

**FRIO COUNTY**

**EMPLOYEE HANDBOOK**

**Effective Date:**

**December 12, 2023**

**FRIO COUNTY**  
**EMPLOYEE HANDBOOK**

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**SECTION 3: EMPLOYEE FORMS**

**COUNTY OF FRIO COMMISSIONERS COURT ORDER**

WHEREAS the Frio County Commissioners Court desires to provide the employees of Frio County with a uniform format for dealing with various employment related issues; and

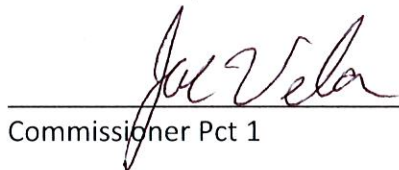
WHEREAS the Frio County Commissioners Court wish to adequately communicate to employees the policies and procedures of the County:

THEREFORE, BE IT RESOLVED that the Frio County Commissioners Court and hereby approve, and adopt, the FRIO COUNTY EMPLOYEE HANDBOOK.

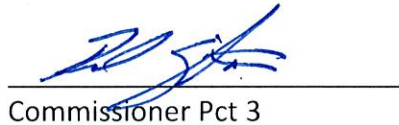
ADOPTED THIS 12th DAY OF December, 2023



County Judge

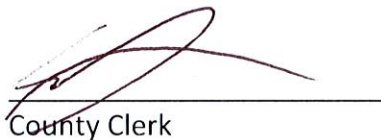
  
Commissioner Pct 1

  
Commissioner Pct 2

  
Commissioner Pct 3

  
Commissioner Pct 4

Witnessed and Attested By:

  
County Clerk

FILED  
At 9:18 o'clock A M  
This 14th day of December 2023

Aaron T. Ibarra  
Clerk County Court FRIO COUNTY, TX

BY:  DEPUTY

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# FRIO COUNTY EMPLOYEE HANDBOOK

Welcome to Frio County!

We are excited to have you as an employee of Frio County. You were hired because the elected official, appointed official or department head believes you can contribute to the success of Frio County, and share our commitment to serving the public and our constituents with excellence.

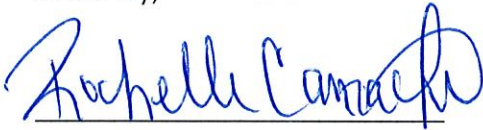
Frio County is committed to providing excellent service to the public in all of our county offices. As part of the team, we hope you will discover that the pursuit of excellence is a rewarding aspect of your career here.

This employee handbook contains some key policies, benefits, and expectations of Frio County, and other information you will need. Each elected or appointed official may have detailed policy and procedures manuals for their office.

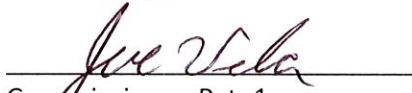
Your job is essential to fulfilling our mission of serving our county constituents every day and to meet or exceed their expectations. We achieve this through dedicated hard work and commitment from every Frio County employee. You should use this handbook as a ready reference as you pursue your career with Frio County. Please consult with your elected official, appointed official or department head regarding questions you may have concerning this employee handbook.

Welcome aboard!

Sincerely,



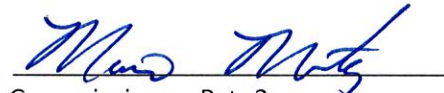
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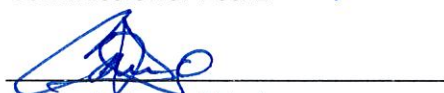
Commissioner Pct. 1



Commissioner Pct. 3



Commissioner Pct. 2



Commissioner Pct. 4

# **SECTION 1: GENERAL POLICIES**



## **A. COUNTY EMPLOYMENT**

### **1A-1 EMPLOYMENT AT-WILL**

All employment with Frio County shall be considered “at will” employment. No contract of employment shall exist between any individual and Frio County for any duration, either specified or unspecified. No provision of this employee handbook shall be construed as modifying your employment at will status.

Frio County shall have the right to terminate the employment of any employee for any legal reason, or no reason, at any time, either with or without notice.

Frio County shall also have the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. Employees of Frio County shall have the right to leave their employment with the County at any time, with or without notice.

### **1A-2 EMPLOYEE STATUS POLICY**

Each county position has an employee status that identifies how the position is paid and how benefits are granted by Commissioners Court. The status of a position cannot be changed without the approval of the Commissioners Court. This policy defines both health insurance and retirement benefits. Full time employees will be eligible for health insurance after the 90 day probationary period. All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

**REGULAR FULL TIME:** A full time employee shall be any employee in a position who has a normal work schedule of forty (40) hours per week. Full time employees are eligible for county health insurance and retirement benefits. Other county policies will dictate eligibility for other benefits. All regular full-time employees must be placed on TCDRS retirement. Employees may be non-exempt, hourly employees, or exempt employees. Non-exempt employees are eligible for overtime compensation. Exempt employees are not eligible for overtime compensation. Frio County makes exempt status determination based on the Fair Labor Standards Act.

**REGULAR PART TIME:** A part time employee shall be any employee in a position who has a normal work schedule of twenty-five (25) hours per week. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week. Other county policies will dictate eligibility for other benefits.

**TEMPORARY SEASONAL:** A seasonal employee shall be any employee who is hired into a position that lasts six (6) or less months and begins at approximately the same time each year. Examples may include, but are not limited to, lifeguards, summer mowers, and election workers. Seasonal employees can be either part time or full time, and they may qualify for health insurance through the county under the Affordable Care Act depending on the number of hours worked per week,

and the length of employment. Temporary seasonal employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**REGULAR VARIABLE HOUR:** A variable hour employee shall be any employee for whom the county cannot determine the average amount of hours that the employee will work each week – hours are variable or indeterminate at the time of the employee’s start date. If the employee works an average of thirty (30) or more hours a week in the measurement period, the employee will be eligible for health insurance through the county under the Affordable Care Act. If an employee’s schedule becomes regular, then the employee shall be reclassified as full or part time depending on the hours worked. Regular variable hour employees are eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

**TEMPORARY PART TIME:** A temporary short-term part-time employee shall be any employee who is expected to work twenty-five (25) hours each week in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular part time status. Temporary short-term part-time employees are not entitled to any benefits under the Affordable Care Act and are also not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

### **1A-3 EQUAL EMPLOYMENT OPPORTUNITY**

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

### **1A-4 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT**

It is the policy of Frio 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 they have 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 county 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 Frio 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 county attorney. Reasonable accommodation shall be determined through an interactive process of consultation.

### **1A-5 PERSONNEL FILES**

The Frio County department will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, W-4, retirement, as well as, records concerning performance, discipline and compensation.

It is important that the personnel records of Frio County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Frio County requests employees to promptly notify the appropriate personnel representative of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.

The Public Information Act allows county employees to keep their home addresses, home telephone numbers, social security numbers, emergency contact information, and information that reveals whether you have family members confidential. Employees may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after their first day of employment.

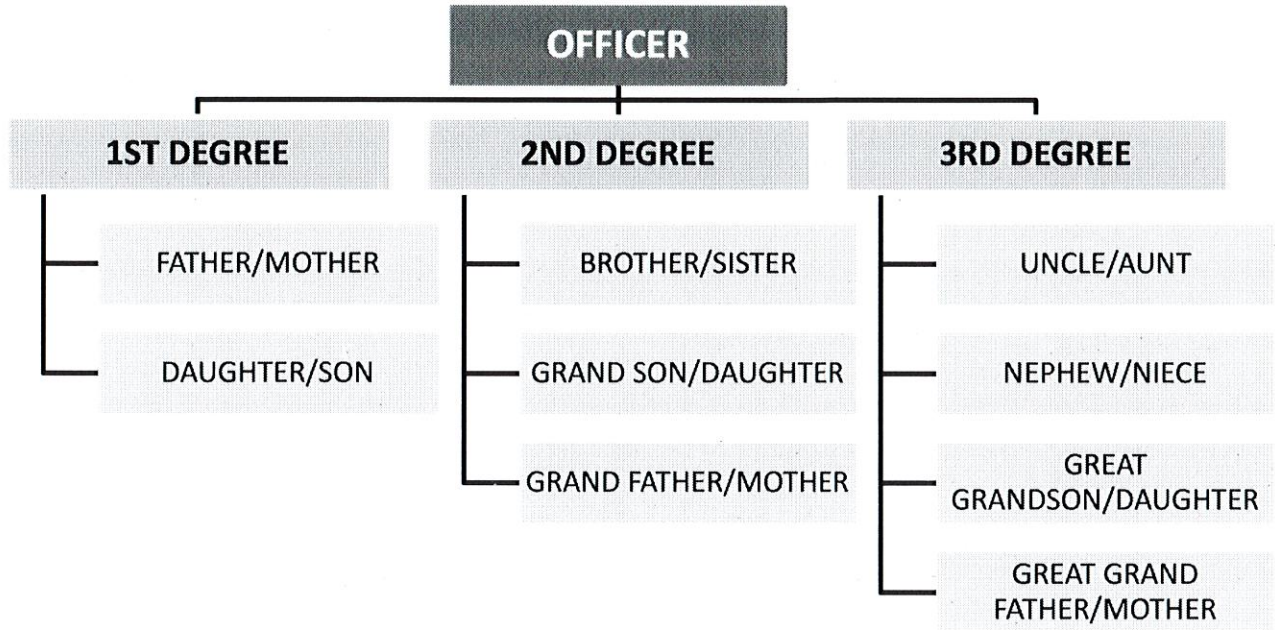
### **1A-6 NEPOTISM**

Texas Law prohibits from hiring, appointing, confirming the appointment of, or vote for the appointment of an individual who is related within the 3<sup>rd</sup> degree.

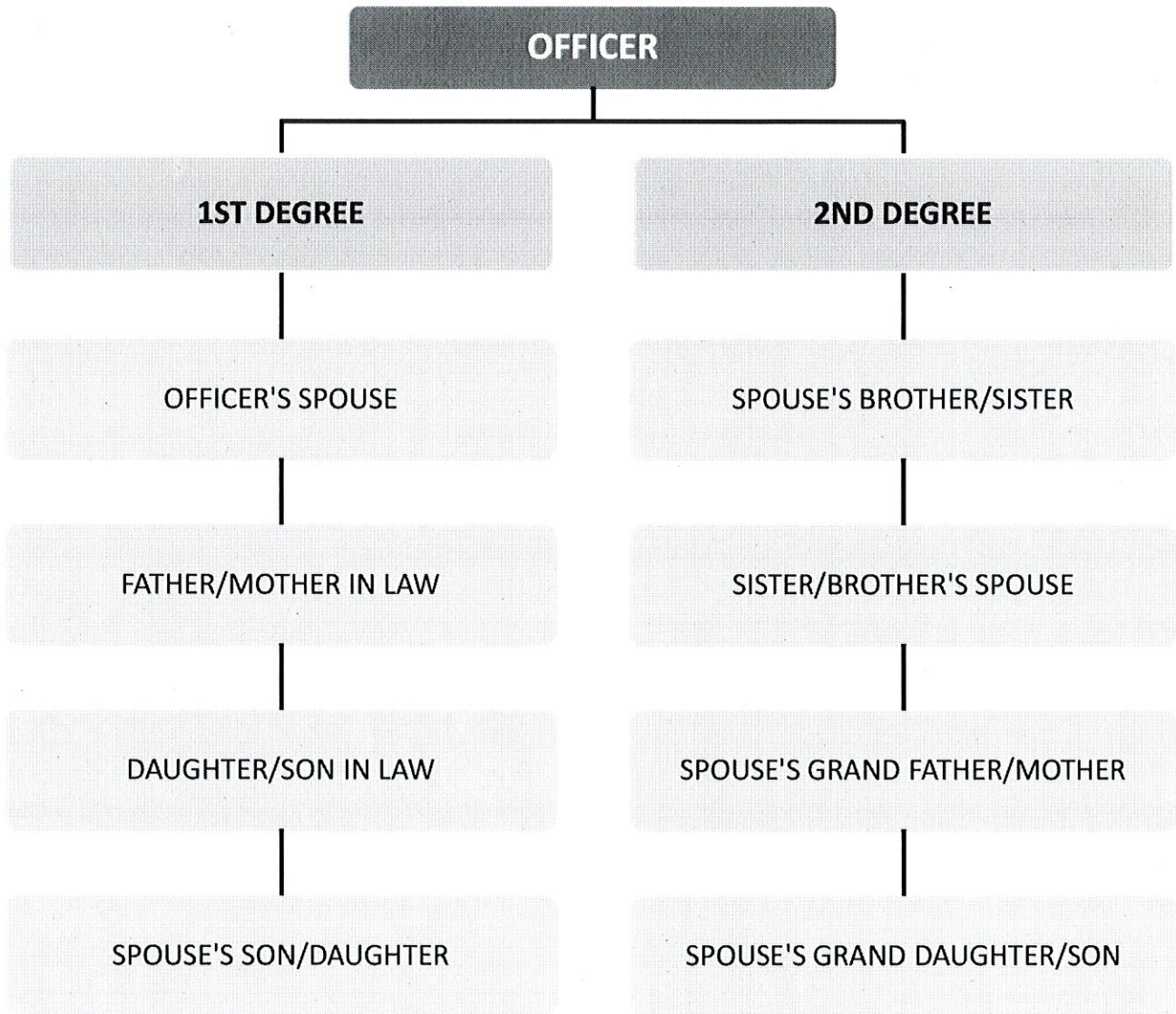
Texas Government Code Chapter 573 states that, a Public Official of Frio County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that he or she supervises or exercises control over. Texas Code of Judicial Conduct. A judge shall avoid nepotism and favoritism. A judge shall not fail to comply with Rule 12 of the Rules of Judicial Administration, knowing that the failure to comply is in violation of the rule.

A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow.)

**CONSANGUINITY KINSHIP CHART**  
(RELATIONSHIP BY BLOOD)



**AFFINITY KINSHIP CHART**  
(RELATIONSHIP BY MARRIAGE)



## **B. WORK RULES AND EMPLOYEE RESPONSIBILITY**

### **1B-1 ATTENDANCE**

As a Frio County employee, you are expected to be punctual and demonstrate consistent attendance.

Each employee shall report to work on each day they are scheduled to work and at the starting time set by their departmental head unless prior approval for absence is given by the departmental head or the employee is unable to report for work because of circumstances beyond the control of the employee. If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 2 hours prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

Each employee shall remain on the job until the normal quitting time established by the department head unless permission to leave early is given by the department head.

Each department head is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness. Three (3) unexcused absences or tardiness, as determined by your immediate department head, may make an employee subject to disciplinary measures, up to and including termination of employment.

An employee who does not report for work for three (3) consecutive scheduled work days, and who fails to notify their supervisor, shall be considered to have resigned their position by abandonment.

### **1B-2 DRESS CODE**

Frio County expects all employees to be well groomed, clean, and neat at all times. Employees are expected to be dressed in a professional manner fitting to the requirements of their position. (e.g: no tank tops, spaghetti straps, flip flops, torn jeans, t-shirts, pajamas). Each department head will regulate the type of attire that is suitable for their department. Employees are required to act in a professional manner at all times and extend the highest courtesy to co-workers and to the public being served. A cheerful and positive attitude is essential to our commitment to customer service.

### **1B-3 TOBACCO/SMOKE FREE WORKPLACE**

Frio County endeavors to provide a healthy environment. Therefore, any form of tobacco or vaping consumed in county buildings and in county vehicles is strictly prohibited. Additionally, no smoking is allowed within ten (10) feet of the exterior entranceways at all county facilities.

#### **1B-4 CONFLICT OF INTEREST**

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

Employees involved in conflict-of-interest situations shall be subject to discipline, up to and including termination, and these actions may have criminal consequences for employees.

Activities which constitute a conflict of interest shall include but not be limited to:

- 1) Soliciting, accepting, or agreeing to accept a financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
- 2) Accepting employment, compensation, gifts, or favors that might reasonably tend to induce the employee to disclose confidential information acquired in the performance of official duties;
- 3) Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- 4) Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and their duties for the County; or
- 5) Soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a county employee in favor of that person.

#### **1B-5 HARASSMENT**

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

Harassment is strictly prohibited by Frio County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business.

Employees who feel they have been harassed should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the

department head may not be the best course of action, the report should be made to the Human Resources Director, County Judge, or to the County Attorney.

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

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

Retaliation against an employee who reports harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the official or department head may not be the best course of action, the report should be made to the County Judge, Human Resource Director, or to the County Attorney.

Remedial action will be taken in accordance with the circumstances when the county determines unlawful harassment or retaliation has occurred, up to and including termination.

### **1B-6 SEXUAL HARASSMENT**

Sexual harassment is strictly prohibited by Frio County, whether committed by elected official, appointed official, department head, co-worker or non-employee the county does business with. It is the policy of Frio County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the County becomes aware.

Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; or (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.



Employees who feel they have been sexually harassed should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge, County Attorney or Human Resources Director.

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

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

Use the following procedures so that your complaint maybe resolved quickly and fairly.

- A. When practical, confront the harasser and ask them to stop the unwanted behavior.
- B. Record the time, place and specifics of each incident, including any witnesses.
- C. Report continuing sexual harassment to the elected official, appointed official, department head who is responsible for your department, the County Judge, the County Attorney, or Human Resources Director.
- D. If a thorough investigation reveals that unlawful sexual harassment has occurred, Frio County will take effective remedial action in accordance with the circumstances, up to and including termination.

Retaliation against an employee who reports sexual harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected official, appointed official, or department head who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge, County Attorney, or the Human Resources Director.

Reporting or failing to report claims in accordance with the procedure given in this policy shall not limit other legal recourse an employee may have in regard to sexual harassment charges.

### **1B-7 POLITICAL ACTIVITY**

Employees of Frio County shall have the right to support candidates of their choice and to engage in political activity during their personal time.

County employees shall not: 1) Use their official authority or influence to interfere with or affect the result of any election or nomination for office; 2) Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a

party, committee, organization, agency, or person for a political reason; or 3) Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.

### **1B-8 OUTSIDE EMPLOYMENT**

Frio County employees are expected to give their full and undivided attention to their job duties. They should not use Frio County facilities or equipment or their association with Frio County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their official or the county Commissioners Court, in the event that they do not work or report to an official. County employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Frio County that interferes with the employee's assigned duties with Frio County. Employees are forbidden to have outside employment or pursue another job while on approved FMLA leave from the county. Frio County does not allow uniforms to be worn when an employee is off duty.

### **1B-9 BREAKS**

The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk. The Texas Right to Express Breast Milk in the Workplace Act also imposes duties on public employers and, under other state law, is applicable for the duration of a nursing mother's need to express breast milk. Frio County supports the practice of expressing breast milk.

Frio County will provide reasonable paid breaks for a nursing mother to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk.

The County will provide the nursing mother with 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.

Frio County does not allow any retaliation against a nursing mother for asking for this break. Nursing mothers are entitled to this break for the duration of the time they are expressing breast milk. A reasonable accommodation will be given for the needs of employees who express breast milk. An employee of the county who needs 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 a nursing mother; however, if paid breaks are provided for employees, a nursing mother must be given the same amount of paid break time.

## **1B-10 GRIEVANCES**

Any employee having a grievance related to their job should discuss the grievance with their immediate department head or Human Resources Director within 10 business days.

If the discussion with the immediate departmental head does not resolve the grievance, and, if the immediate departmental head is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that official.

The decision of the elected or appointed official with final responsibility for the employee's department shall be final in all grievances.

## **1B-11 DISCIPLINE**

Each department head shall have the authority to administer discipline to employees in their department for poor performance, violation of policies, disruptive behavior, or any other behavior or activity which the department head feels is not acceptable as it relates to the employee's job or the best interest of the department or county.

Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination.

**All County employees are "at will" employees and nothing in this policy gives an employee any contract of employment, guarantee of any duration of employment, or any other property interest in their job.**

Frio County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with notice. The County also retains the right to change any condition, benefit, privilege, or policy of employment at any time with or without notice.

## **1B-12 LICENSE AND CERTIFICATIONS**

Frio County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses a license or certification, they must immediately notify their department head. If this license is a requirement for the position, the employee may be demoted, transferred or terminated. Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

### **1B-13 WEATHER CLOSINGS AND EMERGENCIES**

As a general practice, Frio County does not close its operations unless the health, safety, and security of county employees are seriously brought into question. When this happens, either because of severe weather conditions or other emergencies, the County Judge is responsible for initiating the closing.

The County Judge will notify the following entities for a public announcement: Emergency Response Coordinator, Frio County Sheriff, Road and Bridge. Announcements of an emergency closing will, to the extent possible, specify the starting and ending times of the closing. However, each elected official controls the working hours of their employees, even in an emergency situation.

Many county departments are continuous operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each official or department head is responsible for designating their own employees and providing alternate information to personnel designated as essential during emergency closings. Public safety will be foremost in the development of departmental emergency action plans.

### **1B-14 CONFIDENTIALITY**

Frio County is a public entity; however, some county employees acquire confidential (confidential, non-public) information as a result of their position with the county. This information must be protected. Employees who reveal confidential (confidential, non-public) information they have received as a result of their position may be subject to discipline up to and including termination.

Regarding the personnel information on employees of Frio County; much of the information in an employee's personnel file, including salary and job evaluations is subject to disclosure under the Public Information Act, however, highly personal matters are typically not subject to disclosure. The county will adhere to the Public Information Act requirements.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to Human Resources. Such exams are strictly regulated by the Americans with Disabilities Act and Health Information Privacy Protection Act (HIPPA) in accordance with the HIPPA regulations.

### **1B-15 WHISTLEBLOWER**

An employee may, in good faith, report an alleged violation of a Frio County Policy or federal or state law to their supervisor, department head, or Elected Official, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to Human

Resources Director, County Attorney, District Attorney, or Sheriff. The county will investigate the reported activity.

An official, supervisor, department head, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.

An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.

An employee who, in good faith, believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources Director, County Attorney, District Attorney, and/or County Judge.

An employee with a question regarding this policy should contact Human Resources Director.

## **C. COUNTY PROPERTY AND EMPLOYEE RESPONSIBILITY**

### **1C-1 COUNTY PROPERTY USAGE**

Each county employee shall be responsible for the care, maintenance, proper use, and upkeep of any County equipment assigned to them. County employees shall only use equipment, tools, and other County property that they are authorized to use. Personal use of county equipment, supplies, tools, and any other county property is not permitted and may result in discipline up to and including termination. Improper use may subject you to criminal prosecution.

### **1C-2 COUNTY VEHICLE USAGE**

Some employees may be required to use county vehicles as a part of their job. Employees who are assigned county vehicles shall be responsible for the care, maintenance, proper use and upkeep of these vehicles. Employees may only use the vehicles they are authorized to use. Employees may not allow other individuals to operate the vehicles they have been assigned.

If personal use of a county vehicle is permitted the employee will be required to keep a log of all personal miles driven, including to and from work. These personal miles will be subject to payroll taxes at the current IRS rate in accordance with IRS rules and regulations.

Employees who operate vehicles must maintain a current active license for the operation of that vehicle. If they have any change in status of their license, they must immediately notify their supervisor. The County will check employees that are operating a county vehicle driver's record annually. An employee whose job involves operation of a vehicle requiring a license for its legal operation shall be subject to possible job change, demotion or termination if that license is suspended or revoked.

Employees who operate a county vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's vehicle liability carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change, demotion or termination.

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to their supervisor and to the proper law enforcement or other authority immediately. A copy of all accident and incident reports prepared by the employee shall be sent to the department head, the County Auditor, Human Resources, and the County Judge. Note, all Frio County vehicles and equipment cannot be driven or operated outside Frio County boundaries unless it is for Frio County Business. No Frio County vehicles will be used for personal transportation. Only Frio County employees who work under such department may ride in a Frio County vehicle not excluding Frio County Elected Officials.

Transportation code 721.004. Inscription Required on Municipal and County-Owned Motor Vehicles and Heavy Equipment (a) The office having control of a motor vehicle or piece of heavy equipment owned by a municipality or county, shall have printed on each side of the vehicle or equipment the name of the municipality or county, followed by the title of the department or office having custody of the vehicle or equipment. (b) The inscription must be in color sufficiently different from the body of the vehicle or equipment so that the lettering is plainly legible. (c) The title of the department or office must be in letter plainly legible at a distance of not less than 100 feet. The commissioners court of a county may exempt from the requirements of code 721.004, an automobile when used to perform an official duty by a sheriff's office.

### **1C-3 CELL PHONE USAGE**

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

Frio County forbids the use of any cell phone while operating any vehicle. Employees should plan calls to allow placement of calls either prior to traveling or while on rest breaks.

Frio County bans all employees from texting while operating any county owned vehicle. County employees who are driving their own personal vehicle are also banned from texting while driving on county business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to including loss of their CDL.

Employees in possession of a Frio County owned cellular phone are required to take appropriate precautions to prevent theft and vandalism. Frio County employees must secure their cell phones by placing protected passwords and must be given to Frio County Officials and no one else. If a cell phone is lost or stolen it must be reported to Frio County Auditor's office immediately.

Each department may set their own rules and regulations regarding personal cell phone usage while at work.

#### **1C-4 COMPUTER AND INTERNET USAGE**

The use of Frio County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Frio County business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in any expense to the County.

Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.

Use of Frio County computers, networks, and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. County employees shall have no expectation of privacy when using county computers, networks, or other county owned equipment. Improper use may result in discipline up to and including termination.

Frio County owns the rights to all data and files in any computer, network, or other information system used in the county. Frio County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, Facebook, twitter, etc.) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Authorized Department Heads have the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copyright laws, download any illegal or unauthorized downloads. Frio County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

Employees should not bring personal computers to the workplace or connect them to Frio County electronic systems, unless expressly permitted to do so by their department head and or IT department. Violation of this policy, may result in disciplinary action, up to and including termination of employment.

## **1C-5 USE OF EQUIPMENT AND VEHICLES**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor and department head can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, unsafe use or operation of equipment and/or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment. Improper use may subject you to criminal prosecution.

## **D. SAFETY AND HEALTH EMPLOYEE RESPONSIBILITY**

### **1D-1 WORKERS COMPENSATION**

All Frio 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 their job. Workers' compensation also pays Temporary Income Benefits (TIBS) for time lost from work in excess of seven calendar days as the result of eligible work-related injuries or illnesses, with the exception of Law Enforcement who receive salary continuation.

Employees may use paid leave for all workers' compensation time off less than 8 days.

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

Any employee who suffers a job-related illness or injury is required to notify their supervisor and the County Auditor's office 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.



## **1D-2 EMPLOYEE SAFETY**

Frio County is committed to providing a safe workplace for our employees.

Each County employee must adhere to the general safety standards established for all employees as well as comply with their departmental safety requirements. Safety procedures may differ at each county department. Your departmental head will provide you with specific information pertaining to your position.

Failure to follow the safety standards set by the County or your departmental head subjects an employee to disciplinary action, up to and including termination.

Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to their supervisor and department head.

## **1D-3 DRUG AND ALCOHOL- ALL EMPLOYEES**

Frio 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 their duties is impaired by drugs or alcohol. The County believes that a drug and alcohol-free workplace will help ensure a healthy, safe, and secure work environment.

This policy applies to all employees of Frio 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 or over-the-counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County in a manner other than that intended by the manufacturer or prescribed by a physician.

An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do their job safely and effectively. Texas Law requires 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 their job duties.

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

A department head and 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 must seek treatment from a qualified professional. Information on benefits provided for treatment of alcohol and drug abuse problems provided by the County's health plan program is available in the employee's health plan booklet or from the Human Resources Office.

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

Any employee who admits to drug use may be terminated. An employee who voluntarily asks for time off to get treatment and recover from a drug or alcohol abuse problem will be given protections as required by law. Upon returning to work from a bona fide inpatient treatment facility, the employee will be subjected to a volunteer drug testing program as often as monthly until there is evidence the employee no longer uses. Failure to comply with the requirements of the post rehabilitative program including refusing the volunteer testing program may result in termination. The post rehabilitative program will last for as long as two years. If at any time the employee tests positive, or refuses the volunteer drug test during this post rehabilitative program the employee may be terminated.

Frio County will drug test employees who ARE NOT CDL license holders under the following conditions:

**PRE-EMPLOYMENT DRUG TESTING:**

Frio County has a pre-employment drug testing requirement that must be passed post offer before an employee starts their first day of work. All offers of employment are conditional upon passing a drug and alcohol test. The employee will sign a consent waiver. Frio County also has a post-accident drug and alcohol testing when an employee is involved in accident during employee working hour.

## **REASONABLE SUSPICION TESTING:**

Frio County employees who are not CDL employees may also be tested under reasonable suspicion. If an elected official or department head has evidence or reasonable cause to suspect an employee of drug and/or alcohol use, they can request for an employee to be drug tested. If drug and/or alcohol test results come back positive it can lead to termination.

### Testing Procedures -

1. The employee will be promptly removed from duty.
2. A supervisor will escort and drive the employee to the designated facility for specimen collection and/or testing.
3. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
4. If the employee desires another test to be given, they may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Frio County.
5. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to their residence.
6. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

## **POST-ACCIDENT TESTING:**

All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment may be required to be tested. This will be at the discretion of their Elected Official or Human Resources office.

### Testing Procedures –

1. A supervisor will escort and drive the employee to the designated facility for specimen collection and/or testing.
2. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
3. If the employee desires another test to be given, they may do so within 2 hours of the specimen being collected and the same specimen will be used. The cost of this request will be paid for by the employee. All initial costs will be paid for by Frio County.
4. The employee will be placed on paid administrative leave until the results of the test are known. The elected official or supervisor will make arrangements to ensure that the employee is safely returned to their residence.
5. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

Each employee is expected to cooperate and consent to a drug test when requested under the terms of this policy. Refusal to consent to a drug and/or alcohol test when requested is cause for termination.

Any employee who violates this drug and alcohol policy may be terminated.

#### **1D-4 DRUG AND ALCOHOL - CDL EMPLOYEES**

CDL Drivers are an extremely valuable resource for Frio County 's business. Their health and safety are a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

The Federal Highway Administration ("FHWA") has issued regulations, which require the County to implement a controlled substance testing program. The County will comply with these, and will require all CDL drivers. All CDL 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 Frio County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement. Frio County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

It is the policy of Frio 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. Frio County will conduct electronic queries 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.

A detailed policy and procedure are available at the Human Resources Director's office.

Upon receipt of drug and/or alcohol results, any employee who tests positive, or has invalid or inconclusive results, may be subject to termination.

#### **1D-5 WORKPLACE VIOLENCE**

Frio County is committed to providing a workplace free of violence. Frio County will not tolerate or condone violence of any kind in the workplace. The county will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously

and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor or department head. Employees should be aware of their surroundings at all times and report any suspicious behavior from the public, former employees or current employees to their immediate supervisor, department head, or the sheriff's department. No employee may possess a firearm or other weapon other than an authorized law enforcement official, with or without permits in all county offices and buildings owned or used by Frio County, this also includes county owned vehicles. If employees believe that a person is violating this policy, they should immediately report to their immediate department head or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

### **1D-6 SOCIAL MEDIA**

For purposes of this policy "social media" includes, but is not limited to, online forums, blogs and social networking sites, such as TikTok, Twitter, Facebook, Instagram, Snapchat, LinkedIn, YouTube, and MySpace. Frio 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 and/or position in the county; is used to harass supervisors, elected/appointed officials, department heads, co-workers, customers, or vendors; creates a hostile work environment; or harms the goodwill and reputation of Frio County among the community at large. Frio 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 Frio County make clear that you are an employee of Frio County and that the views posted are yours alone and do not represent the views of Frio County.
- Do not mention Frio County supervisors, department heads, employees, elected officials, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Frio 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, department heads, elected officials, 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 Frio County computer equipment for non-work-related activities without written permission. Social media activities should not interfere with your duties at work. Frio County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws, and cite or reference sources accurately.
- All Frio 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 Frio County must be kept confidential and should not be discussed through in social media forum.
- Do not use Frio County e-mail addresses to register on social networks, blogs, or other online tools utilized for personal use.
- Use Frio County equipment (i.e., computers, cell phones) to connect to social media sites.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

It is the policy of Frio County that supervisors including department heads do not engage in social media activities with their employees.

Frio 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 Frio 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 Frio 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.

### **1D-7 SURVEILLANCE CAMERAS**

Frio County requires that any employee requesting footage of surveillance cameras, must obtain a legal court order subpoena for such evidence.

**SECTION 2:  
EMPLOYEE COMPENSATION  
AND BENEFITS**

## **A. EMPLOYEE PAYROLL**

### **2A-1 FAIR LABOR STANDARDS ACT SAFE HARBOR**

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

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

Non-exempt employees, unless authorized by your departmental head, 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 time sheet. 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 time sheet. 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 Human Resources Director.

It is a violation of Frio County policy and Texas Law for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of County policy for any employee, supervisor, departmental head, or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time sheet 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 Human Resources Director (500 E. San Antonio St. #16, Pearsall, TX 78061, (830) 505-2985).

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 work day; or 3) your absence because of the County's operating requirements; or 4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or 5) any other deductions prohibited by state or federal law.

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

If you have questions about deductions from your pay, please immediately contact your supervisor. If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to the Treasurer's Department (500 E. San Antonio St. #2, Pearsall, TX 78061, 830-505-2984). If you are unsure of who to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Attorney (500 E. San Antonio St., #1, Pearsall, TX 78061, (830) 505-2986). 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.

## **2A-2 Internal Revenue Service (IRS) FRINGE BENEFITS**

Frio County will comply with the IRS with regard to fringe benefits such as county uniforms, county vehicle usage and day-trip meals. You may be responsible for paying payroll taxes on such fringe benefits.

## **2A-3 COMPENSATION**

Frio County Commissioners Court annually sets the maximum compensation for each employee in accordance with Texas State Law.

Frio County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

### **Pay Advances**

Frio County does not provide pay advances on unearned wages to employees.

Law Enforcement personnel are treated in accordance with the 207(k) exemption under the Fair Labor Standards Act. The Commissioners Court has adopted this exemption. *(See 2A-10 Policy)*

All non-exempt County employees shall be paid an hourly wage.

Some employees may have the classification of hourly employees paid on a salary basis, but they remain non-exempt for FLSA purposes. For full time non-exempt employees, the monthly salary compensates the employee for all hours worked up to 40 in each workweek of the month.

Temporary employees shall be paid hourly at least the minimum wage established by the Fair Labor Standards Act, as amended.

## **2A-4 PAYROLL DEDUCTIONS**

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law.

Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck.

No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Treasurer's Office.

## **2A-5 WORK WEEKS AND WORK PERIODS**

For purposes of recordkeeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for Frio County shall begin at 12:01 a.m. on each Sunday and end seven (7) consecutive days later (168 hours). Law Enforcement employees who fall under

the FLSA 207(k) exemption shall have a work period of 14 days and 86 hours as established by the Frio County Commissioners Court.

## **2A-6 ELECTRONIC TIME CLOCK**

Each employee must punch in/out in a time system in order to turn in accurate time in to their immediate supervisor on the last day of each pay period. Failure to complete a time record or approving an employee incomplete time record may result in an employee only receiving minimum wage payment until the proper time record has been completed or approved on a time system and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. The time sheet or time record on a time system prepared by the employee shall show an accurate record of all time worked and leave taken, whether paid or unpaid, for the pay period. Time records online are official county documents and as such require accurate and truthful information. Falsifying a time record which is considered a county record is grounds for severe disciplinary action up to and including termination and is a criminal offense.

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require Frio County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

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

Nonexempt employees should report to work no more than 5 minutes after their scheduled starting time nor stay more than 5 minutes after their scheduled stop time without expressed, prior authorization from their department head.

It is the employees' responsibility to sign/approve their time records to certify the accuracy of all time recorded. The department head will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the department head must verify the accuracy of the changes by initialing the time record or recording in the time and attendance system.

## **2A-7 PAY PERIODS**

The pay period for Frio County shall be a bi-weekly pay period with the pay period dates established by the Commissioners' Court. If a payday falls on a holiday or a weekend, paychecks shall be issued on the last workday immediately preceding the holiday or weekend.

The Texas Payday Law does not apply to political subdivisions of Texas (Counties), therefore final wages will be issued on the regularly scheduled payday.

## **2A-8 WORK SCHEDULES**

The normal hours of work for most positions in the County shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday. It is necessary that every full time Frio County employee work their 40 hours a week, employees will need to utilize any available leave to complete 80 hours a pay period. Employees will be required to pay the monthly premium of their health benefits if they do not. Each official or department head shall determine the exact working schedules for their employees. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

For financial liability reasons, employees will need to clock in no earlier than 7:55 a.m.; a lunch break should be 1 hour long, if a 30-minute lunch is taken, then the employee will need to clock out at 4:30 p.m. as to not generate too much compensatory time.

## **2A-9 HOURS WORKED**

All employee hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The workday for the County shall begin at 12:01 a.m. each day and end 24 consecutive hours later.

## **2A-10 LAW ENFORCEMENT PAY AND OVERTIME**

Frio County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 14 days and overtime will be due after 86 hours actually worked. Hours worked after 86 hours in a 14-day work period are accrued at time and a half and added to comp time balance. Law enforcement employees are paid at their regular hourly rate for all hours worked up to 86 hours. When comp time hours are paid out, the regular rate is calculated starting with the base hourly rate and includes any additional incentive pay (i.e., longevity, cell phone allowances, etc.) Paid leave shall not be counted in determining if overtime has been worked in any work week. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

## **2A-11 OVERTIME CALCULATIONS AND RULES**

Overtime shall include all time actually worked for the county in excess of 40 hours in any workweek, with the exception of law enforcement (See policy on "Law Enforcement Pay and Overtime").

Paid leave shall not be counted in determining if overtime has been worked in any workweek. In emergency situations, when operating needs or other requirements cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these situations will be provided. All overtime work must receive the department head's prior authorization.

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. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for the purposes of performing overtime calculations. Failure to work scheduled overtime or overtime worked without prior authorization from the department head may result in disciplinary action up to and including termination of employment.

If the employee is out of compliance on compensatory time, the supervisor must identify a deliberate course of action to reduce the accrued hours in a reasonable amount of time. It is the elected official's/department head's responsibility to monitor the plan and comply with following the overtime policy.

The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours for regular employees and 400 law enforcement. When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until compensatory time has been used to bring the balance below the maximum.

Employees shall be allowed to use earned compensatory time within a reasonable period after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works. Compensatory time may be used for any purpose desired by the employee with department head approval. Department Heads shall have the right to require employees to use earned compensatory time at the convenience of the county.

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

Frio 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. Frio 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.

## **2A-12 DEMOTIONS**

Demotions are the movement of an employee from one position to another with a decreased responsibility or complexity of job duties or to a lower salary. Elected officials, appointed officials or department heads may choose to demote or re-assign any employees who are unable to meet performance requirements, for disciplinary reasons or for any other reason as deemed necessary by the official. Upon demotion, an employee's salary may be adjusted downward.

## **2A-13 TRANSFERS**

Transfers are the lateral movement of an employee from one position to another with the same responsibility or complexity of job duties with no change in salary.

Elected officials, appointed officials or department heads may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-14 PROMOTIONS**

Promotions are the movement of an employee from one position to another with an increased responsibility or complexity of job duties, and to a higher salary.

Elected officials, appointed officials or department heads may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by Commissioners Court.

## **2A-15 SEPARATIONS**

A separation shall be defined as any situation in which the employer-employee relationship between the County and a County employee ends. All separations from Frio County shall be designated as one of the following types: 1) resignation; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

A resignation shall be classified as any situation in which an employee voluntarily leaves their employment with Frio County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to their elected official or department head.

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify their departmental head of that intent at least 30 days prior to the actual retirement date to help prevent delays in starting the payment of retirement benefits.

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. Frio County is an “at will” employer and a department head may dismiss an employee at any time for any legal reason or no reason, with or without notice. An employee shall be separated from employment because of a reduction in force when their position is abolished or when there is a lack of funds to support the position or there is a lack of work to justify the position.

A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the County, their designated beneficiary or estate shall receive all earned pay and payable benefits.

Departing employees must return all County property that had been issued to them, arraignments for returning property should be made at the time of separation. Property includes uniforms, keys, cell phones, badges, etc. If an employee fails to return property, this is considered theft can result in possible criminal charges.

Any departure with Frio County, a rehire employee must wait 3 calendar months upon returning to any Frio County positions including part-time.

## **2A-16 RETIREE REHIRES**

Retired employees shall be eligible to apply for open positions with Frio County as long as the following provisions are met: 1) The retiree has been retired for at least 3 calendar months, 2) No prior arrangement or agreement was made between Frio 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 3 calendar months. A bona fide separation means there is no prior agreement or understanding between Frio 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.

## **B. EMPLOYEE BENEFITS**

### **2B-1 HEALTH AND DENTAL PLANS**

All full-time regular employees of Frio County shall be eligible for the group medical plan and dental plan benefits after completing the waiting period. Regular variable hour employees who work an average of thirty (30) or more hours a week in the measurement period will be eligible for health insurance after the measurement period. Regular part time, temporary seasonal, temporary short term part time, and regular variable hour employees who work an average of less than thirty (30) hours a week in the measurement period will not be eligible for health insurance.

Eligible employees may cover their qualified dependents by paying the full premium for the dependents. Deductions for dependent coverage shall be made through payroll deduction from the employee's paycheck each pay period.

Details of coverage under the group medical insurance plan and dental plan are available in the County Human Resources Office and may be obtained during the normal working hours for that office.

Full-time regular employees ready for retirement have to be employed with the County for 15 consecutive years and be over the age of 50 to be eligible for (pre-65) retiree benefits.

Senate Bill 51 requires health insurances carriers to maintain coverage for participants through the end of the month in which the termination is reported.

Employees who leave the employment of Frio County or who lose their coverage eligibility, may be eligible for an extension of the medical plan for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA). If an employee is unable to return to work following FMLA leave, if eligible, they will be offered COBRA. Information on extension of benefits under COBRA is provided by Blue Cross Blue Shield of Texas. All eligible employees and qualified dependents will be provided with COBRA information following their termination.



## **2B-2 OTHER PLANS – LIFE, SUPPLEMENTAL**

Frio County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Frio County provides supplemental insurance coverage under current insurance carrier. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from the Treasurer's Office.

## **2B-3 VACATION**

The following employee classifications shall be eligible for the vacation benefits after the 90-days probationary period: Full-Time Employees. These following employee classifications shall not be eligible for the vacation benefit: part-time employees. The length of eligible service is calculated on the basis of a "calendar year." This is the 12-month period that begins when the employee's 90 days probationary period has been completed. An employee's calendar year may be extended for any significant leave of absence except military leave of absence.

Employees who have worked for less than 1 year in a position eligible to receive vacation shall earn vacation at the rate of 3.33 hours per month, which is equivalent to 40 hours per year. Employees who have worked for more than 1 year in a position eligible to receive vacation shall accrue vacation at the rate of 6.67 hours per month, which is equivalent to 80 hours per year. Employees who have worked for 10 or more years in a position eligible to receive vacation shall accrue vacation at the rate of 10 hours per month, which is equivalent to 120 hours per year.

Vacation shall not be accrued while an employee is on leave without pay. Accrual of vacation shall begin at the time an employee begins work in a position eligible to accrue vacation, but an employee must work for a minimum of 3 months in such a position before being eligible to take any vacation.

Employees may carry up to 40 hours of unused vacation time forward to the next benefit year (Calendar Year).

Scheduling of vacations shall be at the discretion of the individual department head.

Employees shall only be able to use vacation which has already been accrued and shall not be allowed to borrow vacation against possible future accruals. Employees shall not be allowed to receive pay for vacation in lieu of taking time off.

If a holiday falls during an employee's vacation, then the employee will not be charged for the days that are holidays.

If an employee has worked for at least 3 months in a position which accrues vacation at the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for all unused vacation up to the maximum allowed under this policy.

Each employee shall be responsible for accurately recording all vacation time used on their time sheet.

Only the appropriate amount of vacation hours will be used to account for the minimum number of hours needed for the designated work week/work period.

#### **2B-4 SICK**

The following employee classifications shall be eligible for the sick leave benefits after the 90 days probationary period: Full-Time Employees. These employee classifications shall not be eligible for the sick leave benefit: Part-Time Employees.

Eligible employees shall accrue sick leave at a rate of 8 hours per month, totaling 96 hours per 1-Year. Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit.

The maximum amount of unused sick leave an employee shall be allowed to have at any time is 480 hours.

Sick leave may be used for the following purposes: 1) illness or injury of the employee; 2) appointments with physicians, optometrists, dentists, and other qualified medical professionals; or 3) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, foster child or other relative living in the employee's home who is dependent on the employee for care.

Where sick leave is to be used for medical appointments, an employee shall be required to notify their supervisor of the intent to use sick leave as soon as the employee knows of the appointment. Where use of sick leave is not known in advance, an employee shall notify their supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practicable. Where it is not practicable to notify the supervisor within 15 minutes of the normal starting time, the employee should notify their supervisor as soon as is reasonably practicable. If the employee feels that the situation will cause the employee to miss more than one day of work, the employee should notify their departmental head of the anticipated length of absence. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the departmental head shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employee's own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.

Employees shall not be allowed to borrow sick leave against future accruals. Employees shall not be paid for unused sick leave at the termination of employment.

Sick leave may not be used as vacation or any other reason not addressed in this policy.

Only the appropriate amount of sick hours will be used to account for the minimum number of hours needed for the designated work week/work period.

## **2B-5 SICK POOL POLICY**

### **PURPOSE:**

1. The purpose of this policy is to provide a Sick Leave Pool Policy which will enable County employees to voluntarily transfer sick leave time earned by the employee to a county sick leave pool and to permit employees to draw time in the event of a catastrophic injury or illness.

### **DEFINITIONS:**

2. Eligible employees will be any employee earning sick leave time that has completed six (6) months of employment. Elected officials will not be considered eligible employees.
3. Catastrophic injury or illness is one that prevents an employee from performing the functions of their job for an extended period of time.
4. Examples of illness/injuries generally considered severe enough to be catastrophic include but are not limited to:
  - a. Stroke with residual paralysis or weakness
  - b. Incapacitating heart attack
  - c. Major surgery (for example-hysterectomy, mastectomy, heart bypass, prostate surgery)
  - d. Hepatitis
  - e. Broken hip
  - f. Joint replacement
  - g. Amputation
  - h. Organ transplants
  - i. Cancer diagnosis
5. Examples of illness/injuries that generally would not be considered severe enough to be catastrophic include but would not be limited to:
  - a. Broken limb
  - b. Cold/allergy
  - c. Certain types of surgery with minor or not complications, including elective surgery
  - d. Pregnancy with minor or no complications

## PROCEDURES:

6. The Frio County Human Resources Director is designated the administrator of the Sick Leave Pool Policy and is responsible for the administration of the Pool in accordance with this policy. In addition to the Human Resources Director, four (4) other appointed/elected Frio County officials shall serve on the Sick Leave Pool Committee. The members of the committee shall be named biennially by Commissioners Court by February 10<sup>th</sup>. The administrator of the Sick Leave Pool Policy will approve, in writing, contributions to the Pool. A monthly report shall be made to Commissioners Court for any activity in the Pool by the administrator.
7. An eligible employee may contribute a maximum of 80 hours of earned, accrued sick leave (in increments of 8 hours) to the Pool each fiscal year. Contributions are strictly voluntary. Sick leave time will be deducted from the employee's sick leave as if he/she had used it and credited to the Sick Leave Pool Fund. An employee who is terminated or who resigns or retires may donate all or any portion of their accrued sick leave time.
8. An employee who is unable to work due to illness/injury and who has exhausted all paid leave may be eligible for leave under this policy.
9. An employee need not have contributed to the Sick Leave Pool to be eligible to receive time from the Pool.
10. To apply for use of time from the Sick Leave Pool, an eligible employee must complete a Sick Leave Pool Request form and submit it to the administrator along with a copy of Certificate of Illness/Injury. The Certificate of Illness/Injury must be completed by both employee and a licensed physician.
11. The Committee will review each request on an individual basis to determine whether the condition is appropriate to be considered catastrophic and eligible to receive a grant of sick leave from the Pool. Each committee member must sign the Request for Pool Leave form authorizing the use of Pool time.
12. An employee who contributes to the Pool and then exhausts their regular sick leave within the same fiscal year may retrieve the amount of time they contributed that fiscal year (if available) even if employee does not have a catastrophic illness/injury.
13. Eligible employees may be granted up to a maximum of one-third (1/3) of the total time in the Pool or 180 days, whichever is the lesser. Available Pool leave is to be granted on a first-come, first-serve basis. The committee shall determine the exact amount that an eligible employee may use.
14. Employee on Pool Leave will not accrue vacation, sick leave, and personal leave during the period of time on Pool Leave. Holidays that occur during Pool Leave are not counted as Pool Leave time.
15. The Committee may require the requesting employee to provide additional information or documentation to determine whether to approve a request to Pool Leave. The Administrator will respond to each request as promptly as possible. Normally approval, denial, or additional requirements will take place within five (5) business days.

16. The estate of a deceased employee is not entitled to payments for unused sick leave acquired by the employee from the County Sick Leave Pool.
17. For the purposes of this policy, a day shall be defined as an eight-hour day.

**CONFIDENTIALITY CLAUSE:**

18. Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to the elected/appointed official and Human Resources. Such exams are strictly regulated by the Americans with Disabilities Act and Health Information Privacy Protection Act (HIPPA) in accordance with the HIPPA regulations.

**RETURN TO WORK:**

19. Employees who are out on leave and are using the Sick Leave Pool shall be required to provide to their department head/elected official and to the Human Resources office, a physician's release form before being allowed to return to work.
20. The department head/elected official, Human Resources office, and employee will review information received from the doctor and jointly determine if appropriate work is available if the employee is not given a full release.

**2B-6 HOLIDAY**

The following employee classifications shall be eligible for the holiday benefit: full-time employees. These employee classifications shall not be eligible for the holiday benefit: part-time employees.

The County holidays shall be determined by the Frio County Commissioners' Court.

If a paid holiday occurs during the other paid leave of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's leave balance. If a designated holiday falls on an eligible employee's day off, the employee shall be allowed to take another day off with pay during the following preceding day after the Holiday. An employee shall not be allowed to take a day off with pay prior to a holiday in anticipation of working on the holiday.

An eligible employee called in to work on a holiday because of an emergency, or other special need of the County, shall be given paid time off during the next preceding day's equivalent to the amount of time designed for the holiday.

Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Frio County. Each department head is responsible for granting this leave based on the needs of their individual departments. Vacation, compensatory time, or leave without pay may be used for special leave granted. An

employee, who is on leave of absence without pay, shall not be paid for any official holiday occurring during such leave.

Holidays do not accrue and if they are not taken, they will not be paid at termination.

### **2B-7 JURY DUTY**

All employees of Frio County who are called for jury duty shall receive their regular pay for the period they are called for jury duty, which includes both the jury selection process and, if selected, the time they actually serve on the jury.

Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside the employee's normal work schedule. Any fees paid for jury service may be kept by the employee.

All employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County shall be entitled to leave with pay for such period as their court attendance may require. If an employee is absent from work to appear in private litigation in which they are a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

### **2B-8 BEREAVEMENT LEAVE**

All employees shall be allowed up to five days of bereavement leave for the death of a spouse, child, or parent. Three working days for other relationships such as a brother, sister, father or mother in-law, grandparent, or grandchild. One day for an uncle, aunt, nephew, niece, great grandparent, great grandchild or other in-law relationships. Special consideration may also be given to any other person whose association with the employee is similar to the above relationship.

In addition, four hours per occurrence or up to 12 hours per calendar year allowed to attend funeral services for a non-family member or close friend. If leave is needed beyond the limits set in this policy, it may be charged to available vacation or compensatory time or to leave without pay. Employees, who wish to take time off for bereavement leave, should notify their department head or supervisor immediately.

### **2B-9 MILITARY LEAVE**

All Frio County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal year with pay for active duty or to attend active or inactive authorized training sessions and exercises. The fifteen (15) day paid military leave shall apply to the Federal Fiscal year and any unused balance at the end of the year shall not be carried forward into the next Federal Fiscal

year. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule. An employee may use vacation leave, earned compensatory time, or leave without pay if they must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen-day maximum.

Any Frio County employee who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team called to state active duty by the governor or another appropriate authority in response to a disaster is entitled up to 7 days of paid disaster leave per fiscal year. This leave is in addition to the paid leave provided for authorized training or duty otherwise authorized or ordered. During disaster leave under these provisions, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time.

An employee going on military leave shall provide their departmental head with a set of orders within two (2) business days after receiving them.

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

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

## **2B-10 PAID QUARANTINE LEAVE**

Frio County shall provide paid quarantine leave for fire fighters, peace officers, detention officers, and emergency medical technicians employed by Frio 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 fire fighters, peace officers, detention officers and emergency medical technicians, as defined by this policy, who are employed by, appointed to, or elected to their position.

"Detention officer" means 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" means an individual who is certified as an emergency medical technician under Chapter 773, Health and Safety Code; and employed by the county.

"Fire fighter" means a paid employee of a municipal fire department or emergency services district who holds a position that requires substantial knowledge of firefighting; has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and performs a function listed in Section 143.003(4)(A).

"Health authority" has the 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" means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed 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. An employee on qualifying paid quarantine leave will not have their leave balances reduced.

Off duty exposures will not be covered under this policy.

#### **2B-11 RETIREMENT**

All regular employees shall be eligible for the retirement benefit offered through the Texas County and District Retirement System. Temporary seasonal and temporary short-term part-time employees will not be eligible for retirement benefits. Eligible employees shall make contributions to the retirement program through a system of payroll deduction. Frio County shall make a contribution to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the Human Resources Office during the normal working hours for that office.

#### **2B-12 SOCIAL SECURITY/MEDICARE**

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Deductions for these programs will be taken from each paycheck.

#### **2B-13 FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

The federal Family and Medical Leave Act of 1993 (FMLA) requires an employer to provide eligible employees with unpaid leave under certain circumstances. There are two types of leave available:

- 1) the basic 12-week FMLA entitlement; and
- 2) the Military Family Leave (MFL) entitlement described in this policy.



## **ELIGIBILITY:**

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

- 1) have worked for Frio 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; **and**
- 3) are employed at a work site that has 50 or more employees within a 75-mile radius.

Any employees with any questions about their eligibility for FMLA leave should contact Human Resources for more information.

## **QUALIFYING EVENTS:**

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

- 1) the birth of a child and 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.

## **SERIOUS HEALTH CONDITION:**

Serious health condition is 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.

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 within first seven days of incapacity that results in a regimen of continuing treatment by a health care provider.
- 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 that is permanent or long term due to a condition for which treatment is not effective.
- 5) Any period of incapacity or absence to receive multiple treatments by a health care provider.

#### **QUALIFYING EXIGENCY LEAVE:**

An eligible employee may be entitled to use up to 12 weeks of their FMLA leave entitlement to address certain qualifying exigencies. Leave may be used if the employee's spouse, child of any age or parent in the Armed Forces (Regular, Reserves or National Guard) is on active duty or called to active-duty status in a foreign country.

Qualifying exigencies may include:

- 1) short-notice deployment (up to seven days of leave);
- 2) attending certain military events and related activities;
- 3) arranging for alternative childcare;
- 4) addressing certain financial and legal arrangements;
- 5) periods of rest and recuperation for the covered military member (up to fifteen days of leave);
- 6) attending certain counseling sessions;
- 7) attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active-duty status);
- 8) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee;
- 9) attending family support or assistance programs and informational briefings;
- 10) acting as the covered military member's representative before a governmental agency;
- 11) addressing issues that arise from the death of a covered military member while on active-duty status in a foreign country; and
- 12) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and employee.

## **LENGTH OF LEAVE:**

An employee may use up to 12 weeks leave per 12-month period under this policy. Frio County sets the 12-month period used under this policy as

- *the 12-month period measured forward from the date any employee's first FMLA leave begins; or*

A married couple who both work for the county is entitled to a maximum combined leave of 12 weeks in any 12-month period for the birth of healthy newborn child (i.e., bonding time) or placement of a child, or care for a parent with a serious health condition. The combined limit for a married couple employed by the county is 26 weeks in a single 12-month period if leave is to care for a covered service member or veteran with a serious injury or illness.

## **MILITARY CAREGIVER LEAVE:**

An eligible employee may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is either a current member or veteran of the Armed Forces (Regular, Reserve or National Guard).

An eligible employee may take up to 26 weeks of leave to care for a covered service member of the Armed Forces (Regular, Reserve, or National Guard) who has been rendered medically unfit to perform their duties due to a serious injury or illness incurred in the line of duty while on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve, or National Guard) 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 five years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

The MFL entitlement is applied on a per-injury basis and an eligible employee may be entitled to take more than one period of 26 weeks of leave if the leave is to care for different covered service members or covered veteran with a subsequent serious illness or injury, except that no more than 26 weeks may be taken within any single 12-month period.

An eligible employee may begin taking military caregiver leave up to five years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the five-year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the five-year period.

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the county's operations.

**WORK RELATED INJURY:**

Frio County will always designate qualifying work-related injuries with lost time as FMLA qualifying.

**SUBSTITUTION OF PAID LEAVE:**

Frio County requires substitution of paid leave for all FMLA or MFL events. An employee must follow the compensatory, vacation and sick leave policy guidelines: Employee also must use all of the earned compensatory time for FMLA or MFL events prior to using accrued vacation or sick leave. The balance of FMLA is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave.

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

**CONTINUED EMPLOYEE BENEFITS:**

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums due to the county with a money order no later than 30 days after the date of the pay period in which the premium comes due. The county may cancel unpaid coverage by providing the employee advance written notice, not less than 15 days before the coverage will be cancelled for non-payment.

At the end of the 12-week leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, an eligible employee will be:

- 1) Offered COBRA if they are unable to return to work

## **INTERMITTENT LEAVE AND REDUCED SCHEDULE:**

An employee may take intermittent leave under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member or the care of a covered military member or veteran.

An employee may work a reduced schedule under this policy if it is necessary for the care and treatment of a serious health condition of the employee, the employee's eligible family member, or the care of a covered military member or veteran.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy will be deducted from the employee's 12-week or 26-week leave eligibility in a single 12-month period.

## **CERTIFICATION REQUIREMENTS:**

The county has the right to ask for certification of the serious health condition of the employee or the employee's eligible family member when the employee requests or is using leave under this policy.

The county may send a request for medical certification to an employee who has been out of work for three or more days to determine the employee's FMLA eligibility. The employee is requested to have their physician complete and return the medical certification, or provide appropriate documentation, within 15 days of the employee's receipt of the form to be eligible for FMLA. An employee's failure to return the medical certification may result in denial of FMLA by the county.

The employee must respond to the county's request for certification within 15 days of receipt of the request or provide a reasonable explanation for the delay in writing before the 15<sup>th</sup> day after receipt of the request. If an employee does not provide certification or otherwise respond, the county may deny leave under this policy.

If an employee requests intermittent leave or a reduced work schedule, the certification submitted must also include the dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule. The county may request re-certification for intermittent or reduced schedule leave every six months in connection with an eligible absence.

The county may ask for a second opinion from a health care provider of the county's choice, at the expense of the county, if the county has reason to question the certification, unless the leave is necessary to care for a seriously injured or ill covered service member supported by an invitational travel order (ITO) or invitational travel authorization (ITA) to join an injured or ill service member at their bedside.

If there is a conflict between the certification submitted by the employee and the second certification obtained by the county, the county may require a third certification, at the expense of the county, from a health care provider agreed upon by both the employee and the county. The third opinion is final and binding on the county and the employee.

#### **REQUESTING LEAVE:**

Unless FMLA leave is unforeseeable, an employee is required to submit a written request for leave under this policy to their immediate supervisor.

Where reasonably practicable, an employee should give their immediate supervisor a minimum of 30-days' notice before beginning leave under this policy. Where it is not reasonably practicable to give 30-days' notice, the employee is required to give as much notice as possible.

#### **REINSTATEMENT:**

An employee returning from leave under this policy, and who has not exceeded the 12-week maximum leave period allowed, will be returned to the same job or a job equivalent to the job the employee held before going on FMLA leave. An employee who has not exceeded the 26-week maximum leave period in a single 12-month period, allowed to care for a seriously ill or injured covered military member, will be returned to the same job or a job equivalent to the job the employee held before going on leave.

If an employee is placed in a different position, it will be one with equivalent status, pay, benefits, and other employment terms and which entails substantially equivalent skill, effort, responsibility, and authority.

The county has no obligation to reinstate an employee who takes more than the 12 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave allowed, including an employee with available sick or vacation leave.

#### **REPAYMENT OF BENEFITS:**

Unless an employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or another situation beyond the control of the employee, an employee who does not return to work after using the maximum leave allowed under this policy will be required to reimburse the county for all medical premiums and other benefits paid by the county while the employee was on leave without pay related to their FMLA leave.

#### **OTHER BENEFITS:**

While on leave without pay under this policy, an employee does not earn vacation or sick leave, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at

work, except as stated in this policy, unless other employees who go on leave without pay are allowed to do so.

An employee who is out on approved FMLA leave may not take trips outside of the county unless the travel is related to the employee's own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. An employee may ask their immediate supervisor for written permission to take other trips outside of the county which may be granted at the supervisor's sole discretion.

Employees are forbidden from working another job or actively seeking other employment while on approved FMLA leave from the county.

**REGULATION:**

Any area or issue regarding family and medical leave that is not addressed in this policy is subject to the basic requirements of the FMLA and the regulations issued to implement it.

**RETURN-TO-WORK:**

An employee is required to provide a fitness-for-duty certification before the employee returns to work.

**ENFORCEMENT:**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer for unlawful discrimination under the FMLA. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any federal or state law that provides greater family of medical leave rights.

**2B-14 LEAVE OF ABSENCE - OTHER**

Employees may request a personal leave of absence to a maximum of 12 days. Personal leaves of absence may include reasons such as extended vacations, continuing education, extended bereavement, or other personal matters. Personal leaves of absence are granted solely at the discretion of the elected official, appointed official or department head.

Employees on personal leaves of absence are converted to an inactive status and do not accrue any benefits. Employees may continue the county health plan but they are responsible for the entire premium, which includes both their portion and the county portion. The employee must pay for the premium on the first of each month, lack of payment will result in medical plan termination and the employee will become eligible for COBRA. Return to work on a personal leave of absence is not guaranteed and is subject to current business conditions and an appropriate job opening.

**TIME OFF TO VOTE:**

Frio County encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, Frio County will grant up to one hour of paid time off.

Every employee should request time off to vote from their supervisor at least two working days prior to Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.