

PERSONNEL POLICIES  
ANDERSON COUNTY, TEXAS



**Adopted: 12/30/03**  
**Revised: 10/16/2023**

## **NOTICE TO EMPLOYEES**

Anderson County operates under the legal doctrine of **“employment-at-will”** and, within requirements of state and federal law regarding employment, can transfer, demote, dismiss, or administer any other form of employment discipline to an employee at any time, with or without notice, for any reason or no reason. The county will attempt to ensure that employee discipline actions, including dismissals, are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The county has the right to change these policies at any time, without prior notice to employees.

Each reference in these policies to the county means Anderson County, Texas.

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## **WELCOME**

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Whether you are a new employee or an experienced employee, these personnel policies are a guide to public service with Anderson County. In adopting them, the commissioners court is providing written guidance about the benefits of employment with the county, about expectations for employees, and about laws with which we must all comply.

We are happy to have you as one of the team of employees that serve the people of our county. You will find public service a rewarding career.

As taxpayers ourselves, we expect nothing less than the highest quality of service from our government. As public servants, our objective is to provide the best possible service to the citizens of the county in a fair, efficient, and courteous manner. Your job is important to our overall success.

As a county employee, you have a responsibility to the citizens of Anderson County. How well you do your work and how you conduct yourself on the job are both subject to public approval. Oftentimes, your contacts with citizens will be the only basis on which the county government is judged; therefore, you owe it to both the county and yourself to serve the public in the best possible manner. The county has proven to be a good place to work, but it is up to each individual employee to maintain his or her position as a result of good performance, proper attitude, and responsible action in the use of tax dollars.

This manual, and the personnel policies contained within it, are guidelines on how we work as a team to provide that public service. Whether you are a new or experienced employee, this manual will give you facts about the county, how it works, and the policies which govern us as employees.

The personnel policies and procedures of the county are adopted by the commissioners court, are subject to regular review, and may be updated or changed from time to time without prior notice.

Other county elected officials and department heads may have additional policies governing their employees, but any departmental policies may not conflict with these countywide policies which implement state and federal law. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the countywide policies and procedures, please consult the county auditor.

Sincerely,

County Judge and  
Commissioners Court



## **ABOUT ANDERSON COUNTY GOVERNMENT**

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Anderson County's government organization is established by the Constitution of the State of Texas and by state statutes. Its operations are governed by state and federal law and by actions of the commissioners court.

The commissioners court consists of four county commissioners, each elected by the voters of a commissioners precinct, and the county judge, elected by all of the voters of the county. This is the policy-making body of the county.

County operations are conducted through departments, each administered by an elected public official or an appointed department head.

# PERSONNEL POLICIES

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## 1.00 GENERAL POLICIES

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### 1.1 AUTHORITY

These policies are established by the commissioners court, and any deletions, amendments, revisions, or additions to the policies must be approved by the commissioners court. Any interpretations of these policies are made by the commissioners court.

These policies completely replace and supersede any and all personnel policies previously adopted, individually or as a set of policies, by the commissioners court.

In addition to these personnel policies, elected officials and department heads may establish departmental rules and regulations that relate specifically to their departments, as long as they do not conflict with these policies. Departmental rules are important, and employees must comply with them. If there is a conflict between a departmental rule or policy and these policies or any future amendments to these policies, the terms of these policies will prevail.

### 1.2 SEVERABILITY

The provisions of these policies are severable, and if any provision or part of a provision is held invalid, illegal, or unenforceable, this will not affect the validity of the remaining provisions or parts of provisions, which will remain in force and effect.

### 1.3 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

Responsibility for personnel functions in the county is divided among county offices as follows:

- County Commissioners Court oversees general personnel policies, and any modifications will be recorded in the official minutes of the court;
- The County Auditor is responsible for the distribution and maintenance of these policies and maintains official personnel records pertaining to time and attendance, payroll, resignations, and unemployment; and
- Elected Officials and Department Heads maintain other records on departmental employees and are responsible for the administration of these personnel policies within their own departments or units.

Funds approved in county budgets may not be expended in violation of these policies.

### 1.4 PURPOSE

These policies set forth the primary rules governing employment with the county. The policies contained herein inform employees of the benefits and obligations of employment with the county. They have been prepared and adopted in order to promote consistent, equitable, and effective practices by both employees and supervisors, which will result in high quality public service to the citizens of the county.

## **1.5 APPLICABILITY OF PERSONNEL POLICIES**

These personnel policies apply equally to all employees of the county unless a class of employees is specifically exempted by law or by the terms of these policies.

In cases where federal or state laws or regulations supersede local policy for specific groups of employees, such laws or regulations will substitute for these personnel policies only insofar as necessary for compliance.

If a department head or elected official has a question about the applicability of these policies, the commissioners court recommends that they contact the District Attorney's office for further guidance.

## **1.6 EMPLOYMENT-AT-WILL**

Anderson County operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can transfer, demote, dismiss, or administer any other form of employment discipline to an employee at any time, with or without notice, for any reason or no reason. The county will attempt to ensure that employee discipline actions, including dismissals, are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The county has the right to change these policies at any time without prior notice to employees.

## **1.7 DISSEMINATION OF PERSONNEL POLICIES**

The county auditor maintains the official set of the personnel policies, with all revisions, for reference by employees, and is responsible for providing a complete copy of this manual and copies of all subsequent revisions or policy changes to each department head or elected official for distribution to employees in the department. If a question arises about a particular policy, the official set of policies in the county auditor's office should be consulted and will control.

The county auditor must provide a copy of the personnel policies to new employees on their first day of employment. Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Upon receipt of the personnel policies, each employee is required to sign an acknowledgment that he or she has received a copy of the Personnel Policies Manual and understands he or she is responsible for knowing the contents. The signed acknowledgment is filed in the employee's official personnel file in the county auditor's office.

## **1.8 EQUAL EMPLOYMENT OPPORTUNITY**

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

Approved 6/6/2016

## 1.9 HARASSMENT

It is the policy of the county to provide and maintain a work environment that is free of any and all forms of harassment based on race, age, gender, religion, color, disability, or national origin.

No county employee may engage in conduct at work that involves or could be construed as involving harassment toward any county employee, resident, customer, or visitor on the basis of race, age, gender, religion, color, disability, or national origin.

The county will not tolerate such harassing behavior at any time or for any reason. Reports of such conduct will be investigated, and necessary corrective action will be taken by the appropriate elected official or department head, or by their designated supervisor, up to and including termination.

**Employee Complaints Against Elected Officials.** County employees should submit any harassment complaints against elected officials to the elected criminal District Attorney's office. Any complaint should be in writing and should include all information related to the complaint, including the dates, times, and places of harassment, any witnesses to the harassment, and any other relevant information. The District Attorney's office will investigate the complaint and will follow the county's established grievance policies and procedures.

Retaliation or discrimination against an employee for alleging harassment on any of the bases covered in this chapter is prohibited.

## 1.10 SEXUAL HARASSMENT

It is the policy of the county to provide and maintain a work environment that is free of sexual harassment, sexual exploitation, and intimidation. All employees are expected to comply with this policy; failure to do so will result in disciplinary action up to and including termination.

In this section, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct of a sexual nature (1) that create a hostile working environment or (2) the submission to which is made a term or condition of a person's employment.

It is illegal and against the county's policy for any worker, male or female, to harass another worker or to create a hostile working environment by either committing, tolerating, or encouraging:

1. Physical assaults on another employee, including, but not limited to rape, sexual battery, molestation, or attempts to commit these assaults; or
2. Intentional physical contact that is sexual in nature, including, but not limited to, touching, pinching, patting, or brushing up against another employee's body; or
3. Unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes, or comments made in the presence of any employee; or
4. Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.

The county's grievance procedure (see **Grievances**) provides procedures for reporting alleged sexual harassment. The county official or department head will investigate immediately.

**Employee Complaints Against Elected Officials.** County employees should submit any harassment complaints against elected officials to the elected criminal District Attorney’s office. Any complaint should be in writing and should include all information related to the complaint, including the dates, times, and places of harassment, any witnesses to the harassment, and any other relevant information. The District Attorney’s office will investigate the complaint and will follow the county’s established grievance policies and procedures.

No employee will be subjected to any form of retaliation or discipline for pursuing a sexual harassment complaint.

*(Legal reference: Title VII of the U.S. Civil Rights Act, Section 703, as interpreted by EEOC: Sex Discrimination Guidelines, Section 1604.11; Meritor Savings Bank v. Vinson, U.S. Supreme Court, 1986.)*

## **1.11 AMERICANS WITH DISABILITIES**

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

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

Approved 6/6/2016

## **1.12 VIOLENCE IN THE WORKPLACE**

The safety and security of all county employees is of primary importance to Anderson County. Threats, threatening or abusive behavior, or acts of violence against employees, visitors, or other individuals on county property or at county-sponsored events or functions will not be tolerated. Any violation of this policy will result in disciplinary action up to and including termination and possible prosecution. Anderson County reserves the right to take any necessary legal action to protect its employees.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on county property or at county-sponsored events or functions will be removed from the premises as quickly as safety permits, and must remain off county premises pending the outcome of an investigation. Anderson County's response to violent acts, threats, or behavior may include, but is not limited to, employment suspension or termination, suspension or termination of business relationships, or criminal prosecution of the persons involved.

All Anderson County employees are responsible for notifying the supervising elected official or department head, or the immediate supervisor in emergency situations, of any threats that they witness or receive, in addition to any threats that they are told another person witnessed or received. Even without a specific threat, employees should report any behavior that they witness on county property or at county-sponsored events or functions that they regard as potentially threatening or violent or that could endanger the health or safety of an employee. Employees are responsible for making such reports regardless of the relationship between the individual initiating the threat or threatening behavior and the person(s) being threatened. Anderson County understands the sensitivity of the information requested and has developed confidentiality procedures that recognize and protect the privacy of the reporting employee to the greatest extent possible.

### **1.13 WEAPONS**

With the exception of peace officers, License to Carry holders, and conservators of the peace authorized and licensed to carry weapons, Anderson County prohibits county employees from carrying weapons of any kind in county facilities or county vehicles or while representing the county in any capacity. Prohibited weapons include, but are not limited to, the following:

- Any form of weapon or explosive;
- All firearms; and
- All illegal knives and other knives with blades more than five inches in length.

Weapons and explosives related to the official performance of an employee's duties are permitted, but only in the county areas or facilities where they are needed for the performance of those official duties, and only if they are specifically authorized by the supervising elected official or his or her designee.

If an employee is unsure whether an item is covered by this policy, he or she should contact the County Auditor's office for verification. Any violation of this policy will result in disciplinary action up to and including termination.

While Anderson County has a policy prohibiting weapons, nothing in this policy shall be construed as creating any duty or obligation on Anderson County's part to take any actions beyond those required of an employer by existing law.

Anderson County employees including License to carry holders must follow all state and federal law regarding the carry of weapons. This Policy is not intended to give employees any additional rights in this area.

Approved 2/22/2016

## **1.14 SEARCHES**

The county reserves the right to make general or random searches of county property, such as county vehicles, lockers, closets, and desks, for alcohol, prohibited drugs, drug paraphernalia, explosives, and all types of prohibited weapons and knives without the consent of the employee.

The use of privately owned padlocks or other locking mechanisms for county property is prohibited. If an employee does use a privately owned padlock or other locking mechanism on any county property, the county may remove it at any time, and the employee will not be entitled to any reimbursement for damage to the mechanism. The use of any privately owned padlock or other locking mechanism for county property does not create an expectation of privacy with regard to any contents within the locked county property.

Any materials brought into the workplace, such as personal effects, briefcases, vehicles, and so on, may be subject to search at any time if a reasonable suspicion exists that alcohol, prohibited drugs, drug paraphernalia, explosives, and any type of prohibited weapons or knives may be found. If the employee is available, he or she will be asked to consent to the search. If the employee does not consent, any attempt to conduct a search of materials brought into the workplace will not be continued. However, the employee's refusal to cooperate will be noted in his/her employee file, together with a statement that reasonable suspicion existed to conduct the search. No search of materials brought into the workplace will be conducted in the employee's absence.

Any search will be conducted as privately as possible, involving only persons with a need to know and only with the authorization of the supervising elected official or his or her designee.

## **1.15 SMOKING**

In keeping with Anderson County's intent to provide a safe and healthy work environment, smoking is prohibited within county facilities and vehicles.

## **1.16 CHANGES TO THESE POLICIES AND EMPLOYEE SUGGESTIONS**

These personnel policies may be amended or revised, or new policies may be added, at any time, with or without notice, upon the approval of the commissioner's court. In addition, the county auditor may conduct an annual review of the policies contained in this manual as part of the budget process and may submit any necessary or recommended changes to the commissioner's court for approval prior to the beginning of the new fiscal year.

Employees are encouraged to make constructive suggestions for improvements to these policies or to work procedures or conditions. Any employee who wishes to suggest a personnel policy change should submit his or her suggestion(s) to the supervising department head or elected official, who will forward the information to the commissioner's court, where appropriate, along with the rationale for making the change. Employees are responsible for maintaining current knowledge and understanding of all personnel policy changes and for requesting clarification or assistance when needed.

## **1.17 SOCIAL MEDIA POLICY**

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

Anderson County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee's work; is used

to harass supervisors, co-workers, customers, or vendors; creates a hostile work environment; or harms the goodwill and reputation of Anderson County among the community at large. Anderson County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

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

- If your posts on social media mention Anderson County, make clear that you are an employee of Anderson County and that the views posted are yours alone and do not represent the views of Anderson County.
- Do not mention Anderson County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Anderson County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
- Employees may not use Anderson County computer equipment for non-work-related activities without written permission. Social media activities should not interfere with your duties at work. Anderson County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws and cite or reference sources accurately.
- Do not link to Anderson County's website or post Anderson County material on a social media site without written permission from your supervisor.
- All Anderson County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at Anderson County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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



### **1.171 SOCIAL MEDIA APPLICATIONS AND SERVICES PROHIBITED ON COUNTY DEVICES**

Anderson County prohibits the installation or use of the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited; or a social media application or service specified by proclamation of the governor on any device owned or leased by Anderson County and requires the removal of covered applications from those devices.

The installation and use of a covered application may be acceptable to the extent necessary for providing law enforcement; or developing or implementing information security measures. In order for the installation to be approved Anderson County must require the use of measures to mitigate risks posed to this state during the use of the covered application, and the documentation of those measures.

Approved 10/16/2023

### **1.18 VIDEO SURVEILLANCE POLICY**

In accordance with Anderson County's policy regarding searches, I understand that all desks, storage areas, lockers, and all vehicles owned, financed, or leased by Anderson County or used by Anderson County to transport employees, goods, and/or products are subject to search at any time without my knowledge, presence, or permission. With the exception of my personal vehicle, I understand I am prohibited from locking or otherwise securing any such desk, storage area, locker, or vehicle with any lock or locking device not supplied or approved by Anderson County. If I use my own lock on any such item, I agree to give my supervisor a copy of the key or combination to the lock so that the company may open the lock at any time that it may deem such action necessary. In the event that a search of my personal vehicle becomes necessary, I agree to allow personnel designated by Anderson County to conduct such a search at any time the company may direct during my duty shift.

I further understand that in order to promote the safety of employees and company visitors, as well as the security of its facilities, Anderson County may conduct video surveillance of any portion of its premises at any time, the only exception being private areas of restrooms, showers, and dressing rooms, and that video cameras will be positioned in appropriate places within and around Anderson County buildings and used in order to help promote the safety and security of people and property. I hereby give my consent to such video surveillance at any time the company may choose.

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## 2.00 EMPLOYEE RESPONSIBILITIES

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### 2.1 GENERAL EMPLOYEE RESPONSIBILITIES

The county is a public, tax-supported organization. Its employees must adhere to high standards of public service that emphasize professionalism, good judgment, courtesy, and avoidance of even the appearance of illegal or unethical conduct in the course of their regular duties. Employees are required to give a full day's work, to carry out efficiently the work items assigned as their responsibility, to maintain honest conduct, and to do their part in maintaining good relationships with the public, their supervisors, county officials, and their fellow employees.

### 2.2 PROFESSIONAL APPEARANCE

Employees of the county are hired to provide services to the county's citizens and to perform specific tasks in a professional manner. As representatives of the county, employees are encouraged to set and meet high standards both in performing quality work and in presenting a professional personal image to the public. While the county does not have a formal dress code, employees are expected to exercise regular hygiene care and to dress and groom themselves in a neat and tasteful manner, which is appropriate to the particular job being performed. Expensive clothes are not necessary, but a neat, well-groomed appearance and a courteous attitude are necessary in creating and maintaining a professional, favorable image of the county's work force. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for time away from work.

### 2.3 TIMELINESS AND ATTENDANCE

Employees are to be punctual in reporting for work, keeping appointments, and meeting schedules for completion of work.

An employee who expects to be late for or absent from work must report the expected tardiness or absence to his or her supervisor not later than 15 minutes after the time the employee is scheduled to begin work, as a general rule, unless emergency conditions or other department rules exist. A department head may require a different reporting schedule if it would work better for that particular department. See also the **Leave Time** chapter of these policies for matters involving planned absences.

Failure to report within the required period can be considered justification for disallowing paid sick leave for an absence. Unless otherwise approved by the supervisor, employees are expected to call on each day of absence. Where the nature of the absence necessitates an extended period of time off, the supervisor may approve longer reporting intervals. Frequent tardiness or unexcused absence is not permissible and will result in disciplinary action up to and including termination.

### 2.4 OUTSIDE ACTIVITIES

Employees may not engage in any outside employment, activity, or enterprise determined by the elected or appointed department head (1) to be inconsistent or incompatible with employment with the county; or (2) to affect the employee's job performance adversely. Examples of outside activities that may conflict with county employment include construction or installation that may be inspected or regulated by the employee's county department, employment by a major contractor of the county, or employment that results in fatigue while on county duty.

Any department head, at his or her discretion, may require that employees in that department notify the department head prior to the employee's acceptance of any outside employment, including self-employment.

The county accepts no liability for any action, failure to act, injury to self or others, property damage, or any other damage resulting from outside employment by a county employee.

## **2.5 GIFTS AND GRATUITIES**

A county officer, or employee may not accept any gift or free services that might tend to influence his or her official actions or impair his or her independence of judgment in performance of duties for the county. See the **Conflict-of-Interest** section below.

## **2.6 CONFLICT OF INTEREST**

Neither an officer nor an employee of the county will have financial interests in the profits of any contract, service, or other work performed for the county, nor derive personal profit directly or indirectly from any contract, purchase, sale, or service between the county and any person or company.

1. County Elected Officials. A member of the commissioners court and certain other county officials will not participate in a vote or decision affecting a business or real estate in which the member or official has a substantial interest. The details of this prohibition are set out in the county's "Conflict of Interest Policy for Members of the Commissioners Court and Certain other County Officials."
2. County Employees. A county employee may not:
  - a) Solicit or accept or agree to accept a financial benefit, other than from the county, that might reasonably tend to influence his or her performance of duties for the county or that he or she knows or should know is offered with intent to influence the employee's performance;
  - b) Accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of official duties;
  - c) Accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the county;
  - d) Make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the county; or
  - e) Solicit or accept or agree to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

*(Legal reference: V.T.C.A., Local Government Code, Section 171; V.T.C.A. Penal Code, Chapter 36).*

## **2.7 POLITICAL ACTIVITY**

Employees of the county are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. County employees are not required to contribute to any political fund or render any political service to any person or party. No employee will be dismissed, suspended, demoted, or otherwise prejudiced for refusing to do so.

A county employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office; or
2. Directly or indirectly coerce, attempt to coerce, command, or advise a local or state officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political purpose.

County employees, except elected officials, may not participate in political activities while on county duty. Employees are expected to remove county uniforms before participating in a political activity. In addition, county-owned property, vehicles, buildings, and/or offices may not be used for displaying campaign materials or for conducting any partisan political activity other than conducting party primary elections and announcements for public office.

A county employee who is subject to the provisions of the federal Hatch Act may not be a candidate for elective office in a partisan election (a partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected). County employees are subject to this additional Hatch Act restriction if their principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the federal government.

An employee's political activity which is not in violation of this section will not be considered in determining his or her compensation, eligibility for promotion or demotion, work assignment, leave or travel request, or in applying any other employment practices to the employee.

*(Legal reference: V.T.C.A., Penal Code, Sec 36.03; U.S. Hatch Act of 1940, as amended.)*

## **2.8 CHAIN OF COMMAND**

Individual county employees are responsible to the supervising elected or appointed department head or to a supervisor designated by the elected official or department head. Elected officials are responsible to county voters. Directions regarding work to be done, expected results, the adequacy of work performance, and grievances will follow the chain of command.

## **2.9 COMMUNICATIONS**

From time to time, an employee may be given directions from persons other than his or her immediate supervisor or elected or appointed department head. In such cases, it is the employee's responsibility to notify his or her immediate supervisor about the direction, its purpose, and the relevant facts of the situation. Failure to do so in a timely manner may result in disciplinary action.

Communication with the public about county issues or problems is the responsibility of the supervising department head or elected official or his or her designee. Employees are to refer the public to the supervising elected or appointed department head if a question is non-routine, controversial, or outside of the scope of the employee's normal duties.

## **2.10 USE OF ELECTRONIC DEVICES**

County telephones, including mobile and cellular telephones, pagers, and fax machines, are to be used for county business. There is no expectation of privacy for an employee using these systems.

Occasional use of local telephone service for personal communications is permissible if the length and number of such communications are kept to a minimum and if there is no charge to the county for a metered service.

**Long Distance.** County employees and officials may not place personal long-distance telephone calls on county telephone equipment unless the charges will be billed directly by the Telephone Company to the individual's personal account. A call to notify family of county requirements to work unscheduled overtime is a county business call. If an emergency long distance call is made on a county telephone, the employee must reimburse the county for the call.

**Personal Use.** Cellular telephones or pagers are furnished to certain employees in connection with their job duties. Employees need to limit personal use of their county cellular telephones and pagers in the same way they need to limit use of their county office telephones. Employees who have excessive cellular or pager usage for personal calls will be subject to disciplinary action, up to and including termination.

Use of county communications systems, including telephones and fax machines, for sending or receiving offensive or harassing statements, sexually oriented materials, illegal transactions, or private business transactions is prohibited.

## **2.11 USE OF COUNTY COMPUTERS, INTERNET ACCESS, AND ELECTRONIC MAIL**

County computer systems, including Internet access and electronic mail systems are to be used for county business. Occasional use of electronic mail for personal communications is permissible if the length and number of such communications are kept to a minimum. However, because all computer systems are county property, there is **no expectation of privacy** for an employee using these systems.

**Unacceptable Uses of the Internet and County E-Mail.** County e-mail systems and Internet access may not be used for transmitting, retrieving, or storing any communications, images, or other content of a discriminatory or harassing nature or any materials that are obscene or X-rated. Harassment of any kind is prohibited. (See Policy on **Sexual Harassment**). No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes, or sexual orientation may be transmitted or forwarded using the county system. No abusive, profane, or offensive language may be transmitted through the county's e-mail or Internet system. The county's harassment policy applies in full to e-mail and Internet use. Employees do not have a personal privacy right regarding any matter created, received, stored, or sent from or on the county's e-mail or Internet system or computers.

The County e-mail and internet system may not be used for any purpose that is illegal, against county policy, or contrary to the County's best interest. Solicitation of non-county business or any use of the county e-mail or internet system for personal gain is prohibited.

County employees should keep in mind that even when an e-mail or voice mail message has been deleted from a location, it is still possible to retrieve that message.

**Rules for Electronic Communication.** Each employee is responsible for the content of all text, audio, or images that he or she accesses, places, or sends over the county's e-mail or Internet system (including bulletin boards, online services, or Internet sites). Employees must include their name in all messages communicated on the county's e-mail or Internet system.

If any employee receives unsolicited e-mail from outside the county that appears to violate this policy, the employee should notify his or her supervisor immediately. Similarly, if any employee accidentally accesses an inappropriate web site in the normal course of business, the employee should notify his or her supervisor immediately.

**System Security.** The county reserves the right to routinely monitor how employees use e-mail and the Internet. The county may monitor to measure cost analysis/allocation and the management of the county's gateway to the Internet. All messages created, sent or received over the county's e-mail or Internet system are the county's property and should **not** be considered private information.

**Violations.** Any employee who violates these rules or otherwise abuses the privilege of the county's e-mail or Internet system will be subject to disciplinary action up to and including termination. If necessary, the county also reserves the right to advise appropriate officials of any illegal activities.

## **2.12 PERSONAL VISITORS IN THE WORKPLACE**

In the event that a non-work-related person visits an employee during working hours, the employee is responsible for the conduct and safety of his or her visitor(s).

## **2.13 UNIFORMS**

Some county departments require employees to wear uniforms. Each employee is expected to keep his or her uniform neat and clean. County issued uniforms shall be turned into county upon leaving employment with county.

## **2.14 PURCHASING**

Purchases by county employees will be made only as authorized by elected or appointed county department heads or the commissioners court and must be made in accordance with state purchasing laws and county purchasing policies as they apply to counties. (*Legal reference: V.T.C.A., Local Government Code, Chapter 262.*)

Each elected official must provide the county auditor's office with a list of specific employees in their departments who are authorized to (1) make purchases on behalf of the county, and (2) use county credit cards to make county purchases. For all county credit card purchases, the employees must return the credit card and the receipt for any purchase to the county auditor's office immediately following the purchase.

## **2.15 INDEBTEDNESS TO THE COUNTY**

State law prohibits issuing a paycheck to a county employee if the employee is indebted to the county or to the state. *(Legal reference: V.T.C.S., Local Government Code, Section 154.025. Applies only to counties with populations of 190,000 or less.)*

## **2.16 EMPLOYEE FUNDRAISING**

County employees are free to engage in fundraising efforts for outside organizations of the employee's choice; but the solicitations shall be made during the employee's nonworking hours. (Nonworking hours include lunch periods, work breaks, or any other period in which the employee is not on duty.) The employee must not represent himself or herself as a county employee or wear a county uniform when engaged in non-county-sponsored fundraising solicitations.

## **2.17 NON-FRATERNIZATION**

While Anderson County encourages amicable relationships between county management personnel and their subordinates, it recognizes that involvement in a romantic relationship may compromise a manager's ability to perform his or her job. Any involvement of a romantic nature between a manager or supervisor and anyone he or she supervises, either directly or indirectly, is prohibited. Violation of this policy will result in either (1) the transfer of the manager's employment to another county department or (2) disciplinary action, up to and including termination of the manager's employment.

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## **3.00 HIRING PRACTICES**

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### **3.1 METHODS OF RECRUITMENT AND SELECTION**

The county has five methods of recruiting and selecting persons to fill vacancies:

1. Promotion or transfer from within the same department;
2. Transfer from another county department or office;
3. Public announcement (including media announcement and posting of notice for county employees) and competitive consideration of applications for employment;
4. Referral from a job training program; or
5. Selection from a valid current eligibility list of applicants. (A valid current eligibility list is a record of applications for the same or a similar position for which recruitment was conducted within the preceding 180 days.)

The elected official or appointed department head determines the method of selection to be used in filling each vacancy. However, the Commissioners Court must approve funding and the position before recruitment begins.

The county does not accept applications for employment unless a specific job opening has been announced by the department head or elected official. Department heads should notify the county auditor and circulate a memorandum to other departments when an opening is available. Persons wishing to apply for a job with the county when a specific vacancy does not exist will be informed as to how county job openings are advertised, and that they may file an application when an advertised vacancy exists for which they consider themselves to be qualified. After a county position has been filled, all applicants who were interviewed but were not chosen will be notified in writing or by telephone as soon as practicable.

### **3.2 BACKGROUND CHECKS**

The county or the county's designee will perform a background check on all prospective employees, including full-time, part-time, temporary, and seasonal employees. All job applicants must sign a release form permitting the background check. The release form will be attached to the job application. All releases and background check information will be submitted to the county auditor's office.

Sheriff's Office applicants are excluded from this county requirement and must comply with the specific requirements established by that department.

### **3.3 SELECTION**

The commissioners court is responsible for the selection and employment of all appointed department heads except as specified by law or in these policies. The Chief Juvenile Probation Officer is appointed by the Juvenile Board. The county auditor and assistant county auditor are appointed by the district court judges of Anderson County. The court reporters, court administrator, and court coordinators are appointed by the district court judges, county court-at-law judges, and the county judge of Anderson County. All position appointments funded by federal and/or state grants must be approved by the



commissioners court. All Deputy Constables and Reserve Deputy Constables must be approved individually by the commissioners court.

Except for positions filled by a vote of the commissioners court or as set out above, each elected official or department head is responsible for the selection of persons to fill each vacant position within the pay limits set by the commissioners court, unless otherwise specified by law.

To ensure that individuals who join Anderson County are well qualified and have a strong potential to be productive and successful employees, it is the county's policy to check the employment references of all applicants who are offered a position.

The county recommends reference checks, completion of a drug and alcohol test, a criminal history check, and may require a pre-employment physical based on the position's job description. In addition, deputy sheriff applicants must complete a psychological examination. Offers of employment are conditioned on the department head's satisfaction that the results of these inquiries reflect the applicant's fitness and qualifications for public employment and for carrying out the specific duties of the position for which he or she has applied. (*Legal reference: V.T.C.A. Government Code, Sec.461.001.*)

Deputy Constables and Reserve Deputy Constables must show proof of certification as a peace officer by the Texas Commission on Law Enforcement Officer Standards and Education prior to approval by the commissioners court.

Once a selection is made, the elected official or department head must submit to the county auditor a personnel action form listing the name of the applicant, the requested classification, beginning salary, and the effective date of employment. A copy of the applicant's resume or application for employment must be attached to the personnel action form.

If the position for which the employee is selected requires a physical examination, the examining medical doctor will be instructed to submit the results from the employee's physical examination directly to the county auditor, who will file them in a separate, secured file. Access to employee medical records and files is restricted to only those who can demonstrate a "need to know" as defined in the Americans with Disabilities Act. (*Legal reference: U.S. Americans with Disabilities Act of 1990.*)

### **3.4 AGE REQUIREMENTS**

Persons under 14 years of age will not be employed by the county under any circumstances.

Persons under 16 years of age will not be employed in any full-time regular position. Persons under 18 years of age will not be hired in any hazardous occupation. Generally, persons between 14 and 18 years of age are prohibited from performing the following types of duties that may occur in county operations: driving a motor vehicle or riding as an outside helper on a vehicle; using power-driven equipment including woodworking equipment and power-driven saws or shears; operating power driven hoists; participation in wrecking, demolition, or roofing operations; working in trenches or other excavations.

A prospective county employee between 14 and 18 years of age must have written permission and age verification (a signed Minor's Release Form) from his or her lawful parent or guardian on file in the county auditor's office prior to the first day of employment.

A prospective county employee who is 18 years of age must have age verification on file in the county's personnel office prior to the first day of employment.

Other age limitations will be applied only as may be specifically required by state or federal law.

*(Legal reference: Child Labor Regulations, Subpart C, issued pursuant to authority conferred by Section 3 (1) of the U.S. Fair Labor Standards Act of 1938, as amended; V.T.C.A. Labor Code, Chapter 51; U.S. Age Discrimination in Employment Act of 1967, as amended.)*

### **3.5 APPLICATION FOR EMPLOYMENT**

When a specific vacancy exists, each person desiring employment with the county may obtain an application for employment from the county auditor's office. All completed applications should be returned to the auditor's office, from which they will be distributed to the appropriate department head or elected official. To be valid, an application must be made on the county's official application form. When an application is received for a specific departmental position vacancy, the department must separate the EEO statistical data form from the application and file the EEO form, by position applied for, in a recruitment file. Each employment application must be retained by the county for two years after receipt of the application. *(Legal reference: 29 Code of Federal Regulations 1602; V.T.C.A. Government Code, Section 441.158; State Library and Archive Commission Local Schedule GR, as amended.)*

It is the responsibility of the employing department to make appropriate checks to verify education, experience, character, and required certificates and skills of an applicant prior to extending an offer of employment. In the case of applicants for positions with the county which require driving a vehicle, the county auditor's office must check the prospective employee's driving record prior to the elected official or department head offering the applicant employment with the county.

### **3.6 EMPLOYMENT OF RELATIVES (NEPOTISM)**

Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the county.

**Relationship to a Member of the Commissioners Court.** A person who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to a member of the commissioner's court may not be hired in any position that requires approval of the selection by the commissioner's court.

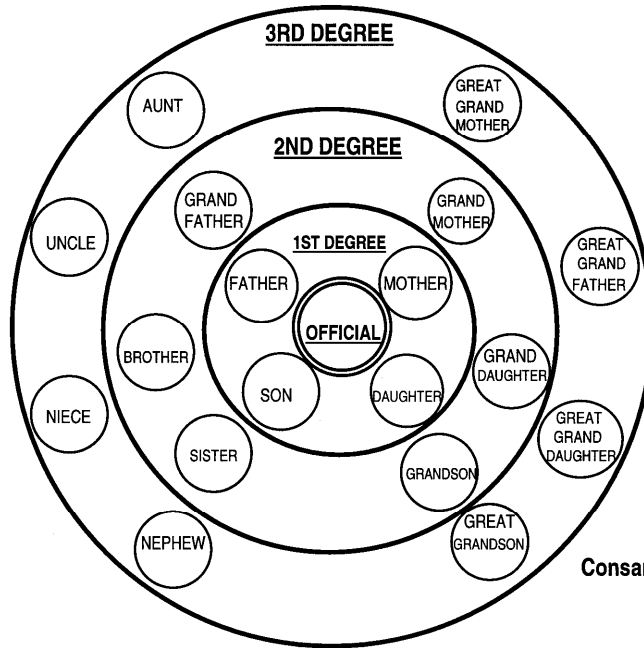
**Relationship to an Elected Department Head.** An elected department head may not hire a person if that person is related to the department head within the second degree by affinity (marriage) or within the third degree by consanguinity (blood).

**Determining Degree of Relationship.** Degree of relationship to a county official can be determined using the charts on the following page.

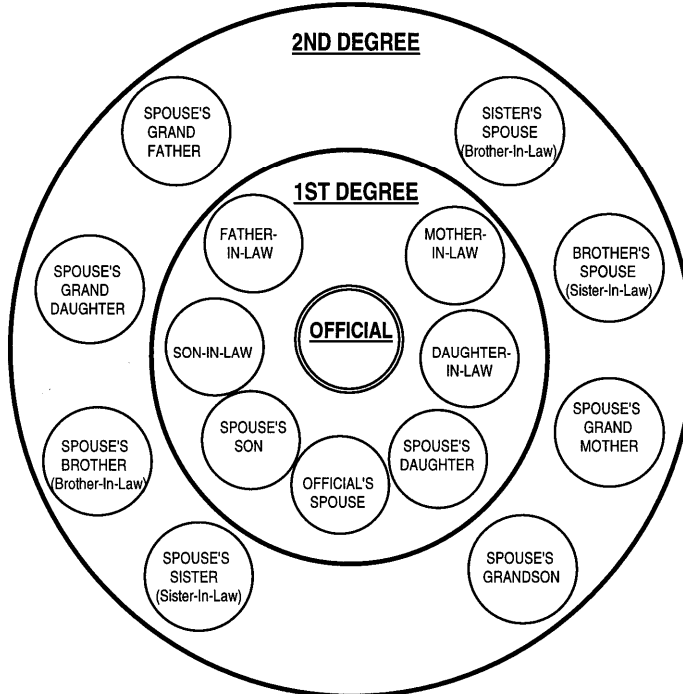
**Continued Employment of a Relative.** A person who is already employed by the county and is related in a prohibited manner to a new county official may not stay in county employment unless the employee had been continuously employed by the county for a period of:

1. At least 30 days, if the officer or member is appointed;
2. At least six months, if the officer or member is elected at an election other than the general election for state and county officers; or
3. At least one year, if the officer or member is elected at the general election for state and county officers. (*Legal reference: V.T.C.A. Government Code, Chapter 573.*)

# NEPOTISM CHARTS



Consanguinity Kinship Chart (Blood)



Affinity Kinship Chart (Marriage)

### **3.7 TESTING**

Except for drug/alcohol tests, physical examinations, and psychological tests for law enforcement officers, and any other tests that may be required by state law, the only performance tests administered for employment or promotion will be specifically job-related (“piece-of-the-job”) tests (e.g., typing, operating a computer, operating a piece of equipment, lifting something heavy which is specifically required to be lifted in the job, tabulating columns of numbers, providing writing samples, etc.). See section on **Drug and Alcohol Abuse** for additional testing requirements.

Employees are required to pass a drug/alcohol test after a conditional offer of employment has been extended, but prior to their first day of work. Employees will not be placed on the county payroll prior to passing these exams.

Any required physical examinations will be performed by a physician of the county’s choice and will be paid for by the county. In each instance, the examining doctor will be provided a copy of the appropriate job description or summary of duties and will be required to certify that the prospective employee is physically able to perform the essential duties of the job.

### **3.8 MEDICAL RECORDS**

All records relating to the medical condition, medical testing, or drug testing of an employee or prospective employee are maintained separately from employee personnel files. These medical files are confidential and are not released to anyone unless a “need to know” has been clearly established. *(Legal reference: U.S. Americans with Disabilities Act of 1990.)*

### **3.9 VERIFICATION OF ELIGIBILITY TO WORK**

Within three days of each employee’s first day of employment, he or she must complete and sign an INS Form I-9 that requires proof of the employee’s identity and employment eligibility. *(Legal reference: P.L. Number 99-603; Federal Immigration Reform and Control Act of 1986.)*

### **3.10 DRIVING RECORD**

Every county employee who is required to drive a vehicle or operate a piece of equipment which requires a valid driver’s license must maintain a safe driving record and may be required to participate in defensive driving courses at the county’s request. Except as restricted by state law, the county auditor’s office is responsible for initiation by the county of a check of a prospective employee’s driving record prior to offering the applicant county employment in a capacity which requires operating a vehicle or piece of equipment. The county may review annually the driving record of any employee required to operate a county vehicle or piece of equipment.

Any employee who uses his or her personal vehicle to conduct county business must provide annual proof of vehicle insurance to the county auditor’s office.

### **3.11 DISQUALIFICATION**

An applicant is disqualified from employment by the county if he or she:

1. Does not meet the minimum qualifications for performance of the duties of the position involved;

2. Knowingly has made a false statement on the application form;
3. Has committed fraud during the selection process;
4. Is not legally permitted to hold the position;
5. Has offered or attempted to offer money, service, or any other thing of value to secure an advantage in the selection process;
6. Does not meet the requirements of the job as a result of the required physical examination and substance abuse screening; or
7. Has not provided proof of citizenship or legal work status in the United States within the first three days of employment.

### **3.12 PLACEMENT ON COUNTY PAYROLL**

New employees must fill out employment forms and all pre-employment requirements must be satisfied before their first day of employment. The elected official or appointed department head must provide the necessary paperwork to the county auditor before the new employee may be placed on the payroll.

### **3.13 ORIENTATION**

The county auditor, or his or her designee, provides a general orientation for new employees about employment with the county, including information about employment with the county and the county benefits program, as well as the necessary forms and instructions.

On the first day of employment, the county auditor's office will provide employees with a copy of the Personnel Policies Manual; employees are responsible for knowing and following the information contained in the personnel policies and must turn in a signed acknowledgment to this effect to the county auditor's office. At this time, employees are informed of the continued availability of the personnel policies to them, including reference locations should they misplace their copy, and are given information about county benefits programs.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief departmental orientation session, conducted by the elected official or department head for whom he or she will be working, or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better, as well as that job's relationship to the overall operation of county government.

### **3.14 TRAINING**

Training an employee is the responsibility of the elected official or department head for whom he or she works. Whenever possible, employees receive on-the-job training under close supervision.

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## 4.00 TYPES OF EMPLOYMENT

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### 4.1 CATEGORIES OF EMPLOYMENT

There are four categories of employment with the county:

Regular Full Time. A regular full-time employee is employed in an authorized regular position that involves, on average, at least 40 work hours per week. Regular full-time employees may be either hourly or salaried and are eligible for Anderson County's benefits package subject to the terms, conditions, and limitations of each benefit program.

Regular Part Time. A regular part-time employee is employed in an authorized position that, on average, involves fewer than 30 work hours per week. Regular part-time employees may be either hourly or salaried and are eligible only for those benefits that are mandated by law, such as social security and workers' compensation.

Temporary Full Time. A temporary full-time employee is an employee hired to work at least 40 hours per week for a period expected to last fewer than six months. Temporary full-time employees may be either hourly or salaried, and only receive those benefits that are mandated by law, such as social security and workers' compensation.

Temporary Part Time. A temporary part-time employee is an employee hired to work fewer than 30 hours per week for a period expected to last less than six months. Temporary part-time employees are paid on an hourly basis, and only receive those benefits that are mandated by law, such as social security and workers' compensation.

See **Benefits** chapter of these policies for details of benefits available to each category of employees.

If a part-time employee, who was not classified as temporary, subsequently becomes a regular full-time employee, without a break in service, the time spent as a non-temporary part-time employee is converted on a pro rata basis to full-time for leave purposes. If a temporary full-time employee subsequently becomes a regular full-time employee, without a break in service, the time spent as a temporary full-time employee is credited as county service for leave purposes. If all or part of an employee's salary is covered by a state or federal grant and the grant is terminated, the county will decide whether to continue the position, paying the employee from county funds. If the position and the employee are continued, without a break in service, and the salary is paid by the county, the employee's account is credited with the time spent as a county employee under the grant as though the employee had been a regular county-paid employee from the initial hire date forward.

### 4.2 INTRODUCTORY PERIOD

All new regular employees or employees who are promoted or transferred serve an introductory period which may vary from department to department but generally does not exceed six months. Any significant absence will automatically extend the introductory period by the length of the absence.

In the event that the employee is terminated or resigns during the introductory period, he or she will not be paid for any accumulated leave.

Satisfactory completion of the introductory period does not modify an employee's at-will employment status. The county can transfer, demote, dismiss, or administer any other form of employment discipline to any employee at any time, with or without notice, for any reason or no reason.

#### **4.3 ASSIGNED STAFF**

Staff who are assigned to the county but are paid directly by another government or private organization are not employees of the county. These employees' benefits are specified in the contract for services. As a condition of their assignment, such staff are governed by all terms of these policies not in conflict with their contract for service.



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## **5.00 EMPLOYEE COMPENSATION AND ADVANCEMENT**

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### **5.01 PAY**

Pay for county elected and appointed officials and employees who are paid from county funds are set each year by the commissioners court in the adopted county operating budget. District judges establish salaries for county auditors, assistant county auditors, and district court reporters. The Juvenile Board establishes the salary for the Chief Juvenile Probation Officer. Rules governing salary administration and pay increases are also established by the commissioner's court. (*Legal reference: V.T.C.A., Local Government Code, Chapter 152.*)

### **5.015 FAIR LABOR STANDARDS ACT SAFE HARBOR**

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

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

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

It is a violation of Anderson County policy for any employee to falsify a timecard, or to alter another employee's timecard. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's timecard to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Anderson County Auditor, 703 N. Mallard, Suite 110, Palestine, TX 75801 903-723-7426.

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

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

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

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

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

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the Anderson County Auditor, 703 N. Mallard, Suite 110, Palestine, TX 75801 903-723-7426. If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the Anderson County District Attorney, 500 N. Church Street, Palestine, TX 75801. Every report will be fully investigated, and corrective action will be taken where appropriate, up to and including discharge for any employee(s) who violates this policy. In addition, the County will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Retaliation is unacceptable, and any form of retaliation in violation of this policy may result in disciplinary action, up to and including termination.

Approved 10/17/2016

## **5.2 SALARY GRIEVANCES**

See the chapter of these policies entitled Grievances for matters related to non-elected county employees.

The remainder of this section **applies only to elected officials**. An elected county or precinct officer (except a judge of a court of record or other official exempted by law) who is aggrieved by the setting of his or her salary, expenses, or other allowances by the commissioners court may request a hearing before the Salary Grievance Committee. The Salary Grievance Committee is composed of:

- The county judge, who will be chairman of the committee, but who will not be entitled to vote; **AND**
- The sheriff, county tax assessor-collector, county treasurer, county clerk, district clerk, county attorney or criminal district attorney, and the number of public members necessary to provide nine voting members; **OR**
- **Alternatively**, the commissioners court may vote on the second Monday in January of any year to appoint nine public members, or any time prior to September 1<sup>st</sup> of each year. If this vote is taken, the county judge and the nine appointed members comprise the salary grievance committee.

Any request for a hearing must be in writing, must be submitted within five days after the date on which the officer receives notice of salary or personal expenses, and must state the manner in which he or she is aggrieved, including the desired change in salary or personal expenses. A formal request must be delivered to the Chairman, the County Judge, who will announce the time and place of the hearing, which will be within 10 days after the date on which the request is received.

If, after a hearing, at least six of the members vote to recommend an increase in the officer's salary or personal expenses, the committee shall submit a recommendation to the commissioners court in writing. If six to eight members vote to recommend the increase, the commissioners court shall consider the recommendation at its next meeting.

If nine members vote to recommend the increase and sign the recommendation, the committee shall deliver its recommendation to the commissioners court; the commissioners court shall include the increase in the budget before the budget is filed; and the increase shall take effect in the next budget year. (*Legal reference: V.T.C.A., Local Government Code, Chapter 152, Subchapter B*).

### **5.3 PAYDAYS**

The pay period for the county is biweekly. The pay period dates will be every other Friday. If a payday falls on a weekend or holiday, employees will be paid on the previous workday.

### **5.4 CHECK DELIVERY**

Paychecks will not be issued other than on the days set out by the commissioners court.

The county treasurer is responsible for the proper distribution of paychecks. Checks may be released only to the individual responsible for their proper distribution within a department. Paychecks are distributed to individual employees by their department heads or by an individual delegated this responsibility within each department. Only the employee himself or herself, or someone designated in writing by the employee, may receive the check in person.

No salary advances or loans against future salary will be made to any employee for any reason. (*Legal reference: Texas Constitution, Article III, Sections 51, 52, and 53.*)

An employee must promptly bring any discrepancy in a paycheck (such as overpayment, underpayment, or incorrect payroll deductions) to the attention of the county auditor.

## **5.5 PAYROLL DEDUCTIONS**

Any deductions must be approved and authorized by the commissioners court. Deductions will be made from each employee's pay for the following:

1. Federal social security;
2. Federal income taxes;
3. Court-ordered child support;
4. Texas County and District Retirement System contributions (for regular full-time employees, eligible elected and appointed department heads, and covered part-time employees); and
5. Any other deductions required by law.

In accordance with policies and general procedures approved by the commissioner's court, deductions from an employee's pay **may** be authorized by the employee for:

1. The portion not paid by the county of group health/medical or dental premiums for the employee or dependents;
2. Supplemental deferred compensation; and
3. Such other deductions as may be authorized by the commissioners court.

If there is a change in the employee's family status, address, or other factor affecting his or her payroll withholding or benefits status, the employee is responsible for obtaining, completing, and returning to the county auditor the appropriate forms for communicating these changes.

## **5.6 LONGEVITY PAY**

Longevity pay is additional pay given to full-time employees to recognize an employee's increased value to Anderson County with each additional year of service. Longevity pay is paid to regular full-time employees at the rate of \$100.00 per year for 1-4 years of service, \$125.00 per year for 5-9 years of service and \$150.00 per year for 10 years or more of service added to their annual salary, for each full year of service, and accumulates for each year of service following the first year. Full-time employees are eligible for longevity pay beginning January 1 of the year following an employee's first full year of employment with the county,

Longevity pay is based on the number of years of continuous full-time service with Anderson County. If an employee is separated from employment with the county and is subsequently rehired, longevity will accumulate from the new hire date and will **not** include prior service. Employees in a paid or unpaid leave capacity will continue to earn longevity pay only through the first year of leave. Longevity pay is not paid to part-time employees.

Revised 5/8/17

Revised 9/26/2022

## **5.7 CLASSIFICATION AND PAY ADMINISTRATION**

A new employee normally is hired at the lowest level of pay for the position to which he or she is assigned. A new employee may not be hired above this level without specific budget approval by the

commissioners court. In determining an employee's starting salary, the following factors may be considered:

1. The applicant's knowledge, experience, and education as compared to the minimum qualifications for the job;
2. If the employee is a rehired employee of the county, the previous salary he or she earned prior to leaving employment, as well as additional experience and knowledge gained subsequent to his or her prior service with the county, and whether or not the employee left in good standing; and
3. Any unusual external market factors affecting the job.

Elected officials may hire new or transferred employees at a rate up to the salary (less longevity) that was paid to the administrative assistant, JP Chief Clerk, or supervisor who previously occupied the position.

## **5.8 PROMOTIONS**

A promotion is a change in the duty assignment of an employee which results in advancement to a higher position requiring higher qualifications and involving greater responsibility.

Promotions are approved by the elected or appointed department head within the staffing pattern and budget limits approved by the commissioner's court.

## **5.9 LATERAL TRANSFERS**

A lateral transfer is the movement of an employee from one position to another position with the same duties, responsibilities, and job description; or one which has duties, responsibilities, and a job description which are similar in nature. Lateral transfers may be made within the same department or between departments and are subject to a 90-day introductory period. Lateral transfers may be requested by the employee or by the elected official or department head to whose department the employee will be transferred and must be approved by the commissioners court.

An employee will not receive a pay reduction when making a lateral transfer, provided that the employee's current salary is within the range approved by the commissioners court for the transfer position and is within the department's annual budget, except as follows:

When an employee transfers from a position where the salary is derived from supplemental funds not spent at the direction of the Commissioners Court, in whole or in part, or where the salary is not set by the Commissioners Court; there may be a reduction in salary depending on the budgeted salary for the vacant position in the department to which the employee is transferring.

An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation and health leave.

## **5.10 DEMOTIONS**

A demotion is a change in duty assignment of an employee to a lower paid position with less responsibility. Demotions may be made for the purpose of voluntary assumption of a less responsible position, as a result of a reclassification of the employee's position, or as a disciplinary measure,

because of unsatisfactory performance in a higher position. A demotion may involve a decrease in pay.

### **5.11 PAY REDUCTION FOR DISCIPLINARY REASONS**

An employee's pay for continued performance in the same position may be reduced, as a disciplinary measure, to a lower rate. The period covered by this type of disciplinary action may not exceed a total of 60 days. See the chapter of these policies on **Discipline** for information about suspension with or without pay for disciplinary reasons.

### **5.12 APPROVING AUTHORITY**

The commissioners court is the approving authority for all payrolls and payroll transfers granted under the terms of (1) these policies and (2) the annual budget.

### **5.13 STEP PAY**

County funded, full time employees are eligible for step pay based on their years of continuous full-time service in an eligible position with Anderson County. Elected and appointed officials are eligible for step pay. Part time, temporary and employees supplemented by the County are not eligible for step pay. Current hire date in an eligible position shall be used to calculate years of service. The current hire date for step pay calculations will be the return date if any break in employment occurs.

Step pay is paid per fiscal year as follows:

2 years of continuous service- \$1200

5+ years of continuous service -\$1800

Step pay shall commence on the 1<sup>st</sup> payroll of the month following the anniversary of the current hire date of employment for employees in eligible positions as determined by the Commissioners Court. Step pay will be paid bi-weekly. Eligible positions will be determined during the normal budget process. Step pay will not be paid if it is not clearly designated and budgeted for during the budget process.

This policy and these guidelines may be amended, modified or terminated at the sole discretion of the County at any time.

This policy and these guidelines are not a contract between the County and any of its employees. Nothing herein shall be considered a part of the County's employment relationship with the employee. No employee shall have the right to rely upon or enforce this policy and these guidelines against the County, it being understood the County may amend, modify or terminate this policy and these guidelines at any time.

e. No employee shall have any rights or privileges in the policy of guidelines.

Approved 12/14/15

Revised 9/26/2022

#### **5.14 Certification Pay**

Certification pay shall commence on the subsequent pay period following the date of the earned certification recorded with the Texas Commission on Law Enforcement Officer Standards and Education.

Revised 12/02/19

## **6.0 WORK SCHEDULE AND TIME REPORTING**

### **6.1 WORK HOURS**

Normal working hours for most county employees are Monday through Friday, 8:00 a.m. to 5:00 p.m., with one hour for lunch, for a total of 40 hours per workweek.

Sheriff's Department officers, jailers, and dispatchers work varying shifts in order to provide services 24 hours each day.

Elected officials and department heads may, within the limits of state and federal law, make adjustments to these schedules. If an exception is made in the regular workday hours of an employee, the elected official or department head shall place notice of such an exception in the personnel file of the employee. Further, the elected official or department head must file notice of the variance with the Commissioners Court and must request an amendment to the department's budget if the change involves a regular work schedule of more or less than 40 hours per week. The commissioners court encourages that offices remain open from 8:00 a.m. to 5:00 p.m. and during the noon hour to serve the public better. Some employees may have their lunch hours staggered so that the county can provide this service.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule established.

*(Legal reference: U.S. FLSA of 1938, as amended; Garcia v. S.A.M.T.A., U.S. Supreme Court, 1985. U.S. Equal Pay Act of 1963.)*

**Employees of the county's sheriff's department and jail** work in shifts. In accordance with the exception allowable under Section 207(k) of the Fair Labor Standards Act (FLSA), the county has established the following work period for the county's sheriff's department:

- The official work period consists of 28 days with varying hours per day. This results in a total of 160 scheduled working hours each 28-day work period. The county anticipates the need for each deputy to work an additional 11 unscheduled hours per 28-day work period as needed. Therefore, each deputy's regular hourly rate for the purpose of computing the time and one-half overtime rate will be based on 171 working hours per 28-day work period; time and one-half overtime pay will commence with the 172nd hour worked in a 28-day period.
- The sheriff must notify affected employees at least annually of the beginning and ending dates and times of the first 28-day work period. Subsequent work periods follow the calendar in 28-day cycles.

### **6.2 NUMBER OF HOURS WORKED**

Each elected official or department head determines the number of hours worked by an employee for the compensation to be received subject to laws governing pay and working hours and subject to the provisions of the county budget and the county's needs.

### **6.3 OFFICIAL WORK PERIOD**

The official work period for county employees is a seven-day workweek beginning at 12:01 a.m. on Monday and ending at 12:00 a.m. on the following Sunday.



The official work periods for some sheriff's office employees are different from the above work period.

### 6.035 BREAKS

The Fair Labor Standards Act requires a reasonable break for nursing mothers to express breast milk during the first year following the birth of a child. Anderson County will provide reasonable unpaid breaks for nursing mothers to express breast milk during the first year following the birth of a child. The nursing mother will be allowed whatever time is needed to express breast milk.

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

Anderson County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for 1 year following the birth of their child. A reasonable accommodation will be given for the needs of employees who express breast milk. Employees of the county who need to express breast milk may not be discriminated against.

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

All employees working over six hours in a day are required to take at least a 30-minute bona fide unpaid meal break during which the employee is relieved of all duties for the purpose of eating a meal.

Approved 6/6/2016

### 6.4 OVERTIME WORKED

The policy of the county is to allow overtime only in cases of emergencies, special circumstances, or when specifically authorized by the commissioners court or the appropriate budget authority if different from the commissioners court. Employees may be required in emergencies to provide services in addition to normal hours or on weekends or holidays. Overtime is defined as hours worked in excess of the allowable **number** of hours under the Fair Labor Standards Act (FLSA) (40 hours per seven-day workweek for non-law enforcement employees; 171 hours per 28-day work period for certified law enforcement officers and certified jailers).

For non-law enforcement employees, overtime begins to accrue after the 40th hour worked during the seven-day workweek. For law enforcement employees, overtime begins to accrue after the 171st hour worked during the 28-day work period.

**All** overtime services by employees covered under FLSA must be authorized in advance by the employee's supervisor and approved by the elected or appointed department head. Employees covered by FLSA must record **all** hours actually worked, including any overtime, on their time sheets. (*Legal reference: U.S. FLSA of 1938, as amended.*)

## 6.5 EXEMPTIONS FROM FLSA (OVERTIME COMPENSATION)

Department heads and other executive, administrative, and professional employees are **exempt from** the overtime provisions of the Fair Labor Standards Act (FLSA). The salaries of these positions are established with this condition in mind. Some additional county positions are exempt from FLSA because of the close relationship of the position and the elected official for whom the employee works. *(Legal reference: U.S. FLSA of 1938, as amended.)*

Extra hours worked by executive, administrative, and professional employees and elected officials' closest staff members may be used as a factor in granting or denying paid leave other than vacation or sick leave. Employees engaged in recreational, seasonal activities which do not operate for more than seven months in any calendar year, and which meet the other statutory prerequisites, are also exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act as recreational, seasonal employees. Each county job description designates whether persons hired in that classification are exempt from, covered by (nonexempt), or not covered by (political appointee) the overtime provisions of FLSA.

## 6.6 OVERTIME COMPENSATION

Only **Nonexempt employees** may be compensated for overtime worked by being given Compensatory Time Off (Comp-Time), at one and one-half times the number of hours worked, up to the maximum number of hours which may be accrued (see **Use of Compensatory Time** section)

The **preferable method** for overtime compensation is to schedule **equal time off** for the affected employee **during the same work period** in which the overtime was worked. The official work period is defined in section 6.03. The county discourages time and one-half payment for overtime, which may be authorized by the department head or elected official only if adequate funds are available in the department's budget and the Commissioners court has granted authority to pay overtime. In addition, the county discourages the accumulation of compensatory time off for nonexempt employees at one and one-half times the number of hours worked, because of the contingent liability this creates for the county.

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

Overtime compensation shall be paid in the form of compensatory time off in accordance with the provisions of the FLSA. Covered employees shall receive paid compensatory time off at a rate of one and one-half (1 ½) times the amount of overtime worked.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

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

desired by the employee with supervisor approval. Anderson County shall have the right to require employees to use earned compensatory time at the convenience of the county.

Nonexempt employees of the Sheriff's Office will be allowed to accrue up to 80 hours maximum of compensatory time. The employee may choose to receive overtime compensation when earned or may choose to increase their compensatory bank up to 80 hours.

Cadet peace officers, jailers, and dispatchers who are attending the required Basic Academy Training will be allowed to accrue up to 480 hours of compensatory time during said training. This time must be used within one year after the employee's completion of field training. After that time, any remaining time will be paid to the employee the next regular payroll.

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

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

Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

Revised 10/17/2016  
Revised 8/22/2022  
Revised 9/26/2022

## **6.7 USE OF COMPENSATORY TIME**

As a general rule, any compensatory time earned should be used by the end of the next pay period after which the overtime was worked. If it is not possible for the employee to use the compensatory time earned, the employee will be paid, if budget is available, at the employee's regular, straight-time rate of pay for the total number of hours on the employee's compensatory time record at the end of the next pay period after which the compensatory time was earned. (Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for hours actually worked.) Except for nonexempt employees of the Sheriff's Office and Cadets, who may accrue up to 80 hours and 480 hours, respectively.

If an employee (other than from the Sheriff's Office) requests time off for any reason other than illness and that employee has compensatory time on the books, then the requested leave must be charged to compensatory leave, unless or until the balance is depleted, before other leave may be used. Employee's from the Sheriff's Office may use leave time prior to compensatory time for requested time off.

Revised 2/22/2016  
Revised 9/26/2022

## **6.8 HOLIDAYS WORKED FOR NON-LAW ENFORCEMENT EMPLOYEES**

The county's basic policy is that each regular employee receives a specified number of paid holidays per year, as set forth in these policies. In most instances, if a regular employee is required to work on a scheduled holiday or is required to work 40 hours in a week in which a holiday occurs, he or she will be given an alternate day off, which must be taken within one year of the date on which the holiday was worked. (See **Work During Holidays** section for a more detailed discussion of this policy.)

## **6.9 HOLIDAYS WORKED FOR LAW ENFORCEMENT EMPLOYEES**

Since law enforcement protection must be provided around-the-clock and year-round, the department cannot close on holidays. To provide equivalent holiday leave time to these employees, law enforcement personnel earn holiday leave credits as the holiday occurs. This leave can be used in one-day or multiple-day increments, with the approval of the employee's supervisor, and must be taken within one year of the date on which the holiday was worked.

In the Sheriff's Office, all of the holiday leave credits for the year are posted on January 1. If an employee leaves the county's employment prior to December 31, he or she only will be paid for number of holiday hours actually earned, regardless of how many posted holiday leave credit hours were used.

## **6.10 LEAVE OR HOLIDAYS TAKEN AND OVERTIME**

If a full-time employee who is subject to the overtime provisions of FLSA is required to work extra hours during a workweek in which he or she has used sick leave, vacation leave, or any other type of released time (including holiday time off), the employee will be given either hour-for-hour time off or pay for the extra hours at the employee's regular straight-time rate of pay. However, if the extra hours worked are greater than the number of leave time hours taken, the employee will be given:

- Hour-for-hour time off **during the same work period**; or
- Compensatory time off at one and on-half times the extra number of hours worked; or
- Pay for the extra hours at one and one-half times the employee's regular straight-time rate of pay in which the overtime was worked.

(See **Holidays** chapter of these policies for benefits allowable in "around-the-clock" departments when a holiday falls on a non-workday.)

## **6.11 TIME REPORTING**

Employees will keep records of all hours worked and released time taken and, where appropriate, hours credited to particular projects. The county auditor provides forms for this purpose.

Each employee must fill out a time sheet to be turned in to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Failure to complete a timesheet will result in loss of vacation and sick leave until the proper time sheet has been completed and turned into the payroll department.

Time sheets are governmental documents and as such require accurate and truthful information. Falsifying a time sheet, a governmental record is a criminal offense.

Time records must be signed by the employee and by the supervising elected official, department head, or his or her appointed designee and must be submitted to the county auditor. It is recommended that these forms be filled out after each day's work in order to maintain an accurate and comprehensive record of the actual time spent on particular projects.

Altering, falsifying, tampering with time records, or recording time on another employee's time record will result in disciplinary action, up to and including termination of employment.

Each elected official or department head is responsible for ensuring that all hours worked and leave time taken are reported on the time sheets sent to the county auditor for payroll purposes and recorded on the individual department's records.

Revised 12/31/2015

## **6.12 OFFICE CLOSINGS IN EMERGENCIES**

Short-term emergency closings of Anderson County offices/departments may arise due to unexpected inclement weather, prolonged power failure, or other emergency situations. After the county judge communicates with elected officials and department heads, closings will be communicated to employees. In the event that a situation occurs during non-working hours which would necessitate emergency closings of Anderson County offices/departments, local radio and television stations will be asked, by the county judge's order, to broadcast an official courthouse closing statement.

Elected officials and department heads may follow the general closing order or set other schedules for their employees.

Employees whose jobs are critical to public health and safety may be required to work during an official closing. If so directed, those employees must report for duty.

Employees in departments under the direct jurisdiction of the commissioners court will be paid for the first day or partial day of closing. For subsequent days, the commissioners court may, by budget amendment, adjust salaries of employees not required to work during a closing period.

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## **7.00 BENEFITS**

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### **7.1 MEDICAL AND LIFE INSURANCE**

Regular full-time employees who work at least 40 hours per week are provided general medical, hospitalization, and life insurance. Employees who work at least 40 hours per week will have all their coverage paid by the county.

Upon employment, each regular employee is given an insurance booklet containing detailed information about the county's insurance programs.

Temporary employees and regular employees who work less than 40 hours per week are not eligible for paid insurance coverage.

Employees who have exhausted all paid leave time who work less than 40 hours per week will be responsible for their pro rata share of health insurance.

### **7.2 SOCIAL SECURITY**

All employees of the county are covered by social security. The county also contributes to the social security system on behalf of each employee.

### **7.3 RETIREMENT**

The county is a member of the Texas County & District Retirement System (TCDRS). All employees are required to become members of TCDRS and are eligible for this benefit immediately upon employment. (TCDRS defines regular employees as those working in excess of 900 hours per year.) The county matches an approved percentage of gross salary toward retirement. An employee is vested after eight years of service. Employees who leave county employment prior to retirement will, upon request, be refunded their portion of the retirement account plus interest earned on their portion.

Retirement benefits are determined by a formula that involves age, the number of years of creditable service, and the amount deposited in the employee's account. A new employee receives a brochure about the county's specific retirement coverage and options under TCDRS at the time of employment. The county auditor's office has additional information about the retirement plan which is available upon request.

### **7.4 WORKERS' COMPENSATION**

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

**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.**

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 Payroll Department may result in rejection of claim, placing the health care expense solely onto the employee.

Effective February 1, 2016, Anderson 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. If 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. For information on the Alliance doctors please contact the Auditor's office, 703 N Mallard, Suite 110, Palestine, TX 75801.

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 Auditor's Office within two business days after the accident.

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 employees may:

- \* For up to seven (7) days, the employee may receive 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 8<sup>th</sup> day and for any days thereafter, that the employee is unfit for duty, the employee receives weekly benefits from the insurance carrier in accordance the Worker's Compensation Law.

- \* Law enforcement personnel as defined by the statute will be paid in accordance with the Constitution of the State of Texas.

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

Any employee who suffers a job-related illness or injury is required to notify his/her supervisor within 24 hours or as soon as possible. Failure to promptly report job related injuries or illnesses may affect an employee's eligibility for benefits or delay benefit payments.

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

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

An employee may not perform any outside work or engage in any extra duty employment on the same calendar days that he fails to report to work due to workers' compensation illness or injury.

Additional information is found in the sections of this manual under the main heading **Health and Safety**.

Revised 03/07/2016

## **7.5 UNEMPLOYMENT INSURANCE**

Employees of the county are covered under the Texas Unemployment Compensation Insurance program, and the county pays for this benefit. This program provides payments for unemployed workers in certain circumstances. *(Legal reference: V.T.C.A. Labor Code, Title 4, Subtitle A.)*

## **7.6 LEAVE TIME**

Regular full-time county employees are eligible for holidays, vacation leave, sick leave, and other types of released time under certain circumstances. Detailed information about leave and other types of released time is found in the sections of this manual under the main headings **Leave Time** and **Holidays**.

## **7.7 EDUCATION AND TRAINING**

When the county requires an employee to attend any educational or training course, conference, or seminar, the county will provide the necessary time off with pay and will reimburse the employee for associated costs, including tuition or registration fees, and authorized travel, meals, and lodging. Employees are expected to use the least expensive means of travel for the county, including avoiding unnecessary overtime whenever possible.

Please refer to the chapter on **Travel and Expense Reimbursement** for explanation of attendance at seminars authorized by the county.

## **7.8 RETIREE INSURANCE ELIGIBILITY**

For purposes of this section, "vested in the County's group health insurance" means the completion of eight years of service as a full-time employee for **Anderson County** while enrolled in the County's group health insurance plan.

All employees who were vested in the County's group health insurance as of December 31, 2019, will have the option of retaining the County's group health insurance coverage upon their retirement. To be eligible for retirement with retiree health insurance benefits, an employee in this category must meet one of the following conditions:

1. Attained the age of 60 and vested in the County's group health insurance as defined above.
2. Completed 20 years of eligible service as defined by the Texas County and District Retirement System (TCDRS).
3. Completed years of service as defined by TCERS plus employee's age equals 75 or greater.



Employees who become vested in the County's group health insurance after December 31, 2019, will have the option of retaining the County's group health insurance coverage upon their retirement. To be eligible for retirement with retiree health insurance benefits, an employee in this category must meet one of the following conditions:

1. Attained the age of 60 and vested for health insurance purposes as defined above.
2. Completed 30 years of service as a full-time employee for Anderson County.

Any employee with a break in service must have been in full-time active employment with the County for twenty-four (24) consecutive months at time of retirement in order for the years of service prior to the break in service to be counted toward eligibility for retiree health insurance benefits.

Upon retirement of employees in the above categories, if the retiree elects to remain in Anderson County's group health insurance plan, he/she will be required to make the same contribution toward the cost of health insurance coverage as is required of active employees with similar dependents for their coverage election.

It is possible for an employee to be eligible for retirement with TCDRS and not meet the eligibility requirements for retiree health insurance benefits as outlined above. Retirees not meeting the above eligibility requirements will have the option of retaining the County's group health insurance coverage upon their retirement, provided that the retiree pays one hundred percent (100%) of the required monthly premium for their coverage election.

For all categories of retirees listed above, all group health insurance coverage shall cease upon the retiree's attainment of the age of sixty-five (65). If the retiree's spouse and/or children have been covered under Anderson County's group health insurance plan as dependents of the retiree during the entire duration of the retiree's coverage, they may continue to be part of the group health insurance plan after the retiree reaches the age of sixty-five (65). An eligible dependent spouse may only be covered until the spouse reaches the age of sixty-five (65). Eligible dependent children may only be covered until the child reaches the age of twenty-six (26).

If coverage ceases for a retiree, dependent spouse, or dependent child during the period that a retiree was eligible for retiree health insurance benefits, the retiree, spouse, and or dependents may not be added again at a later time.

The Commissioners Court reserves the right to modify, revoke, suspend, terminate, or change this policy regarding retiree health insurance benefits, in whole or in part, at any time.

All previous policies in conflict with these policies are hereby repealed. However, this change in policy is not intended to affect retirees who have already retired under a previous policy and are currently receiving retiree health insurance benefits.

**Approved 09/22/2011**  
**Revised 5/10/2021**

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## 8.00 LEAVE TIME

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### 8.1 DEFINITIONS

- **Leave Time.** Leave time is time during normal working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
- **Holidays.** Holidays are days designated by the commissioners court on which county offices are closed, that otherwise would be regular business days.
- **Unauthorized Absence.** An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor or supervising elected official or department head. Employees are not paid for unauthorized absences, and such absences may result in disciplinary action up to and including termination.

### 8.2 APPROVAL OF LEAVE

All leave taken by county employees must be approved by the employee's supervisor and the supervising elected official or department head. Copies of signed leave forms are sent to the county auditor's office for recording on the central leave records. County payroll records are verified against these leave records.

Elected officials and department heads are responsible for determining that leave has been accrued and are available for use in the amounts requested by an employee. In addition, they are responsible for ensuring that all vacation and sick leave usage is recorded on the time sheet sent to the county auditor for payroll purposes.

### 8.3 VACATION LEAVE

All regular full-time county employees are eligible for paid vacation leave. Part-time and temporary employees shall not be eligible for vacation benefits. Employees are encouraged to take regular vacations at least annually.

Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible accruals. Employees must work or be on a paid leave the entire month to accrue vacation benefits. Vacation shall not be accrued while an employee is on leave without pay.

Regular full-time county employees in a position eligible for vacation benefits will accrue vacation leave on a monthly basis as follows:

| <u>Years of Employment</u> | <u>Vacation Days</u>         |
|----------------------------|------------------------------|
| Less than 2 years          | 80 hours per year (10 days)  |
| 3 – 7 years                | 96 hours per year (12 days)  |
| 8 – 12 years               | 120 hours per year (15 days) |
| 13 – 16 years              | 136 hours per year (17 days) |
| 17 year or more            | 160 hours per year (20 days) |

Vacation leave may not be accrued in excess of the maximum amount (25 days) unless:

1. The employee was not able to take vacation leave because of the needs of the county, and
2. The employee's supervisor prepares a request for accrual above the maximum, explaining why the employee was not able to take vacation leave; and
3. The Commissioners Court approves the request.

**Scheduling Vacation Leave.** Supervising elected officials and department heads should encourage their employees to schedule vacation and to request leave well in advance; vacation schedules must accommodate the county's work schedule. Provided that departmental workloads permit, employees should be allowed to select their desired vacation periods. The department head will have the final decision on scheduling and approving vacation time.

**Payment for Unused Vacation Leave upon Separation.** When an eligible employee leaves the services of the county, he or she will be paid for unused documented vacation leave up to a maximum of 80 hours. The rate of pay will be determined by the salary rate in effect at the time of termination. Employees who do not turn in time sheets to the audit department each payroll documenting time worked, and time off will not receive pay for unused vacation at the time of separation

Employees terminating during the first year of employment will not be paid for vacation leave.

Vacation leave credits are not transferable between employees.

Approved 2/22/2016  
Revised 10/25/2017

#### **8.4 COMPENSATORY LEAVE**

See the section of this handbook under the main heading **Work Schedule and Time Reporting**, specifically the section on **Overtime Compensation**, for information about earning compensatory time and using compensatory leave credits.

#### **8.5 SICK LEAVE**

An employee with accrued sick leave may use that leave if the employee is absent from work due to:

1. Personal illness or physical or mental incapacity;
2. Medical, dental, or optical examinations or treatments;
3. Medical quarantine resulting from exposure to a contagious disease; or
4. Illness or death of a member of the employee's immediate family who requires the employee's personal care and attention. For this purpose, immediate family is defined as the employee's spouse, child (ren), parents, mother-in-law, father-in-law, daughter-in-law, son-in-law, grandparents, grandchildren, brothers or sisters.

**Accrual of Sick Leave.** Sick leave accrues at the rate of eight hours per month for full-time, regular county employees. The appropriate number of sick leave hours is credited to an employee's account on the first day of the month following the month in which employment begins, and on the first day of each month thereafter until the employee has reached the maximum.

**Use of Sick Leave.** Accrued sick leave can be used by a regular employee only after completion of the employee's first month of employment. If an employee is absent with permission because of illness during the first month of employment, the missed number of hours' pay will be subtracted from the employee's regular pay before a paycheck is issued.

**Notification Requirements.** Approval of sick leave for non-emergency medical, dental, or optical appointments must be secured at least one day in advance. In all other instances of use of sick leave, the employee must notify his or her supervisor or the supervising elected official or department head before leaving work or, if not already at work, not later than the time at which the employee is scheduled to begin work on the first day of absence (within 15 minutes of the scheduled time to begin work), unless emergency conditions exist, and must request that approval of sick leave be granted. Some departments may require earlier advance notification. The employee also must call the supervisor each subsequent day he or she will be out on sick leave unless other arrangements are made.

Employees must complete a request for approval of sick leave prior to non-emergency appointments or must immediately request for approval of sick leave upon return to work in other instances, as applicable. Departments must promptly report authorized use of sick leave to the county auditor's office with the payroll.

Employees must report to and remain at work until it is necessary to leave for an approved non-emergency appointment, and must return to work immediately following the appointment, unless extenuating circumstances exist. The unauthorized use of sick leave may result in disciplinary action against the employee.

Failure to provide the required notice may result in the employee being placed on leave-without-pay status and could result in disciplinary action against the employee. Employees are expected to return to work as soon as their reasons for leaving have been accomplished.

**Medical Statement.** An elected official or department head may request an employee in his or her department to furnish, and the employee must provide upon request, written verification by a physician of medical disability precluding availability for duty at any time that sick leave benefits are requested.

**Maximum Accumulation of Sick Leave.** Sick leave not used by regular employees during the year in which it accrues accumulates and is available for use in succeeding years up to a maximum allowable accumulation of 480 hours (60 working days). Once an employee's sick leave balance reaches the maximum, he or she ceases to accrue sick leave unless or until the sick leave balance drops below the maximum.

Revised 10/25/2017

**Exhaustion of Sick Leave.** An employee who has exhausted earned sick leave benefits may request to use accumulated vacation or other paid leave or may request leave of absence without pay. No advance of unearned sick leave benefits will be made for any reason.

**Illness While on Vacation Leave or on a Holiday.** When an illness or physical incapacity occurs while an employee is on vacation leave, accrued sick leave may be granted to cover the period of illness or incapacity, and the charge against vacation leave reduced accordingly. Application for such a substitution must be supported by a medical certificate or other acceptable evidence approved by the commissioners court. If an employee is sick on a holiday, he or she may not use sick leave for these hours and will not get an alternative day off.

**Cancellation upon Termination.** Unused sick leave is canceled upon termination of employment without compensation to the employee.

## **8.6 MILITARY LEAVE**

Regular employees who are members of the State Military Forces, or are members of any of the Reserve Components of the Armed Forces of the United States, are entitled to leave of absence from their duties for annual maneuvers, without loss of time or efficiency rating, leave time, or salary on all days during which they are engaged in authorized training or related duty ordered by proper authority, not to exceed 15 calendar days in any one federal fiscal year (October through September). Requests for approval of military leave must have copies of the relevant military orders attached.

Regular employees who are ordered to extend active duty with the state or federal military forces are entitled to all of the reemployment rights and benefits provided by law upon their honorable release from active duty.

Anderson County prohibits employment discrimination based on past military service, current military obligations, or intent to join one of the uniformed services.

*(Legal reference: V.T.C.A., Government Code, Section 431.005 and Section 613.001-613.005; Fed. 38, U.S. Code Ann., Chapter 43; Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994.)*

## **8.7 CIVIL LEAVE**

Employees are granted paid civil leave for jury duty, for serving as a subpoenaed witness in an official proceeding, and for the purpose of voting. *(Legal reference: V.T.C.A. Labor Code, Sec. 52.051; Election Code, Sec. 276.004.)*

Employees must notify the appropriate supervisor as soon as possible prior to taking civil leave. When an employee has completed civil leave, he or she must report to the county for duty for the remainder of the workday unless excused by his or her supervisor. If the employee will be absent from work for more than one workday on civil leave, he or she must notify the appropriate supervisor daily at the beginning of each workday on which he or she will be absent. An employee who is called for jury duty, must provide his or her supervisor with an acknowledgement of service from the court.

Payment received for jury duty is retained by the employee.

## **8.8 FAMILY AND MEDICAL LEAVE**

To be eligible for benefits under this policy, an employee must: 1) have worked for Anderson County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted toward the 12 months); and 2) have worked at least 1250 hours during the previous 12 months.

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

1. The birth of a child and in order to care for that child;
2. The placement of a child in the employee's home for adoption or foster care;
3. To care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition;
4. The serious health condition of the employee that make the employee unable to perform the essential functions of their job;
5. A qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country;
6. To care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or
7. To care for a covered veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

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

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

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

Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active-duty status in a foreign country. The following qualify as exigency leave: 1) leave may be taken to address any issue that arises because the covered military member was given seven or less days' notice for active-duty deployment in support of a contingency operation. Eligible employee may take up to 7 days beginning on the date the covered military member receives the call or order to active duty; 2) leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or

call to active-duty status in a foreign country of a covered military member; 3) leave may be taken to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member; 4) leave may be taken to arrange for alternative childcare, provide childcare on an urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member; 5) leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active duty or call to active duty status in a foreign country; 6) leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status; 7) leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from the active duty status or call to active duty status in a foreign country of a covered military member; 8) leave may be taken to spend time with a covered military member who is on a short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible employees may take up to fifteen (15) days of leave for each instance of rest and recuperation; 9) leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status; 10) leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country; 12) certain activities related to the care of the military member's parent who is incapable of self-care where those activities arise from the military member's covered active duty or 13) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and the duration of such leave.

Up to 12 weeks leave per 12-month period may be used under this policy. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. All leave taken under this policy during the prior 12-month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.

If a married couple both work for the County the maximum combined leave they shall be allowed to take in any 12-month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 weeks in a single 12-month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period: 1) the single 12 month period begins on the first day the eligible employees takes FMLA to care for covered service member or covered veteran and ends 12 months after that date; 2) if an eligible employee does not take all of their 26 workweeks during this 12 month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member or covered veteran is forfeited; 3) this leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or covered veterans or to care for the same covered service member or covered

veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12-month period.

If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: compensatory time, vacation, holiday, personal and sick leave. The remainder of the leave shall be unpaid.

An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use all earned compensatory time, then holiday, sick, then vacation leave, and any other paid leave, with the remainder of the 12 week leave period being unpaid leave.

An employee taking leave for the birth of a child shall be required to first use all earned compensatory time, then holiday, sick then vacation leave, and any other paid leave for the recovery period after the birth of the child and prior to being on unpaid leave.

After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12 weeks leave period being unpaid leave.

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 first earned compensatory time, then vacation, and other available paid leave, except for sick leave, with the remainder of the 12 weeks leave period being unpaid leave.

An employee taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 weeks leave period being unpaid leave.

An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all earned compensatory time, then holiday, personal, vacation then sick leave and any other paid leave, with the remainder of the 26 weeks leave period being unpaid leave.

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

While on leave under this policy, the County shall continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on paid leave. While on unpaid leave, the employee shall be required to pay for premiums due to the County no later than 30 days after the due date which the County sets or the coverage shall be discontinued.



At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12-month period.

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

A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or covered veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's 12 week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness the time will be deducted from the employee's 26 week leave eligibility in a single 12-month period.

The County shall have the right to ask for certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy.

The employee must respond to the request within 15 days of the request or provide a reasonable explanation for the delay. If an employee does not respond, leave may be denied.

Certification of the serious health condition of the employee shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of the treatment; and 5) a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification of the serious health condition of an eligible family member shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of treatment; and 5) a statement that the patient requires assistance, and that the employee's presence would be beneficial or desirable.

Certification for leave taken because of a qualifying exigency shall include:

1. A copy of the covered military member's active-duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active-duty status in a foreign country;
2. The dates of the covered military members active duty service;
3. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave;
4. The approximate date on which the qualifying exigency will start and end;
5. If the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; or
6. If the qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title, organization, address, telephone number, fax number and e-mail address and a brief description of the purpose of the meeting.

Certification for leave taken for a serious injury or illness of a covered military member or covered veteran shall include:

1. If the injury or illness was incurred in the line of duty while on active duty;
2. The approximate date on which the illness or injury occurred and the probable duration;
3. A description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care;
4. If the covered military member is a current member of the Regular Armed Forces, the National Guard or Reserves and the covered military member's branch, rank and unit currently assigned to;
5. The relationship of the employee and the covered military service member or covered veteran; or
6. In lieu of certification, and ITO (invitational travel orders) or an ITA (invitational travel authorizations) issued is sufficient certification for a eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an ITO or ITA.

If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from a Health care practitioner agreed upon by both the employee and the County, and this third opinion shall be considered final.

Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his or her immediate supervisor.

Where practicable, an employee should give his or her immediate supervisor at least 30 days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days' notice before beginning leave, the employee shall be required to give as much notice as is reasonably practicable. If an employee fails to provide 30 days' notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

Employees returning from leave under this policy, and who have not exceeded the 12-week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave. Employees who have not exceeded the 26-week maximum, in a single 12-month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or a job equivalent to the job they held prior to going on leave.

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

The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave still available.

Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.

While on leave under this policy, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy.

Employees who are out on approved FMLA may not take trips outside of the county of residency unless the travel is related to any household necessity or related to the employees own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. Employees may ask for permission from their immediate supervisor to take other trips outside of the county and supervisors may grant employee requests at their discretion.

Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirements of the Federal Family and Medical Leave Act (FMLA) and the regulations issued to implement it.

The County may send to an employee who has been out for 3 or more days a Medical Certification to determine the employees FMLA eligibility. The employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA. Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.

Revised 03/07/2016

## **8.9 PERSONAL LEAVE**

After the completion of six months of service, all regular full-time employees accrue two personal days per year. The county auditor will post the personal leave day to each eligible employee's leave records on January 1 of each year.

Personal leave days must be taken by December 31 of the year for which they are earned and must be scheduled with and approved in advance by the employee's department head. Personal leave days cannot be carried forward into another year.

## **8.10 BEREAVEMENT**

No more than two days (16 hours for all full-time, regular employees) per year of emergency leave with pay may be granted to regular employees by the appropriate elected official or department head in the event of a death of a person related to an employee within the first or second degree of consanguinity (blood relationship) or the first or second degree of affinity (relationship by marriage). The **length of time granted (number of hours or days) for a specific emergency leave** must be approved by the appropriate elected official or department head and **will depend on the circumstances**. The terms of, reasons for, and length of time approved for the leave must be documented and filed in the employee's personnel file.

Consanguinity (blood relationship) and affinity (relationship by marriage) chart is located in section 3.06 Employment of Relatives.

## **8.11 OTHER LEAVES OF ABSENCE WITHOUT PAY**

Leave of absence without pay is an approved absence from duty in a non-paid status for not more than six months, unless an extension is approved by the commissioners court. Extensions of leave, including using this type of leave to add to the 12-week limit on family and medical leave, may be authorized by the commissioners court in no more than one-month intervals, and a careful review must be conducted prior to authorizing any extension. The reason(s) for granting the extension must be documented in writing in the employee's medical file, as appropriate, if the leave without pay is for medical reasons, or in the employee's personnel file, if the leave without pay is for non-medical reasons.

Granting a leave of absence without pay is at the discretion of the supervising elected or appointed department head. This type of leave is not authorized unless there is a reasonable expectation that the employee will return to employment with the county at the end of the approved period. Approval of the leave must be documented, with a copy of the documentation placed in the employee's personnel or medical file, as set out above. Employees on leave of absence without pay receive no compensation and accrue no benefits. However, previously accrued leave balances, benefits, and seniority are retained during leaves of absence unless otherwise prohibited by the terms or provisions of the benefit programs or by these policies. Medical insurance can be continued if the employee pays the premiums (including the county's portion) in full in a timely manner. The county's insurance company may limit the length of time the medical benefits may be continued.

**Revocation of Leave without Pay.** A leave of absence without pay may be revoked upon receipt of evidence submitted that the cause for granting the leave was misrepresented or has ceased to exist.

**Authorized Reasons for Leave Without Pay.** A leave of absence without pay may be appropriate for the following reasons:

- Military service (see also the section on this type of leave);
- Recovery from extended illness or temporary disability, including using leave without pay to add to the allowable 12-week period of family leave; pregnancy is treated in the same manner as any other extended illness or temporary disability (see also the section on **Family and Medical Leave**);

- Educational purposes when successful completion will benefit the county;
- Public service assignments;
- Seeking public office;
- Personnel exchange programs which emphasize intergovernmental relations; or
- Any other reason approved by the commissioners court which, in the judgment of the commissioners court, merits a leave of absence without pay.

**Conditions.** An employee requesting an unpaid leave of absence must provide the elected or appointed department head and the commissioners court with a statement from an appropriate third party as to the date upon which the employee is no longer able to perform his or her duties and the expected length of time needed. In addition, the employee must furnish the county with a written statement from the employee concerning his or her intentions about returning to work at the county. In determining whether or not to approve the request for leave without pay, the department head or the commissioners court will consider the employee's length of service with the county, past performance, the department's needs, and the prospect for temporary replacement of the employee or reassignment of the employee's duties.

**Reporting Requirements.** An employee on extended leave must contact the appropriate county supervisor at least once each week to report on his or her status unless another schedule is agreed to in writing. Failure to provide required status reports or to contact the office on the schedule required by the county may result in the county revoking the leave and taking disciplinary action up to and including dismissal.

**Documentation.** A summary of the basis for the decision to grant or deny an unpaid leave of absence and the terms of the leave will be prepared by the department head, the commissioners court, or a designee, and will be placed in the employee's medical file, if the reason for the leave is medical, or in the employee's personnel file, if the reason for the leave is non-medical in nature.

**Return to Work After Leave Without Pay.** At the expiration of an authorized leave of absence without pay, every effort will be made to reinstate the employee in the same, or a comparable, position. However, if no vacancy exists, and a reasonable effort to place the employee in another position has been unsuccessful, the employee will be separated and paid accrued benefits. (See also sections on **Family and Medical Leave** and on **Military Leave** for specific provisions relating to leaves of absence for those purposes.)

## **8.12 INJURY LEAVE**

For information on occupational disability or injury leave for bona fide, on-the-job, work-related injuries, please see the sections in this manual under the main heading **Health and Safety**.

## **8.13 USING LEAVE IN COMBINATION**

A regular employee who is requesting extended leave to add to family and medical leave beyond the 12-week limit must exhaust all of his or her accrued sick, vacation, and compensatory leave in order to be eligible for leave without pay. Use of appropriate leave balances may be required as a condition of

other leaves of absence without pay. A request for this type of leave without pay must be approved in advance by the commissioners court.

If an employee is sick or temporarily disabled for non-work-related reasons, and he or she has exhausted all sick leave, the county will automatically begin applying any accrued paid leave credits.

Sick leave cannot be used for vacation purposes when vacation leave is exhausted.

With the approval of the supervising elected official or department head, other types of leave may be used in combination or coupled with holidays, if it is determined to be in the best interests of both the county and the employee.

#### **8.14 ABANDONMENT OF POSITION**

Unauthorized absence from work for a period of three consecutive working days may be considered by the elected official or department head as a resignation. Unless the county official determines otherwise, the former employee is not eligible for reemployment.

#### **8.15 COVID-19 LEAVE**

Anderson County shall provide paid sick leave for any full-time employee that tests positive for COVID-19 or suspected positive. With the approval of the department head, the employee may also receive paid sick leave if they were exposed to someone within their household. All COVID-19 paid leave must be documented on the timesheet. This paid sick leave will not be deducted from the employee's leave time.

Approved 1/25/21

#### **8.16 PAID QUARANTINE LEAVE FOR PEACE OFFICERS AND DETENTION OFFICERS**

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

#### **Definitions**

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

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

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

physician as health authority to administer state and local laws relating to public health in the county's jurisdiction.

**Peace officer:** An individual described by Article 2.12, Code of Criminal Procedure, who is employed, appointed, or elected by the county.

Eligible employees who are on qualifying paid quarantine leave shall receive all employment benefits and compensation, including leave accrual, retirement, and health benefits for the duration of the leave; and, if applicable, shall be reimbursed for reasonable costs related to the quarantine, including lodging, medical, and transportation. All costs submitted for reimbursement will be reviewed by the County. An employee on qualifying paid quarantine leave will not have their leave balances reduced. The Auditor's Office can be contacted for additional details regarding health benefits, employee leave, or reasonable reimbursement costs.

Off duty exposure will not be covered under this policy.

Approved 10/16/2023

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## 9.00 HOLIDAYS

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### 9.1 GENERAL POLICY

Paid holidays are established each year by the commissioners court. The following are normally observed as paid holidays for regular county employees:

- New Year's Day;
- Martin Luther King Day;
- President's Day;
- Good Friday;
- Memorial Day;
- Juneteenth Day;
- Independence Day;
- Labor Day;
- Columbus Day
- Veteran's Day;
- Thanksgiving Day and the Friday following Thanksgiving; and
- Two days at Christmas.

Holiday pay is limited to eight hours per holiday.

In addition, the commissioners court may declare holidays for special events. A list of holidays approved by the commissioners court for the current year, specifying days of the week and dates, may be obtained from your department head or the county auditor's office.

Temporary employees and part-time employees are not paid for holidays not worked.

An employee who is absent without approved leave on the workday immediately preceding or following a holiday will not be paid for the holiday.

Whenever an approved legal holiday falls on a Saturday or Sunday, it will be observed on the Friday preceding or the Monday following the holiday, as determined by the commissioners court.

### 9.2 WORK DURING HOLIDAYS

It is not always feasible to grant holidays at the scheduled time, especially for employees who are assigned shifts in an "around-the-clock" operation. Any elected official or department head who finds it necessary to do so may direct some or all employees of the department to report for work on any holiday. See sections under the heading **Work Schedules and Time reporting** for additional details.

When a regular, non-exempt, full-time employee is required to work on a holiday, he or she will receive his or her regular paycheck for the period including the holiday, and will be given an alternative day off, to be taken within 12 months of the date of the missed holiday.

If the employee leaves the county's employment within 12 months of the date of the missed holiday, and has not taken the alternative day off, the employee will be paid for that days' time at the straight-time rate of pay for the additional holiday hours worked, since a paid holiday is not considered as time worked for the purpose of determining when an employee has reached his or her maximum allowable



hours (40 per week for non-law enforcement personnel) and is subject to overtime pay. (*Legal reference: U.S. FLSA of 1938, as amended.*)

If the employee does not take the alternative day off within 12 months of the date of the missed holiday, that alternative day off is lost.

### **9.3 HOLIDAYS FALLING ON NON-WORKDAYS**

This section applies to employees who work on shifts other than Monday through Friday. Whenever a legal holiday on the current year's list of approved holidays falls on a regular employee's regular day off and the employee does not work that day, he or she will be paid his or her regular salary amount for the pay period involved, and will receive another day off in lieu of the holiday, to be taken within 12 months of the date of the missed holiday.

If the employee leaves the county's employment within 12 months of the date of the missed holiday, and has not taken the alternative day off, the employee will be paid for that day's time at the straight-time rate of pay for the additional holiday hours worked, since a paid holiday is not considered as time worked for the purpose of determining when an employee has reached his or her maximum allowable hours (40 per week for non-law enforcement personnel) and is subject to overtime pay. (*Legal reference: U.S. FLSA of 1938, as amended.*)

If the employee does not take the alternative day off within 12 months of the date of the missed holiday, that alternative day off is lost.

### **9.4 HOLIDAY DURING VACATION**

If an official holiday falls within a regular employee's vacation, the employee will be granted the holiday and not charged for a day of vacation.

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## 10.00 HEALTH AND SAFETY

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### 10.1 SAFETY POLICY

It is the policy of the county to make every effort to provide healthful and safe working conditions for all of its employees.

### 10.2 EMPLOYEE RESPONSIBILITIES AND REPORTS

Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as those of other employees.

An employee must report every on-the-job accident, no matter how minor, to his or her supervisor immediately. The supervisor must immediately report the incident to the county auditor, the elected official, or department head in charge, or a designee, is responsible for filing a written accident report immediately with the county auditor.

The following rules are designed to promote the safety and well-being of county employees and are to be observed by employees at all times:

- No employee may engage in horseplay, wrestling, or practical joking while on duty or operating county equipment;
- Employees should maintain awareness of potentially dangerous situations that may cause injury to themselves, fellow employees, or the public;
- Employees must report immediately to their supervisors any conditions that in their judgment threatens the health or safety of employees or the public;
- An employee who is unable to perform his or her duties safely due to illness must promptly notify his or her supervisor; and
- Employees must immediately seek proper first aid treatment for all on-the-job injuries, including minor injuries, and must immediately report all injuries to their supervisor unless emergency circumstances exist.

Failure to report an on-the-job, work-related injury or illness as required by state law and county policy could result in loss of workers compensation benefits and may result in disciplinary action, up to and including termination.

### 10.3 EMPLOYEE SUGGESTIONS

Employees are encouraged to make suggestions to their supervisors for improvements that would make the county workplace safer or more healthful.

### 10.4 ON-THE-JOB INJURIES

**Medical Attention.** The county encourages employees to return to work as soon as they are able to do so. An employee returning to work **must submit a physician's statement of medical condition and release to return to work prior to starting work** through the department head to the county auditor's office.

**Post-Accident Testing.** When an employee sustains an on-the-job, work-related injury or illness that requires outside medical treatment, the employee will also be required to complete a screening for the presence of drugs and/or alcohol in the employee's system. When an employee is involved in an accident that results in an injury or damage to equipment or an automobile, the employee will be required to complete a screening for the presence of drugs and/or alcohol in the employee's system. Any employee who refuses screening for the presence of drugs and/or alcohol will be subject to immediate termination.

**Worker's Compensation Benefits.** The County provides workers' compensation coverage for all of its employees. Employees who sustain an injury at work may be eligible to receive benefits prescribed by the Texas Workers' Compensation Act. These benefits include temporary income benefits, medical care as reasonably required to cure and relieve the effects of the injury or occupational disease(s), and/or death benefits. Temporary income benefits are subject to a seven-calendar-day waiting period. All workers' compensation insurance claim forms must be submitted to the county auditor's office immediately for appropriate action to be taken.

**Exclusion.** Injuries caused by willful intent and attempt to injure self or to unlawfully injure another, intoxication, horseplay by the injured employee, an act of God except in certain limited circumstances (i.e., assigned to official duty during a tornado, lightning storm, etc.), or an act of a third party for personal reasons are excluded specifically from coverage by injury leave with pay. Workers' compensation fraud is a crime (misdemeanor or felony, depending upon the dollar value of the benefits received) punishable by fines and/or jail time. The county will prosecute any individual found to be claiming a work-related illness or injury fraudulently.

An employee receiving temporary income benefits does not accrue vacation, personal leave or sick leave and is not entitled to receive holiday pay.

**Continuation of Group Medical Insurance for Employee and/or Dependent.** To continue medical insurance for the employee while the employee is on workers compensation leave and no longer receiving a regular county paycheck, the county will continue to pay the county's portion of the employee's medical insurance through the end of FMLA. Thereafter, the employee will be offered COBRA.

**Reporting Requirements while on workers Compensation Leave.** While on leave because of a bona fide, on-the-job, work-related injury or illness, the injured employee must contact his or her supervisor at least weekly, and each time the employee sees the physician for consultation or treatment must provide a progress report as to leave status and expectation of return-to-work to the supervisor and to the Auditor's Office. Any change in the employee's condition, which might affect his or her entitlement to workers' compensation payments, must also be reported to the county auditor's office. Failure to provide the required status reports or to contact the supervisor on the schedule required by the elected official or department head may result in the revocation of the employee's leave and disciplinary action.

**Return to Service.** A written statement from the attending physician certifying that the employee has been released to return to work and specifying the type(s) of work he or she is capable of performing, as well as any limitation(s), must be received by the county auditor's office before an employee may return to work. All employees on workers compensation must report to work after approval of the employee's attending workers compensation physician. Failure to return to work when directed will result in appropriate disciplinary action, up to and including termination. Written statements must be

turned in to the county auditor's office.

The employee must notify the county auditor's office on the day the employee returns to duty so that the county auditor may resume record keeping for purposes of payroll, benefits, leave, and length-of-service accruals.

**Return to Work Policy.** Anderson County is committed to providing a safe workplace for our employees. Preventing workplace injury is one of our primary goals. If an injury should occur, our policy is to provide opportunities for every employee to remain at work or to return to work as soon as medically possible following an injury. This may include modifying the employee's regular job or, if available, providing temporary alternate work depending on the employee's physical abilities... Employees are urged to talk with their supervisor to determine what opportunities there are to continue working or what might be done that would allow return to work following an injury.

Anderson County will make every reasonable effort to provide suitable return to work opportunities for every employee who is unable to perform his/her regular duties following a work-related injury. This may include modifying the employee's regular job or, if available, assignments to other duties depending on the injured employee's capabilities. Only work that is considered productive and meaningful will be assigned.

**Reasons for Termination of Employment During Injury Leave.** An employee may be terminated while on leave for an on-the-job injury for the following reasons:

1. Refusal to return to duty on the workday on which the employee has been released by the treating physician; or
2. Failure to accept a "light duty" assignment.
3. Following FMLA and business necessity requires the job to be filled.

**Return to Work.** Employee must submit to the auditor's office a doctor's release for returning to work. The release must also specify any limitation(s) on the employee's physical condition and the estimated duration of the limitation(s). The county will then evaluate the employee's physical condition and determine whether he or she can perform the essential functions of the job previously held. If (a) the employee cannot perform the essential functions of the job, or (b) no vacancy exists, or (c) no other suitable position is available, and (d) a reasonable effort has been made to place the employee in a suitable position, then he or she will be separated. If the employee is separated from county employment at this point, the county auditor's office or supervisor will notify the employee.

**Workers Compensation and the FMLA.** If a bona fide, on-the-job, work-related injury requires workers compensation leave and involves a serious health condition that is eligible under the Family and Medical Leave Act, the county will designate the leave taken as FMLA leave, to run concurrently with the employee's workers compensation leave.

**Privacy Protection.** The privacy of individuals' medical records and information will be protected in all transmittals to and from insurance carriers and health care providers. In addition, county supervisors and elected officials will protect the privacy of individuals' medical information: any conversations regarding an employee's medical condition or status will be held only with county personnel with a need to know the information, and only in locations where the conversation may not be overheard.

## **10.5 Hazard Communication Program**

### **A. General**

- A1. The Texas Hazard Communication Act (THCA) is designed to help protect against chemical illnesses and injuries by ensuring that employers and employees are provided with sufficient information to recognize chemical hazards and take appropriate protective measures. Employers are required to provide this information through comprehensive chemical hazard communication programs that include safety data sheets (SDSs), labels, and worker training.
- A2. In order to comply with Texas HAZCOM Act the following written Hazard Communication Program (HCP) will be used to protect personnel of Anderson County. The originals will be kept on file in the Office of Emergency Management at the Anderson County Courthouse Annex. Each Commissioner Precinct and each County office not located in the Courthouse will have a copy pertaining to the appropriate location. All employees are expected to comply with the program. The Anderson County Commissioners Court and Emergency Management Coordinator will be responsible for ensuring that the program is current and enforced.
- A3. A copy of this program is to be made available to employees upon hiring, and a copy will be supplied to any employees upon request. The Emergency Management Coordinator should be contacted when a copy of the program is needed.
- A4. The program will be updated as new chemicals or hazards are introduced into the working environment. The program will be reviewed annually.
- A5. Each Elected Official, Department Head, or person ordering chemicals will check all chemical purchase requests (PR) to be sure a statement requesting a Safety Data Sheet (SDS) appears on the purchase request (PR) before being processed.

### **B. CHEMICAL CONTAINER LABELING - Health Safety Code Art. 502.007 and Texas Administration Code Sec. 25 Art. 295.6**

- B1. Each Elected Official, Department Head, or Supervisor will be responsible for all containers of hazardous chemicals entering the workplace, and will assure that the chemical containers are properly labeled with at least:
  - A) Chemical name
  - B) Hazard warning AND
  - C) Name and address of the manufacturer, importer, or responsible part.
- B2. No container shall be used until it has been checked by a qualified person. If the chemical is to be transferred to a separate container, a qualified person will ensure that the new container is properly labeled, that all secondary containers are labeled with an extra copy of the original manufacturer's label, or with a generic label which has a block for identity and blocks for the hazard warning. For help with labeling, please contact the Emergency Management Coordinator. Each Department Head will review the labelling system annually and update as required.

### **C. SAFETY DATA SHEETS (SDS)- HSC Article 502.006 and TAC 25 Article 295.5**

- C1. The SDS system shall include:
  - a) Current master inventory list of all SDS
  - b) The identity used on the SDS shall be the same as used on the container label.
  - c) The chemical and common name of all ingredients determined to present a hazard shall appear on all SDS.

- C2. The SDS shall contain the following elements:
- a) **Identification;** includes product identifier; manufacturer or distributor name, address, phone number; emergency phone number; recommended use; restrictions on use.
  - b) **Hazard(s) identification;** includes all hazards regarding the chemical; required label elements.
  - c) **Composition/information on ingredients;** includes information on chemical ingredients; trade secret claims.
  - d) **First-aid measures;** includes important symptoms/ effects, acute, delayed; required treatment.
  - e) **Fire-fighting measures;** lists suitable extinguishing techniques, equipment; chemical hazards from fire.
  - f) **Accidental release measures;** lists emergency procedures; protective equipment; proper methods of containment and cleanup.
  - g) **Handling and storage;** lists precautions for safe handling and storage, including incompatibilities.
  - h) **Exposure controls/personal protection;** lists OSHA's Permissible Exposure Limits (PELs); Threshold Limit Values (TLVs); appropriate engineering controls; personal protective equipment (PPE).
  - i) **Physical and chemical properties;** lists the chemical's characteristics.
  - j) **Stability and reactivity** list chemical stability and possibility of hazardous reactions.
  - k) **Toxicological information;** includes routes of exposure; related symptoms, acute and chronic effects; numerical measures of toxicity.
  - l) **Other information;** includes the date of preparation or last revision.
- C3. The original SDS's will be kept on file in the Office of Emergency Management. The SDS will also be part of the program for use by employees. Each office not located in the Office of Emergency Management will keep a current and up-to-date copy of the program and SDS's pertaining to that location on file. New chemicals shall not be used until an SDS has been obtained.

#### **D. EMPLOYEE TRAINING PROGRAM - HSC Article 502.009 and TAC 25 Article 295.7**

- D1. Before starting work, the respective Elected Official, Department Head, or Supervisor of a new employee will go over their copy of the HCP and each SDS applicable to their job. Before any new chemical is used, all employees will be informed of its use, will be instructed on safe use, and will be trained on hazards associated with the new chemical. All employees will attend additional training, as appropriate, to review the HCP and SDS. Appropriate library reference material will also be discussed during the training session(s).
- D2. The minimum orientation and training for a new employee is as follow:
- a) an overview of the requirements contained in the Texas Hazard Communication Act
  - b) location and availability of the written HCP
  - c) location of SDS file and location of hazardous inventory list
  - d) interpreting labels and SDS sheets
  - e) chemical hazards present in their workplace operations and this office.
  - f) acute and chronic effects of workplace chemical hazards
  - g) methods and observation techniques used to determine the presence of, and release of, hazardous chemicals in the work area.

- h) how to lessen or prevent exposure to these hazardous chemicals through usage of control/work practices and personal protective equipment
  - i) steps taken by Anderson County to lessen or prevent exposure to the chemicals listed on the inventory list.
  - j) emergency and first aid procedures to follow if exposed to hazardous chemicals.
  - k) handling, clean up, and disposal procedures.
- D3. Prior to a new chemical hazard being introduced into any section of the workplace, each employee will be given information and training as outlined above.
- D4. After attending the training class, each employee will sign a form to verify that they attended the training, that the written HCP is made available for review, and that he/she understands the HCP.
- D5. Before entering an establishment, an Anderson County employee will ascertain what hazards they may be exposed to and take appropriate action to protect themselves. If the employee has any questions about what protection they need, they will contact their Department Head or Supervisor immediately.

**E. WORKPLACE CHEMICALS - HSC Article 502.005 and TAC 25 Article 295.4**

- E1. Anderson County will develop and maintain a list of hazardous chemicals normally present in the workplace in excess of 55 gallons or 500 pounds in aggregate amount. This Workplace Chemical List will be developed for each workplace where such quantities of hazardous chemicals are used or stored and will be available for review by employees and their designated representatives.
- E2. The Elected Official, Department Head or Supervisor will be responsible for reviewing and updating the Workplace Chemical List as necessary, but at least by December 31st of each year.
- E3. The Workplace Chemical List will be maintained for at least 30 years. This list shall contain the old format, Material Safety Data Sheets (MSDS), and the new format, Safety Data Sheets (SDS).
- E4. Further information on chemicals listed on the Workplace Chemical List can be obtained by referring to the Safety Data Sheet (SDS) located in each workplace where these chemicals are used or stored.

**F. NON-ROUTINE TASKS**

- F1. Before any non-routine task is performed, employees shall be advised and/or they must contact their Elected Official, Department Head, or Supervisor for special precautions to follow, and he/she shall inform any other personnel who could be exposed.
- F2. In the event such tasks are required, the Elected Official, Department Head, or Supervisor will provide the following information about such activity as it relates to the specific chemicals expected to be encountered:
- A) specific chemical name (s) and hazard (s)
  - B) personal protective equipment required and safety measures to be taken
  - C) measures that have been taken to lessen the hazards including ventilation, respirators, presence of other employee (s), and emergency procedures.

**G. OTHER PERSONNEL EXPOSURE (CONTRACTORS)**

- G1. It will be the responsibility of official in charge of project to provide other personnel or outside contractor(s) with the following information:
  - A) hazardous chemicals to which they may be exposed while in the workplace
  - B) measures to lessen the possibility of exposure
  - C) location of SDS for all hazardous chemicals
  - D) procedures to follow if they are exposed.
- G2. The official in charge of a project will also be responsible for contacting each contractor before work is started to gather and disseminate any information concerning chemical hazards the contractor is bringing into the workplace, and vice versa.

**H. REPORTING EMPLOYEE DEATHS AND INJURIES - HSC Article 502.012 and TAC 25, Article 295.9**

- H1. Anderson County will notify the Texas Department of State Health Services, Environmental Hazards Unit, Hazard Communication Program, Division for Regulatory Services, Enforcement Unit, of any employee accident that involves a hazardous chemical exposure or asphyxiation, and that is fatal to one or more employees or results in the hospitalization of five or more employees.
- H2. The Elected Official, Department Head, or Supervisor will be responsible for reporting all such accidents to the Texas Department of State Health Services, Environmental Hazards Unit, Hazard Communication Program Division for Regulatory Services, Enforcement Unit, within 48 hours after their occurrence.

Notifications will be made either orally or in writing to:

Texas Department of State Health Services - Environmental Hazards Unit  
Hazard Communication Program  
P.O. Box 149347, MC 1987  
Austin, TX 78714-9347  
Phone: 1-800-293-0753  
Fax: 1-512-834-6726  
Email: [TxHazComHelp@dshs.texas.gov](mailto:TxHazComHelp@dshs.texas.gov)  
Division of Regulatory Services - Enforcement Unit  
1100 West 49th St.  
Austin, TX 78756  
Phone: 512 834-6665  
Fax: 512 834-6606

- H3. Employees will be responsible for reporting all accidents involving a hazardous chemical to their supervisor.
- H4. Supervisors will be responsible for reporting all accidents involving hazardous chemicals to the Elected Officials or Department Head.

**I. POSTING THE NOTICE TO EMPLOYEES - HSC Article 502.017 and TAC 25, Article 295.12**



- I1. Anderson County will post and maintain in all workplaces where hazardous chemicals are used or stored the most current version of the TDH Notice to Employees, informing employees of their rights under the THCA.
- I2. The Notice to Employees shall be clearly posted and unobstructed at all locations in the workplace where notices are normally posted, and with at least one location in each workplace.
- I3. In workplaces where employees that have difficulty reading or understanding English may be present, a copy of the Notice, printed in Spanish, will be posted together with the English version of the Notice.

**J. PERSONAL PROTECTIVE EQUIPMENT- HSC Article 502.017 and TAC 25 Article 295.12**

- J1. Anderson County will provide appropriate personal protective equipment (PPE) to all employees who use or handle hazardous chemicals.
- J2. The Elected Official, Department Head or Supervisor will assume overall responsibility for the PPE program and will ensure that appropriate equipment and training are provided to include:
  - A) Routes of entry
  - B) Permeability of PPE material
  - C) Duties being performed by the employee
  - D) Hazardous chemicals present
  - E) Proper fit and functionality of PPE as described by the manufacturer's specifications.
  - F) Appropriate maintenance and storage of PPE.

**K. MAINTANING EMPLOYEE RIGHTS - HSC Article 502.017 and TAC 25 Article 295.12**

- K1. Anderson County shall not discipline, harass, or discriminate against any employee for filing complaints, assisting inspectors of the Texas Department of State Health Services, participating in proceedings related to the Act, or exercising any rights under the Act.
- K2. Employees cannot waive their rights under the Texas Hazard Communication Act. A request or requirement for such a waiver by an employer is a violation of the Act.

**L. EXEMPTIONS**

- L1. Per Section 502.004(f), the following chemicals are exempt from the requirements of the THCA and are outside the scope of this written program:
  - A) Hazardous waste that is subject to regulation by the Texas Commission Environmental Quality and/or the U.S. Environmental Protection Agency
  - B) A chemical in a laboratory under the direct supervision or guidance of a technically qualified individual if:

Labels on incoming containers of chemicals are not removed or defaced, this employer complies with Sections 502.006 and 502.009 of the THCA with respect to laboratory employees; and the laboratory is not used primarily to produce hazardous chemicals in bulk for

- commercial purposes.
- C) Tobacco or tobacco products
  - D) Wood or wood products
  - E) Articles formed to a specific shape or design during manufacture and that does not release or otherwise result in exposure to a hazardous chemical under normal conditions of use
  - F) Food, drugs, cosmetics or alcoholic beverages
  - G) Consumer products or hazardous substances used in the workplace in the same manner as normal consumer use and if the use results in a duration and frequency of exposure that is not greater than exposures experienced by a consumer
  - H) Radioactive waste

## M. DEFINITIONS

- A. “**Appropriate Hazard Warning**” Any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the health and physical hazards, including the target organ effects of the chemical(s) in the container(s).
- B. “**Categories of Hazardous Chemicals**” A grouping of hazardous chemicals with similar properties.
- C. “**Container**” Any bag, barrel, bottle, box, can, cylinder, drum, ration vessel, storage tank, or the like that contains a hazardous chemical or contains multiple smaller containers of an identical hazardous chemical. The term “container” does not mean pipes or piping systems, nor does it mean engines, fuel tanks, or other operating systems in a vehicle. A primary container is one in which the hazardous chemical is received from the supplier. A secondary container is one to which the hazardous chemical is transferred after receipt from the supplier.
- D. “**Employee**” A person who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in non-routine, isolated instances are not employees for the purposes of this Act.
- E. “**Expose**” Subjecting an employee to a hazardous chemical in the course of employment through any route of entry, including inhalation, ingestion, skin contact, or absorption. The term includes potential, possible, or accidental exposure under normal conditions of use or in a reasonably foreseeable emergency.
- F. “**Hazardous Chemical**” or “**Chemical**” An element, compound, or mixture of elements or compounds, that is a physical hazard or a health hazard.
- G. “**Health Hazard**” A chemical for which acute or chronic health effects may occur in exposed employees and which is a toxic agent, irritant, corrosive, or sensitizer.
- H. “**Label**” Any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals, and which includes the same name as on the material safety data sheet.
- I. “**Safety Data Sheet (SDS)**” An updated format of the previously used Material Safety Data Sheet (MSDS). This document contains chemical hazard and safety handling information that is prepared in accordance with the requirements of the federal Occupational Safety and Health Administration (OSHA) and the Globally Harmonized System (GHS) standard for that document. A current SDS is one which contains the most recent significant hazard information for hazardous chemicals as determined by the chemical’s manufacturer.
- J. “**Material Safety Data Sheet (MSDS)**” A previously used format of the current Safety Data Sheet (SDS). This document contains chemical hazard and safety handling information that is prepared in accordance with the past requirements of the federal Occupational Safety and Health Administration (OSHA).

- K. “**Physical Hazard**” A chemical, which is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.
- L. “**Personal Protective Equipment**” Protective equipment provided to an employee by the employer which provides a level of protection to chemicals to which the employee may be exposed that will be adequate to ensure their health and safety based on current industry standards.
- M. “**Stationary Process Container**” A tank, vat, or other such container which holds different hazardous chemicals at different times.
- N. “**Technically Qualified Individual**” An individual with a professional education and background working in the research or medical fields, such as a physician or registered nurse, or an individual holding a minimum of a bachelor’s degree in a physical or natural science.
- O. “**Work Area**” A room, defined space, utility structure, or emergency response site in a workplace where hazardous chemicals are present, produced, or used, and where employees are.
- P. “**Workplace**” A contiguous facility that is staffed 20 hours or more per week, unless such a facility is subdivided by the employer. Normally this subdivision would be a building, cluster of buildings or other structures, or a complex of buildings, but could be for a portion of a building if the employer chooses. Noncontiguous properties are always separate workplaces, in which case they can be either work areas of a headquarters’ workplace or separate workplaces, which is at the discretion of the employer.

Approved 10/16/2023

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## **11.00 DRUG AND ALCOHOL ABUSE**

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### **11.1 DRUG AND ALCOHOL- ALL EMPLOYEES**

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

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

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

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

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

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

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

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

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

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

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

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

Revised 10/16/2023

## **11.2 CDL Drug and Alcohol Testing Policy and Procedures**

### **Introduction**

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

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

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

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

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. Anderson County retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective 10/16/2023 and will supersede all prior policies and statements relating to alcohol or drugs for CDL drivers.

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

## Policy Statement

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

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

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

- The performance of safety-sensitive functions is prohibited by CDL employees having a breath alcohol concentration of 0.04 percent or greater as indicated by an alcohol breath test; by employees using alcohol or within four hours after using alcohol; and by employees in the possession of any medication containing alcohol unless the package seal is unbroken. In addition, Anderson County prohibits the performance of any safety-sensitive function by an employee with a breath alcohol concentration of .02 percent or greater.
- Use of controlled substances by CDL employees covered by the Policy is prohibited and is in accordance with the regulations issued by the U.S. Department of Transportation.
- A CDL employee is performing a safety-sensitive function at the following times:
  - All time on county property, public property, or other property waiting to be dispatched to drive,
  - All time inspecting, servicing, or conditioning any CMV at any time,
  - All CMV driving time,
  - All time other than driving time in or upon any CMV,
  - All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving receipts for shipments loaded or unloaded,
  - All time spent performing driver requirements relating to accidents, and
  - All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

## Definitions

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

**Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular

weight alcohol including methyl and isopropyl alcohol.

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

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

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

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

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

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

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

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

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

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

**Designated Employer Representative (DER):** An employee authorized by Anderson County to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to

be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the County, consistent with the requirements of 40.3.

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

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

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

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

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

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

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

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



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

#### **Screening test:**

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

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

#### **Responsibilities**

**Office or Person:** The administrative assistant to the County Commissioners is responsible for the following Drug and Alcohol Screening compliance activities:

- Ensure each employee required to have a CDL participates in an appropriate drug and alcohol testing program in accordance with DOT regulations. All results will be kept and maintained on file by the Auditor's Office pursuant to county policy.
- Review all driver qualification forms and documents for completeness and compliance.
- Maintain Driver Qualification files includes mandatory drug testing information (for drivers operating a vehicle with a GVWR of 26,001 lbs. or more' a vehicle requiring a placarding for hazardous materials; or a vehicle designed to transport 16 or more passengers including the driver)
- Use the DOT Clearinghouse to make queries regarding CDL driver's violations, as well as, updating Clearinghouse after a CDL driver has completed drug and alcohol testing in accordance with DOT regulations.

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

- Active participation in the hiring process for employees who drive CMVs, which includes:
  - Ensuring all offers of employment shall be contingent upon successful conformation of prior employment, driving record, completion of physical, drug and alcohol testing, and other DOT requirements for drivers.

- Ensuring the post-offer applicant obtains his/her CDL drug testing.
- Informing and requiring CDL drivers to submit a urine sample for drug/alcohol testing at the designated medical and/or collection facility when the supervisor suspects that the driver is under the influence of drugs or alcohol, pursuant to DOT regulations and County policy, and
  - Contact the administrative assistant to the County Commissioners as soon as possible following the incident, and
  - Complete the Supervisors Reasonable Suspicion Form.
- Compliance with DOT regulations

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

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

## **SUBSTANCE PROHIBITED/PRESCRIPTION MEDICATIONS**

- A. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medications containing alcohol which, when consumed causes an alcohol concentration of 0.02 or greater.
- B. **Controlled Substance:** In accordance with FHWA rules, urinalyses will be conducted to detect the presence of the following substances:

Marijuana

Cocaine

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

Amphetamines

Phencyclidine (PCP)

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

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

## **PROHIBITIONS**

### **A. Alcohol Prohibitions:**

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

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

### **B. Drug Prohibitions:**

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

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the CMV.
2. Testing positive for drugs; and
3. Refusing to take a required test.

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

## **Procedures**

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

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

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

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

- **Random:** Conducted on a random, unannounced basis just before, during or after performance of safety-sensitive functions for alcohol or at any time for drugs.
  - Each year, the number of random alcohol tests conducted by the County must equal at least \*10% of all the safety sensitive CDL employees.
  - Random drug tests conducted by the County must equal at least \*25% of all CDL employees.

\*Note: These percentages are subject to change. The FMCSA Administrator's decision to increase or decrease the minimum annual percentage rate for random alcohol and controlled substances testing will be applicable starting January 1 of the calendar year following publication in the **Federal Register**.
- **Return to Duty and Follow-up.** Conducted when an individual who has violated the prohibited alcohol or drug standards returns to performing safety-sensitive duties. All positive tests require a negative test result in or for employee to return to duty.
  - Follow-up tests are unannounced and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty.
  - Follow-up testing may be extended for up to sixty (60) months following the return to duty.

### Conducting Tests

- **Alcohol:** DOT rules require breath testing using evidential breath testing (EBT) devices.
  - Two breath tests are required to determine if a person has a prohibited alcohol concentration.
  - A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted.
- **Drugs:** Drug testing is conducted by analyzing a driver's urine specimen and must be conducted through a U.S. Department of Health and Human Services certified facility.
  - Specimen collection procedures and chain of custody requirements ensure that the specimen's security, proper identification and integrity are not compromised.
  - DOT rules require a split specimen procedure.
- Each urine specimen is subdivided into two bottles labeled as primary and split.
- Both bottles are sent to the laboratory.
- Only the primary specimen is opened and used for the urinalysis.
- The split specimen remains sealed at the laboratory.
- If the analysis of the primary specimen confirms the presence of illegal controlled substances, the driver has 72 hours to request that the split specimen be sent to another DHHS certified laboratory for analysis.

- All urine specimens are currently analyzed for the following drugs:
  - Marijuana (THC metabolite)
  - Cocaine
  - Amphetamines
  - Opioids (codeine, heroin, morphine, oxycodone, oxymorphone, hydrocodone, hydromorphone)
  - Phencyclidine (PCP)
  
- Testing is conducted using a two-stage process.
  - First, a screening test is performed.
  - If the test is positive for one or more of the drugs, a confirmation test is performed for each identified drug.
  - Sophisticated testing requirements ensure that over-the-counter medications or preparations are not reported as positive results.
  
- All drug tests are reviewed and interpreted by a physician designated as a Medical Review Officer (MRO) before they are reported to the County.
  - If the laboratory reports a positive result to the MRO, the MRO will contact the driver and conduct an interview to determine if there is an alternative medical explanation for the drugs found in the urine specimen.
  - For all the drugs listed above, except PCP, there are some limited, legitimate medical uses that may explain a positive test result. The MRO will take into consideration when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle.
  - If the MRO determines that the drug use is legitimate, the test will be reported to the Designated Employer Representative as a negative result.

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

- Refusal to submit to an alcohol or controlled substances test means that a CDL employee:
  - Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this policy,
  - Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this policy,
  - Refuses to wash his or her hands after being directed to do so during collection of a urine sample,
  - Admits to the collector of a urine sample that he or she has adulterated or substituted their specimen,
  - An observed collection of a urine sample, fails to follow the observer's instructions to raise his or her clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if he or she has any type of prosthetic or other device that could be used to interfere with the collection process,

- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process, or
- Behaves in a confrontational way that disrupts the collection process or otherwise engages in conduct that clearly obstructs the testing process.
- CDL employees who refuse to submit to an alcohol or drug test are not allowed to perform safety-sensitive functions. Pursuant to the County's authority, CDL employees who refuse to submit to a test will be subject to discipline, up to and including discharge.

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

- CDL employees who have any alcohol concentration, defined as 0.02 or greater, who are tested just before, during or just after performing safety-sensitive functions must be removed from performing such duties for a minimum 24 hours.
  - Disciplinary action may up to and including termination may be imposed upon an employee whose alcohol test reveals any alcohol concentration, between 0.02 and 0.04.
- CDL employees who engage in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use, must be immediately removed from safety-sensitive functions for a period of time determined by the County at its' sole discretion.
  - Disciplinary action, up to and including termination, may be imposed upon a CDL employee who engages in prohibited alcohol or drug conduct, CDL employees who test positive for alcohol use greater than 0.04 or drug use.

### **NOTE BELOW ARE ONLY SOME OPTIONS TO CONSIDER:**

- Unless the circumstances warrant more serious discipline, the first time a CDL employee tests positive for alcohol use greater than 0.04 or drug use, he/she shall receive a one (1) day unpaid suspension.
- If a CDL employee tests positive for alcohol use greater than 0.04 or drug use for a second time within the five-year period immediately following his/her first positive test, he/she will be terminated.
- A CDL employee in his/her introductory or training period who tests positive for any alcohol concentration (defined as 0.02 or greater) or drug use, shall be terminated.
- A CDL employee who tests positive for alcohol use greater than 0.04 or drug use but is not terminated must be evaluated by a substance abuse professional and comply with any treatment recommendations to assist them with his/her alcohol or drug problem. Failure to comply will result in immediate termination.
  - The payment for any recommended treatment will be strictly at the expense of the employee (or his/her health insurance program, if applicable).
  - Employees may be placed on sick leave or leave without pay status during the treatment period, whichever is appropriate.

- CDL employees who have been evaluated by a substance abuse professional, who comply with any recommended treatment, who have taken a return to duty test with a result less than 0.02, and who are then subject to unannounced follow-up tests at the employees' expense, may return to work.
- Once an employee successfully completes rehabilitation, he/she shall be returned to his/her regular duty assignment or an equivalent position. Employee assignments during treatment shall be based on each individual's circumstances. As a condition of employment, the employee must comply with prescribed follow-up care.

### **Information/Training**

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

### **Record Keeping**

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

### **APPEAL OF TEST RESULTS**

- A. Alcohol and drug abuse may not only threaten the safety and productivity of all employees of



Anderson County but cause serious individual health consequences to those who use them. Appendix A outlines several personal consequences which may result after abuse of controlled substances. Any confirmed actions prohibited by Part IV above, while performing a safety-sensitive function or refusing to take a breath test, will be grounds for termination. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within 8 hours of an accident, or engaging in conduct that clearly obstructs the testing process.

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

## VIII. CONFIDENTIALITY

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

Drivers are entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his/her alcohol or controlled substance tests. Copies will be provided within 5 days.

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

Alcohol test results will be forwarded by the MRO to the Alcohol and Drug Program Administrator for confidential record keeping.

Revised 10/16/2023

### 11.3 DRUG AND ALCOHOL TESTS

Employees who operate vehicles or equipment that require possession of a commercial driver's license or who occupy safety sensitive positions (including, sheriff's deputies, jailers, and dispatchers) are subject to five types of testing for both drugs and alcohol: pre-employment, post-accident, random, reasonable suspicion, and return to duty. All other county employees are subject to four types of testing: pre-employment, post-accident, reasonable suspicion, and return to duty.

**Pre-Employment Testing.** In addition to performing pre-employment tests after extending an offer of employment, for all new employees in safety-sensitive positions, the county must and will request the

results of DOT drug tests from previous employers.

**Random Testing.** For vehicle operator positions requiring a commercial driver's license, the county is required to perform unscheduled, random tests of covered employees at a rate of 50 percent of the total number of covered positions per year. Certain other safety sensitive positions may be subject to random testing.

**Post-accident Testing.** The county may test an employee involved in any accident, no matter how serious, for drug and alcohol use.

**Reasonable Suspicion Testing.** All supervisors of covered employees must undergo two hours of U.S. Department of Transportation-approved training in how to identify the symptoms of drug and alcohol abuse before the supervisor may decide to test an employee based on reasonable suspicion. If a supervisor believes a reasonable suspicion exists that an employee under his or her supervision is abusing alcohol or drugs, the supervisor must obtain the concurrence of the department head or elected official, or in both of their absences, of one other department supervisor before sending an employee to be tested. The circumstances creating the reasonable suspicion will be documented in writing, and the document will be signed by the concurring supervisors.

**Return-to-Duty Testing.** Before an employee is allowed to return to duty after having been sent home or suspended as a result of a drug or alcohol test, he or she must be tested for illegal drugs and alcohol and found to be drug and alcohol free. In addition, an individual randomized drug-testing schedule will be developed for the employee or driver for a time period not to exceed 60 months.

If a covered employee fails a drug or alcohol test, the county may terminate the employee immediately, in which case the county will inform the employee where he/she can obtain help.

*(Legal references: U.S. Drug-Free Workplace Act of 1988, as amended; Texas Workers' Compensation Commission Act, V.T.C.A. Labor Code, Chapter 411, Subchapter G; Omnibus Transportation Employee Testing Act of 1991, and U.S. Department of Transportation 49 CFR Part 382.)*

If an employee admits an alcohol or drug problem to a supervisor, and requests help for that problem, the department head or elected official should contact the District Attorney's office for guidance.

## **12.00 USE OF AND ACCOUNTABILITY FOR COUNTY EQUIPMENT AND PROPERTY**

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### **12.0 GENERAL POLICY**

The county attempts to provide each employee with adequate tools, equipment, and vehicles for the job being performed, and expects each employee to observe safe work practices and safe and courteous operation of vehicles and equipment in compliance with all applicable regulations.

### **12.1 USE OF TOOLS, EQUIPMENT, PROPERTY, AND VEHICLES**

County property, materials, supplies, tools, equipment, and vehicles are purchased with taxpayer funds and are intended for the maintenance and operations of the county. Employees who are assigned tools, equipment, vehicles, or any other county property by their departments are responsible for them and for their proper use and maintenance. Repairs to vehicles must be done in accordance with county purchasing policies.

No personal or political use of any county property, materials, supplies, tools, equipment or vehicles is permitted. Upon termination of employment, employees must return any county property in their possession. Failure to return all county property in the employee's possession may result in legal action by the county against the employee.

Some Anderson County employees are permitted to drive county vehicles home in the evenings and on weekends and to return to their work site in the vehicle on their next regularly scheduled workday. Generally, this is done to enhance the employee's ability to respond to an emergency call by eliminating the need for the employee to drive first to the county vehicle's location and then to the work site. These employees must report the personal use of vehicles to the county auditor and will be taxed for the usage. County employees residing outside of Anderson County are not authorized to drive county vehicles outside of the county when they are off duty. With the exception of the Sheriff's Office, which extends to 25 air miles from the nearest county line.

County computers and computer software are to be used for county business. No software other than software approved by the county or individual department may be kept on a county computer. This limitation on software is to avoid software that may interfere with the operation of the county's computer systems or may contain computer viruses that could cause operational problems or the loss of county data.

Access to the Internet through county computers is to be used for county and departmental business.

County property, including facilities, desks, files, lockers, vehicles, and computers, is subject to inspection and removal of illegal or unauthorized items. There is no expectation of privacy for any item stored or kept in or on county property.

If an employee is in doubt about a circumstance, he or she must check with the supervising elected official or department head before proceeding. Violations of this policy may result in termination and possible prosecution.

Revised 9/12/22

## **12.2 VALID DRIVER'S LICENSE**

All operators of county vehicles are required to have the valid State of Texas driver's license necessary for legal operation of that vehicle and are required to keep the department head or elected official informed of any changes in status of the license. The county's insurance carrier will periodically check the driving records of all employees who operate county vehicles or are required to use their personal vehicle to conduct county business. Failure to maintain a safe driving record may result in disciplinary action. An employee may be required to participate in a defensive driving course if the employee is cited with a moving violation.

## **12.3 VEHICLE INSURANCE**

The county maintains up-to-date insurance coverage on all vehicles owned by the county. Elected or appointed officials or employees who drive a personal vehicle on county business are required to maintain up-to-date insurance coverage and must provide proof of the insurance coverage to the County Auditor's office annually. If proof of up-to-date insurance coverage is not on file, the employee may not be reimbursed for mileage associated with county business.

## **12.4 ACCIDENT REPORTING**

Any employee operating county equipment or vehicles must report all vehicular accidents and property damage, or liability claims to his or her supervising elected official or department head and to the appropriate law enforcement authorities immediately, or, in the case of injury to the employee, as soon as the employee is able.

Each vehicular accident, no matter how minor, must be reported to appropriate law enforcement authorities so that an official accident report can be filed. The department head or elected official, or his or her designee, in charge of the department must notify the county auditor of the accident on the day of the accident if it occurred on a business day, or on the first business day following the accident if it occurred after hours or on a non-workday. Employees involved in accidents will be required to submit to a drug and alcohol test immediately following the accident. Refusal to submit to the drug and alcohol test will result in disciplinary action up to and including termination.

A copy of any accident report involving county equipment or vehicles must be forwarded to the county auditor as soon as the law enforcement investigation is completed. A copy of the accident report must also be filed in the personnel file of the employee involved in the accident.

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## 13.00 DISCIPLINE

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### 13.1 GENERAL

Employees of the county serve “at will” and, within the requirements of state and federal law regarding employment; can be disciplined at any time, with or without notice, for any reason or no reason. Some of the actions that may result in discipline include, but are not limited to, the following:

- Insubordination;
- Absence Without Leave or Excessive Absence including absence without permission, failure to notify a supervisor of sick leave, and repeated tardiness or early departure;
- Endangering the Safety of the Employee and/or Other Persons through negligent or willful acts;
- Use of Alcohol or Illegal Drugs while on duty or in a county vehicle;
- Alcohol or Drug Abuse which may affect the performance or safety of the employee or other persons;
- Involvement with Alcohol or Drugs in the workplace in violation of the county’s Drug-Free Workplace Policy;
- Unauthorized Use or Theft of Public Funds or Property;
- Conviction of a felony, or class A or B misdemeanor;
- Conviction of Official Misconduct, oppression, or perjury;
- Falsification of Documents or Records;
- Unauthorized Use of Official Information or unauthorized disclosure of confidential information;
- Unauthorized or Abusive Use of Official Authority;
- Violation of the Sexual Harassment Policy;
- Incompetence or Neglect of Duty;
- Disruptive Behavior which impairs the performance of others; or
- Other Violation of any of the Requirements of these Personnel Policies or of any departmental policies not in conflict with these policies.

### 13.2 PROGRESSIVE DISCIPLINE

An elected or appointed department head may take disciplinary action, including termination, against an employee at any time. The county may, but not necessarily will, use a progressive discipline system.

While the disciplinary steps may not occur in this order, the progressive discipline system may include, but is not limited to, any or all of the following steps:

- Oral Warnings, with records of each warning maintained by the supervising elected official or department head;
- Conference with Elected Official or Appointed Department Head, employee, and supervisor, with a written summary of the conference, prepared by the supervisor, one copy of which is given to the employee, and another copy of which is placed in the employee's personnel file;
- Written Reprimands, which the employee's supervisor must in all cases cause to be transmitted through the elected official or department head to the employee's personnel file;
- Reduction in Pay without demotion;
- Suspension from duty, with or without pay, for up to 30 days, and renewable after informal review of the circumstances, with the renewal not to exceed a total of 60 days;
- Demotion; and/or
- Separation by involuntary dismissal.

The progression of disciplinary measures listed above is a general guideline only. The county may deviate from this progressive system, skip or eliminate any step(s), or apply any other form or process of discipline, at its sole and absolute discretion, at any time.

Actions other than oral or written warnings require the advance approval of the appropriate elected official or department head, normally in consultation with the county auditor or district attorney, unless an emergency situation exists.

For additional information regarding procedures to be followed if the discipline results in separation by involuntary dismissal see the following sections of this manual relating to **Separations**.

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## 14.00 SEPARATIONS

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### 14.1 TYPES OF SEPARATIONS

All separations of employees are designated as one of the following types:

- Resignation;
- Retirement;
- Reduction in Force;
- Dismissal;
- Disability; or
- Death.

### 14.2 RESIGNATION

An employee who intends to resign is requested to notify his or her supervisor in writing at least 10 working days prior to the last day of work. The supervisor is responsible for notifying the supervising elected official or department head immediately.

### 14.3 RETIREMENT

The same notice requirements for resignation apply in the case of retirement, except that a longer period of advance notice may be required to start retirement payments promptly.

See the Texas County and District Retirement System's brochure for additional information on retirement.

### 14.4 REDUCTION IN FORCE

An employee may be separated when his or her position is abolished, or when there is either a lack of funds or a lack of work.

When reductions in force are necessary, decisions on individual separations will be made after considering:

1. The relative necessity of each position to the organization,
2. Qualifications of the employee for remaining positions with the county,
3. The performance record of each employee, and
4. The employee's length of service with the county.

### 14.5 DISMISSAL

Anderson County operates under the legal doctrine of "employment-at-will" and, within requirements of state and federal law regarding employment, can transfer, demote, dismiss, or administer any other form of employment discipline to an employee at any time, with or without notice, for any reason or no reason. The county will attempt to ensure that employee discipline actions, including dismissals, are not made in an arbitrary or capricious manner; however, these personnel policies do not constitute or imply a contract, agreement, promise, or guarantee of employment or of continued employment. The county has the right to change these policies at any time, without prior notice to employees.

## **14.6 DISABILITY**

In cases of long-term disability during which an employee is unable to return to work for a period of time that would cause an undue hardship for the county to hold the position open, and if no position is available which the employee could perform with a reasonable accommodation by the county, the employee will be separated from employment with the county. (*Legal reference: U.S. Americans with Disabilities Act of 1990.*)

(See sections of this manual under the main heading of **Health and Safety** for details on occupational disability resulting from bona fide, on-the-job, work-related injuries.)

## **14.7 DEATH**

If a county employee dies, his or her estate receives all pay due and any earned and payable benefits as of the date of death.

## **14.8 CONTINUATION OF GROUP INSURANCE**

The federal Consolidated Omnibus Reconciliation Act of 1985 (COBRA) allows certain individuals the option of continuing their group health insurance, at the individuals' full expense, under specific conditions. The following is a summary of the benefits provided under COBRA.

**Eligible Employee.** To be eligible for continuation coverage, an individual must be an employee of Anderson County covered by the county's group health plan or an individual who is otherwise covered under the plan.

**Eligible Circumstance.** An eligible employee has the right to choose continuation coverage if he or she loses group health coverage because of a reduction in his or her hours of employment or the termination of his or her employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee or other worker covered by the county's group health plan has a right to choose continuation coverage if he or she loses coverage under the county's group health plan for any of the following reasons:

1. The death of the employee;
2. A termination of the employee's employment (for reasons other than gross misconduct);
3. Divorce or legal separation from the employee; or
4. The employee applies for and becomes entitled to Medicare.

The dependent child of an employee or other worker covered by the county's group health plan has a right to choose continuation coverage if he or she loses coverage under the county's group health plan for any of the following reasons:

1. The death of a parent;
2. The termination of a parent's employment (for reasons other than gross misconduct), or reduction in a parent's hours of employment with the county;
3. Parents' divorce or legal separation;
4. A parent applies for and becomes entitled to Medicare; or



5. The dependent ceases to be a “dependent child” under the county’s group health plan.

**Notice.** Under COBRA, the covered worker or family member has the responsibility to notify the plan administrator of a divorce, legal separation, or a child losing dependent status under the county’s group health plan within 60 days of the event or within 60 days of the date on which coverage would be lost because of the event. Anderson County has the responsibility to notify the plan administrator of the covered worker’s death, termination of employment, reduction in hours, or entitlement to Medicare.

When the plan administrator is notified that one of the above events has occurred, he or she will notify the covered worker or family member that he or she has the right to choose continuation coverage. The covered worker or family member then has at least 60 days from the date on which he or she would otherwise lose coverage to inform the plan administrator that he or she wants continuation coverage. If the covered worker or family member does not choose continuation coverage, group health insurance coverage will end. If the covered worker or family member chooses continuation coverage, Anderson County will provide coverage that, as of the time that coverage is being provided, is identical to the coverage provided under the insurance plan to similarly situated employees or family members.

**Limitations and Extensions.** Continuation coverage is limited to 36 months, unless the covered worker or family member lost group health coverage because of a termination of employment or reduction in hours. In that case, the continuation coverage period is 18 months. The 18-month period may be extended to 36 months if other events (e.g., divorce, legal separation, death, or Medicare entitlement) occur during that 18-month period. Moreover, the 18-month period may be extended for an additional 11 months (for a total of 29 months) if an individual is determined to be disabled (under the rules for Social Security disability benefits) and the plan administrator is notified of that determination within 60 days. An individual who receives the extended coverage due to a disability must notify the plan administrator when it is determined (for the purposes of Social Security disability benefits) that the individual is no longer disabled.

Continuation coverage may be cut short of the full coverage for any of the following reasons:

1. Anderson County no longer provides group health coverage to any of its employees;
2. The premium for continuation coverage is not paid;
3. The covered worker or family member becomes eligible for Medicare;
4. There has been a final determination that the covered employee or family member is no longer disabled (in the case of beneficiaries who qualified for the extra 11 months of continuation coverage based on their disability at termination); or
5. The covered worker or family member becomes covered under another group health plan that does not contain any provision restricting or limiting coverage of a “preexisting medical condition.”

An individual does not have to show that he or she is insurable to choose continuation coverage. A minimum 30-day “grace period” will be allowed for the covered worker or family to pay regularly scheduled premiums. At the end of the continuation coverage period, the covered worker or family member will be allowed to enroll in an individual conversion health plan provided by the current health plan. (*Legal reference: U.S. C.O.B.R.A. of 1985; Health Insurance Portability and Accountability Act of 1996; and ERISA Technical Release No. 96-1.*)

**Privacy Protection.** The privacy of individuals' medical records and information will be protected in all transmittals to and from insurance carriers and health care providers. *(Legal reference: Health Insurance Portability and Accountability Act of 1996.)*

Employees can obtain additional information on this subject from the county auditor's office.

#### **14.9 PAY AT SEPARATION**

Employees who are separated from employment with the county will normally be paid on the next regularly scheduled payday. A regular employee who has completed at least one year of service will be paid for any unused vacation leave, up to 80 hours.

Accumulated, but unused compensatory time will be paid for at separation.

Payment for such leave balances will be included in the employee's final paycheck and will be calculated in the following manner:

- The total work time and **allowable** vacation and compensatory leave time will be calculated as a total number of hours for which compensation is due. For all non-law enforcement employees, the regular hourly rate will be determined by dividing the employee's regular annual salary by 2,080 working hours per year. For all law enforcement employees, the regular hourly rate will be determined by dividing the employee's regular annual salary by 2,229 working hours per year.
- Compensatory time which has been entered and carried on the employee's records at one and one-half times the number of hours worked will be paid at the employee's regular straight-time rate for the total number of hours on the employee's compensatory time record. Since the compensatory time was recorded at one and one-half times the number of hours worked, the straight-time payment for these hours is equivalent to time and one-half pay for the hours actually worked.

Revised 10/25/2017

#### **14.10 RETIREE / REHIRES**

- Retired employees shall be eligible to apply for open positions with Anderson County as long as the following provisions are met: 1) The retiree has been retired for at least 6 calendar months for full-time positions and at least 3 calendar months for part-time positions. 2) No prior arrangement or agreement was made between Anderson County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the time of the employee's retirement.
- The retiree must have a bona fide separation of employment and have been retired for a minimum of 6 calendar months for full-time employment and a minimum of 3 calendar months for part-time employment. A bona fide separation means there is no prior agreement or understanding between Anderson County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or

different position in the same or different department, employee status changes, and independent contractors.

- Newly elected officials who have recently retired from the county cannot draw their retirement because they have an arrangement to return to work for the county. Employees also cannot retire with an agreement to go work in a different department or different position. Changing employee status does not matter when determining if someone is still working for the county. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.
- Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401(a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.
- Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections.

Revised 10/14/14  
Revised 3/28/16

#### **14.11 SPENDING LIMIT ON OFFICIAL LEAVING OFFICE**

Anderson County hereby establishes the limit for expenditures subject to the provisions of Local Government Code 130.908 shall be 1/12<sup>th</sup> of the annual budget for any given budget line for any elected official or other precinct official who becomes subject to the limitations of Local Government Code 130.908; and said limit will be applied each month that is affected.

Approved 06/26/2017

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## 15.00 Grievances

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### 15.1 POLICY

It is the policy of the county, insofar as possible, to prevent the occurrence of grievances, and to deal promptly with those which occur. No adverse action will be taken against an employee for reason of his or her exercise of the grievanceright.

A grievance may be filed by a regular employee on one or more of the following grounds:

- Improper application of rules, regulations, and procedures (but not the rules, regulations, and procedures themselves);
- Unfair treatment;
- Illegal discrimination based on race, religion, color, sex (including sexual harassment), age, disability, or national origin;
- Improper application of fringe benefits; or
- Improper working conditions.

The county follows a progressive grievance procedure which ensures regular employees due process in the county's consideration of their work-related grievances: the right to be represented, the right to mount a defense, and the right to present written response(s) regarding resolution of the grievance.

### 15.2 FINAL AUTHORITY

Grievances can be appealed through the employee's supervisor to the supervising elected official when an elected official is the department head. If the department head is appointed by the commissioners court, the matter may be appealed to the commissioners court, whose decision is final.

If the grievance alleges either discrimination on the basis of race, age, gender, religion, color, disability, national origin, or sexual harassment, and the matter is not resolved to the employee's satisfaction at the department head level (whether the department head is elected or appointed), the employee is required to notify the commissioners court, providing them with copies of all documentation of the grievance, from initial filing through final action by the elected official or department head.

### 15.3 PROCEDURE

The following procedures are applicable to regular employees. For procedures to be followed in the event of a grievance by an elected county official, see V.T.C.A. Local Government Code, Sec. 152.014 – 152.017.

**Informal Grievances.** The first step in the grievance procedure is for the employee to attempt to resolve the grievance by informal conference with his or her supervisor. If this informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she must file a formal, written grievance.

**Formal Grievances.** Formal grievances must be in writing, signed by the employee, and presented to the employee's supervisor within 10 working days after the alleged grievance occurred. A statement of the specific remedial action requested by the employee must be included in the written grievance.

An employee may be represented throughout the grievance process by another county employee of his or her choosing, by an attorney, or by a representative of the organization representing the employee.

After being presented with a written and signed grievance, the supervisor will:

1. Meet with the employee and such other persons as may be necessary to gather the facts;
2. Notify the elected official or department head;
3. Attempt to resolve the grievance with the employee and, if requested by the employee, with the employee's representative; and
4. Communicate the decision to the employee in writing within 10 working days after receipt of the grievance, sending a copy of the proposed resolution to the elected official or department head.

If an employee whose supervisor is someone other than the elected official or department head either receives no written resolution from the supervisor within 10 working days from the date on which the grievance was filed, or if the employee is not satisfied with the proposed resolution, he or she must file a written appeal with the elected official or department head within 10 working days. The elected official or department head will review the facts and the file, and will investigate the charges personally, or through a committee, or through a designated person; the person(s) conducting the investigation will meet with the parties involved. The elected official or department head will respond in writing to the employee within 10 working days of the date on which the appeal was received in the elected official's or department head's office.

If the department head is appointed by the commissioners court, and the employee either receives no written resolution from the department head within 10 working days from the date on which the grievance was appealed to the appointed department head, or if the employee is not satisfied with the appointed department head's proposed resolution of the matter, the employee must file a written appeal with the commissioners court within 10 working days. The commissioners court will then review the facts and the file and will conduct an investigation, if deemed appropriate, before rendering a decision in the matter. The commissioner's court's decision is final.

**Documentation.** Copies of all documentation relating to the grievance will be forwarded to the county auditor's office immediately upon conclusion of each step in the grievance process and will be placed in the employee's personnel file.

**Grievances Relating to Sexual Harassment or Discrimination.** Any employee may file a grievance related to alleged sexual harassment or discrimination on the basis of race, religion, color, sex, national origin, age, or disability. The initial written grievance may, at the employee's option, be submitted directly to the elected official or department head, or to the District Attorney's office, as appropriate. If the grievance procedure requires the employee to report the allegation to the alleged wrongdoer, then the complaint may be made to that person's immediate supervisor. In such an instance, to allow adequate time for investigation by the appropriate authority, the total cumulative time period which would have been allowed at the other steps in the grievance process is available to the appropriate authority before his or her written resolution of the grievance is required to be received by the employee.

If a grievance alleging either discrimination on one of the prohibited grounds or sexual harassment is not resolved to the employee's satisfaction at the department head level (whether the department head is elected or appointed), the employee is required to notify the commissioners court, providing them with copies of all documentation of the grievance, from initial filing through final action by the elected official or department head.

**Requirement for Appeal if Dissatisfied.** If the employee is dissatisfied with any proposed resolution during the grievance process, he or she must appeal to the next step within the established time period. Failure to appeal implies that the employee is satisfied with the latest resolution.

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## 16.00 PERSONNEL FILES

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### 16.1 GENERAL

Personnel records, except medical records, are maintained by the county auditor. Medical records are filed in a separate confidential file maintained by the county auditor or by his or her designee.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are accepted from disclosure by law. No information from any record placed in an employee's file will be communicated to any person or organization except by the county auditor or by an employee authorized to do so by the county auditor.

Each employee may choose whether the county discloses the employee's home address and telephone number to the public on request. If a new employee does not request confidentiality within the first 14 days of employment, the home address and telephone number on file are considered public information. However, employees may change their election for disclosure or confidentiality at any time. A form for designating this information as confidential or public is available from the county auditor's office. (*Legal reference: Texas Open Records Act, V.T.C.S. Article 6252-17a.*)

An employee, or his or her representative designated in writing, may examine the employee's personnel file upon request during normal working hours at the county offices. An employee may not remove anything from his or her personnel file.

When a supervisor requires access to the personnel file of an employee under his or her supervision for the handling of personnel matters, the supervisor must obtain authorization from the supervising elected official or department head.

Employees must inform the county auditor of any changes in or corrections to information recorded in their individual personnel files, such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

### 16.2 PERSONNEL ACTION FORM

The Personnel Action Form is the official document for recording and transmitting each personnel action to the personnel file. The form is approved by the Commissioners Court as a matter of record and remitted to the auditor's office. This form is used to promote uniformity in matters affecting:

- Employment Category;
- Position Title;
- Salary or Hourly Rate; and
- Other Actions Affecting the Employee's Status.

The Personnel Action Form is completed on the employee's first day of work and is updated when there is any change in his or her status which relates to employment or benefits. Each Personnel Action Form becomes a permanent part of the employee's personnel file; a copy is given to the employee each time an action occurs.

### **16.3 CONTENTS OF PERSONNEL FILES**

Elected officials and department heads must provide to the county auditor, in writing, appropriate payroll and employee information as a condition of hiring or promoting a person into a budgeted position. An employee's official personnel file may contain at least the following:

- An employment record form summarizing the employee's history with the county;
- W-4 form;
- A copy of the employee's application for employment;
- A copy of the court order for appointees;
- Signed copies of the employee's acknowledgment(s) of having received a copy of the Personnel Policies Manual and any other policy-related materials;
- Employee's job description(s) and acknowledgment of having received a copy of the job description;
- Election to Disclose or Keep Confidential Home Address and Home Telephone Number Form;
- Personnel Action Forms;
- Retirement application, including supplemental death policy;
- Records of any citations for excellence, awards for good performance, or job-related training/education;
- Records of any disciplinary action(s);
- Copies of any grievances and related materials;
- Any other pertinent information having a bearing on the employee's status; and
- Any written statements from the employee explaining, rebutting, or clarifying other items in the file.

I-9 forms are maintained for each employee in a separate file.

An employee's personnel file does not contain information regarding an employee's medical record(s), nor does it contain any information relating to drug or alcohol testing. These medical files are confidential and are not released to anyone unless a "need to know" has been clearly established. Only the county auditor has routine access to employee medical records, and that person will access employee medical records only as needed for legitimate county business reasons. (*Legal reference: U.S. Americans with Disabilities Act of 1990.*)

### **16.4 LEAVE RECORDS**

Official records of vacation leave and sick leave accrual and usage are kept for each employee by the county auditor or by his or her designee in the employee's personnel file. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled. It is the responsibility of each department head or supervising elected official to provide this information to the county auditor.



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## **17.00 TRAVEL/EXPENSE REIMBURSEMENT**

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### **17.1 GENERAL POLICY**

The policy of the county is that employees are to be fully reimbursed, within budgetary limitations, for necessary and reasonable job-related expenses incurred in the authorized conduct of county business, including business-related travel. Except in cases involving in-county use of a personal vehicle, employees must receive prior approval from the supervising elected official or department head before initiating travel that involves reimbursable expenses. The request should include an estimate of costs to be incurred. All travel expenses are subject to requirements of documentation and reasonableness and will be honored in conformance with adopted policies and procedures, provided that the travel was properly authorized and that funds are available in the department's budget. The county will prepay such expenses as registration fees and hotel costs directly to the entity involved.

Employees should be conscientious in their use of county funds. In all cases, travel expenses should be limited to those that are reasonable and necessary. Additionally, when two or more employees are traveling to the same location for the same purpose, they should travel together whenever possible to avoid unnecessary travel expenses. Employees are expected to use the least expensive means of travel for the county, including avoiding unnecessary overtime whenever possible.

Expenses which are not permitted under the terms of grants, contracts, or agreements with other agencies will not be charged as costs to those grants, contracts, or agreements.

Each department has a County Operating Policy regarding expenses which they must follow when incurring expenses for travel.

### **17.2 OUT-OF-COUNTY TRAVEL**

Travel by county employees outside the county in which the employee is stationed is permissible, provided that it is authorized in advance by the supervising elected official or department head and does not exceed budgetary limitations. Reimbursement for travel is based upon the most economical conveyance that is reasonably available, taking all costs and circumstances into consideration, based on judgment of supervising elected official. When private automobiles are used for travel, reimbursement is allowed on the basis of actual mileage traveled or tourist class air fare, whichever is less. The difference in cost between first-class air accommodations and less-than-first-class air accommodations is not an allowable expense.

County officials and employees who receive automobile allowances are provided these allowances for travel within the county. In the event one of these officials or employees is required to travel outside the county, he or she is entitled to reimbursement for actual expenses for such trip(s), provided that the travel was authorized.

### **17.3 OTHER EXPENSES**

Within the limits of approved department budgets, employees engaged in necessary and authorized travel in the conduct of county business will be reimbursed for actual costs of reasonable and documented expenses necessary to conduct the business for the county. Reimbursable subsistence expenses will generally be for food, registration, lodging, business telephone calls, parking, tolls, and

reasonable gratuities. Receipts or other documentation acceptable to the county auditor must accompany any request for reimbursement.

#### **17.4 PERSONAL VEHICLE**

Where use of a personal vehicle is judged to be the most reasonable means of transportation in the conduct of official county business, reimbursement will be at the most current rate established for automobile mileage expense by the U.S. Internal Revenue Service. The distance between travel origination and destination will be determined by the Texas Comptroller's "Texas Mileage Guide." Travel between an employee's residence and county offices is not eligible for reimbursement.

#### **17.5 PROHIBITED EXPENDITURES**

Costs of personal entertainment, spouse's expenses, amusements, social activities, alcoholic beverages, gratuities, traffic citations, or illegal activities are not eligible for reimbursement.

# 18.00 FORMS

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## VIDEO SURVEILLANCE POLICY

### Acknowledgement, Consent, and Release

I acknowledge that I have received a copy of Anderson County's updated policies, that I have been given the opportunity to read and ask any questions that I might have about the same, and that by signing this acknowledgement, I agree to adhere to the policies as a condition of my employment and/or continuing employment with Anderson County. I understand and agree that in acknowledging and signing this form, no contract of employment is hereby created, and further understand that no promise or guarantee of employment for any particular term is hereby made. I also acknowledge that I am an employee-at-will and that either I or Anderson County may end the employment relationship at any time, with or without notice or cause. I further acknowledge that my failure to adhere to these policies may subject me to disciplinary action, up to and possibly including immediate termination without warning.

In accordance with Anderson County's policy regarding searches, I understand that all desks, storage areas, lockers, and all vehicles owned, financed, or leased by Anderson County or used by Anderson County to transport employees, goods, and/or products are subject to search at any time without my knowledge, presence, or permission. With the exception of my personal vehicle, I understand I am prohibited from locking or otherwise securing any such desk, storage area, locker, or vehicle with any lock or locking device not supplied or approved by Anderson County. If I use my own lock on any such item, I agree to give my supervisor a copy of the key or combination to the lock so that the company may open the lock at any time that it may deem such action necessary. In the event that a search of my personal vehicle becomes necessary, I agree to allow personnel designated by Anderson County to conduct such a search at any time the company may direct during my duty shift.

I further understand that in order to promote the safety of employees and company visitors, as well as the security of its facilities, Anderson County may conduct video surveillance of any portion of its premises at any time, the only exception being private areas of restrooms, showers, and dressing rooms, and that video cameras will be positioned in appropriate places within and around Anderson County buildings and used in order to help promote the safety and security of people and property. I hereby give my consent to such video surveillance at any time the company may choose.

I hereby release Anderson County from all liability, including liability for negligence, associated with the enforcement of these policies and/or any searches or surveillance undertaken pursuant to these policies.

\_\_\_\_\_  
/s/ (Employee)      Date

\_\_\_\_\_  
Employee's Name – Printed

Adopted 6/26/17