third level disciplinary actions given to employees should include notification of their right to appeal.

Elected Officials and Department Heads are encouraged to consult with the Human Resources Director throughout the disciplinary process. Department Heads must consult with the Human Resources Director prior to terminating the employment of an employee in their Department.

Separation and Discharge

Types of Separation

All separations from employment are designated as one of the following types:

Resignation – Revised 8/06

Employees are urged to give notice to their department head prior to resigning their position. Two weeks notice is expected. Vacation days and/or personal holidays may not be included in the notice period.

Retirement

Employees who plan on retiring with the Texas County and District Retirement System (TCDRS) must submit an application for retirement benefits to the office of the TCDRS.

Abandonment of Position

Failure of an employee to notify their Department Head or supervisor when they are absent from work for any period of time.

Dismissal/Termination

All employees of the County are “*at-will*” employees, which mean that they are not employees under an employment contract. The Employment at Will Doctrine simply means that either the employee or the employer can terminate the employment relationship at any time for any or no reason. Smith County recognizes the right of a Department Head to discharge any employee at any time in accordance with this doctrine. However, under no circumstances will an employee’s constitutional rights be violated in the process.

Disability

An employee will be separated for health reasons whenever he/she cannot perform the essential functions of the job and no reasonable accommodations can be made.

Death

If a county employee dies, his/her estate receives all earned pay and earned payable benefits.

Reduction in Force

An employee may be separated when his/her position is abolished, or when there is either a lack of funds or lack of work. Whenever possible, an employee terminated from a County Department may apply for an available position within the County. Whenever possible, at least two (2) weeks notice shall be given to an employee prior to separation.

Separation Procedures

The Department Head of an employee whose employment with Smith County is ending shall document, using the appropriate forms, all information pertinent to the separation of the employee. In instances of involuntary dismissal, the Department Head must include information and documentation relating to the reasons for the termination. The Separation forms and other documentation must be sent to the Human Resources Department. The former employee should be referred to Human Resources to complete separation records.

An employee will not receive his/her final check until all forms have been completed through the Human Resources Department and all Smith County property is returned to their department head. This would include keys, equipment, credit cards, uniforms, etc. It is the responsibility of each Elected Official/Department Head to receive a signed acknowledgement of understanding of this policy from each employee (see Procedure and Payment Acknowledgement form).

Unemployment

When an employee leaves employment or is otherwise terminated, it is Smith County's policy to contest the terminated employee's application for unemployment benefits.

In some circumstances, Smith County may choose to grant an exception to this policy, upon approval of the County Judge or his/her designee.

Grievance Policy

It is the policy of Smith County in so far as possible to prevent the need for employee grievances and to deal promptly with those which do occur in an attempt to settle the matter at as low an administrative level as possible to assure efficient operation.

No adverse action will be taken against an employee by reason of the exercise of the right to file a grievance.

Actions or results which occur and which are beyond the control of the County shall not be considered grounds for grievance.

Terminations resulting from actions under the "Discipline Policy" (7.01) are **not** grievable under this policy if all three (3) steps have been followed as per that policy procedure. **NOTE: An employee must file their grievance within five (5) working days of the occurrence which is the basis for the grievance or it will not be considered under this policy.**

Grounds for Grievance

- Unfair treatment by a supervisor
- Illegal discrimination based on race, age, religion, color, disability, national origin, sex, political affiliation or belief.
- Sexual harassment
- Disciplinary action taken without a valid reason
- Direction by a supervisor to do something which may present a danger to the employee or others or to operate equipment which is unsafe.

Grievance Committee

The Grievance Committee will be made up of County personnel with two (2) non-voting members and five (5) voting members plus one (1) alternate. The Human Resource Director and the Assistant District Attorney for the Commissioners Court will be the non-voting members and will act as advisors to the committee. The five voting members will be selected by the Commissioners Court. The employees will be selected out of departments under the Court and from the other departments that

have agreed to act under the policy and its provisions. Terms will be two (2) years and will begin on the first regular Commissioners Court meeting after January 1.

Qualifications of employees by member position to be considered by the Court are:

- 1st Member Position - Minimum of five (5) years Smith County service as a regular, full-time employee in good standing
- 2nd Member Position - Minimum of ten (10) years of Smith County service as a regular, full-time employee in good standing
- 3rd Member Position - Employee in supervisory position
- 4th Member Position - Department Head
- 5th Member Position - Elected Official

If the employee filing the grievance is in the same department as one of the committee members, the alternate committee member will substitute.

Grievance Procedure

FIRST STEP

The first step is the employee having an informal discussion of the grievance with the supervisor. This discussion must take place within five (5) full working days of the occurrence which is the basis for the grievance. The supervisor decides what action, if any, will be taken in regard to the grievance. If a resolution is not reached in the first step, the employee may proceed to the second step within five (5) working days after the first step discussion. NOTE: If the employee fails to meet the time limits imposed in any part of this procedure, that employee waives the right to the next step and to a hearing.

SECOND STEP

The employee prepares a written statement giving the details of the grievance and stating the specific remedial action requested. The employee gives the grievance statement to the supervisor. A copy also is sent to the Human Resources Director. The Human Resources Director reviews the employee's written statement to determine whether or not the basis of the grievance is covered to be handled under the grievance procedure. If not covered, the Human Resources Director advises the employee and the supervisor of the decision and the procedure is stopped. If covered, the Director of Human Resources advises the supervisor to continue the grievance procedure. The supervisor reviews the facts of the grievance, makes a decision as to what action, if any, is to be taken to resolve the grievance and communicates the decision in writing to the employee within five (5) working days after having received the grievance. If the employee is not satisfied with the decision in the second step, or if the supervisor fails to respond within five (5) working days, the employee may take the grievance to the third step within five (5) working days. NOTE: If the employee's immediate supervisor is the Department Head or Elected

Official, the third step may be eliminated and the employee may go instead to the fourth step.

THIRD STEP

The employee submits a copy of the grievance to the Department Head or Elected Official along with a copy of the decision made by the supervisor or a statement that the supervisor failed to provide a decision within the five (5) working day limit if such is the case. A copy is also sent to the Director of Human Resources. The Department Head or Elected Official reviews the details of the grievance and within five (5) working days, provides the employee with a written statement of what action, if any, is to be taken to resolve the grievance. If the employee is not satisfied with the decision of the Department Head or Elected Official or if the Department Head or Elected Official fails to respond within five (5) working days, the employee may take the grievance to the fourth step within five (5) working days.

FOURTH STEP

The employee submits eight (8) copies of the grievance file to the Director of Human Resources for the Hearing by the Grievance Committee. The file shall contain copies of any decisions made in previous steps or statements of a failure of the supervisor or department head to respond where such is the case. The Human Resources Director schedules a Hearing, advises all appropriate parties, and distributes a grievance file copy to each of the members of the Grievance Committee. Grievance Committee Hearings are not judicial in nature; therefore rules of a court of law will not be followed. The Hearing will be limited to the grievance subject matter only and during the course of the hearing, both parties will be given equal time in presenting their cases to the Grievance Committee. Loud or abusive language or behavior that is disruptive by anyone attending the Hearing will be grounds for immediate removal of that person from the proceedings. After the presentations, the Committee then has a discussion and makes a decision. The Human Resources Director provides the employee and the supervisor with a written copy of the Committee's decision within five (5) working days after the hearing. This will complete the fourth step and is the end of the grievance process.

Stopping the Grievance Process

The grievance procedure once started can be stopped only by the employee who has filed the grievance either by action or inaction of the following:

- Employee indicates satisfaction with the action to resolve the grievance at any level of the grievance procedure;
- Employee fails to take action to continue with the next step of the procedure within five (5) working days following completion of the prior step;
- Employee receives decision from the Director of Human Resources that the basis of the grievance is not a covered subject area under this policy;
- Employee, for any reason, indicates no interest in pursuing grievance procedure further; or
- Employee receives the Fourth Step final decision from the Grievance Committee.

Procedure and Payment Acknowledgment

I understand, as an employee of Smith County, if I make a personal charge to the county, payment is to be made to the county as soon as possible. Payments are to be made to the Auditor's Office. This may be done:

1. At the time the expense is incurred, if amount is known.
2. When returning documentation of expenses.
3. Within five days of receiving notice from Auditor.
4. By deduction from the employee's next paycheck, if 1, 2 or 3 above are not done.

Payment should be made by check when possible. The employee's supervisor may be notified of personal charges. Any questions may be directed to your supervisor or the County Auditor's Office.

Acknowledgement

I have received and read the expenditure procedures of Smith County. I understand these procedures and acknowledge I may ask for additional information or more specific examples of the procedure's meaning. I consent to a payroll deduction if I do not repay the county as listed above.

Name _____

Signature _____

Date _____