



# **ERATH COUNTY**

# **EMPLOYEE HANDBOOK**

Approved and Adopted September 27, 2023

Amended October 10, 2023: 2A-11: OVERTIME CALCULATIONS AND RULE

**ERATH COUNTY**  
**EMPLOYEE HANDBOOK**

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## EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

I have received a copy of the Erath County Employee Handbook that outlines my benefits and obligations as a County employee. I understand that I am responsible for reading and familiarizing myself with the information in this handbook and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this handbook, I will contact my immediate supervisor.

I further understand that the Erath County Employee Handbook is not a contract of employment. I understand that I am an at-will employee and that either the County or I may terminate my employment at any time, with or without cause, and with or without notice.

I understand that this employee handbook is intended to provide guidance in understanding of Erath County's policies, practices and benefits. I understand that Erath County retains the right to change this handbook at any time, and to modify or cancel any of its employee benefits when the need for change is recognized.

I understand as a County employee, I 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.

I further understand that as an Erath County employee, I am expected to provide quality service to the public; to work towards the highest degree of safety possible for my fellow workers, to continually make suggestions for improvements, and to display a spirit of teamwork and cooperation.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing. If I am required to have a Commercial Driver's License (CDL) for my county position, I will be subject to random, reasonable suspicion, post-accident and follow-up drug and alcohol testing.

I have read these policies and understand these policies and I agree to abide by and adhere to these policies.

---

Printed Name of Employee

---

Signature of Employee

---

Date Signed

**COUNTY OF ERATH COUNTY  
COMMISSIONERS COURT ORDER**

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

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

THEREFORE, BE IT RESOLVED that the Erath County Commissioners Court hereby approves, and adopts the ERATH COUNTY EMPLOYEE HANDBOOK.

ADOPTED THIS 27<sup>th</sup> DAY OF September, 2023



County Judge



Commissioner Pct. 1



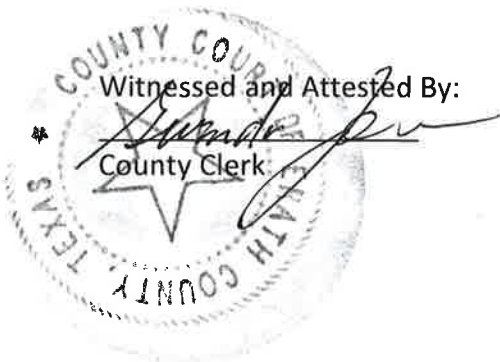
Commissioner Pct. 2



Commissioner Pct. 3



Commissioner Pct. 4



## RESOLUTION FOR ERATH COUNTY

I the undersigned have read the Erath County Employee Handbook that the Erath County Commissioners Court has adopted. As an ELECTED OFFICIAL of Erath County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Erath County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Erath County Employee Handbook, as witnessed by my signature below.

ALBERT RAY  
Printed Name of Elected Official

  
Signature of Elected Official

Pat. 2  
Office of Elected Official

9.29.23  
Date Signed

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I agree to be bound by the terms and conditions of the Erath County Employee Handbook, as witnessed by my signature below.

Brandon J. Huckabee  
Printed Name of Elected Official

  
Signature of Elected Official

County Judge  
Office of Elected Official

9-29-2023  
Date Signed



## RESOLUTION FOR ERATH COUNTY

I the undersigned have read the Erath County Employee Handbook that the Erath County Commissioner's Court has adopted. As an ELECTED OFFICIAL of Erath County, I endorse and approve the Employee Handbook. I approve the document as it reflects my commitment to Erath County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the Erath County Employee Handbook, as witnessed by my signatures below.

Joe Brown  
Printed Name of Elected Official

Joe Brown  
Signature of Elected Official

Commissioner #3  
Office of Elected Official

9-29-2023  
Date Signed

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I agree to be bound by the terms and conditions of the Erath County Employee Handbook, as witnessed by my signature below.

Jim Buck  
Printed Name of Elected Official

[Signature]  
Signature of Elected Official

PCT 4  
Office of Elected Official

9-29-23  
Date Signed

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I agree to be bound by the terms and conditions of the Erath County Employee Handbook, as witnessed by my signature below.

Dee Stephens

Printed Name of Elected Official

Dee Stephens

Signature of Elected Official

Commissioner Pct 1

Office of Elected Official

9-29-23

Date Signed

# Erath County Employee Handbook

Welcome to Erath County!

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

Erath 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 Erath County, and other information you will need. Each elected or appointed official may have detailed policy and procedures 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 Erath County employee. You should use this handbook as a ready reference as you pursue your career with Erath County. Please consult with your elected official, appointed official or department head regarding questions you may have concerning this employee handbook.

Welcome aboard!

Sincerely,



County Judge



Commissioner Pct. 1



Commissioner Pct. 2



Commissioner Pct. 3



Commissioner Pct. 4

# SECTION 1: GENERAL POLICIES

## A. COUNTY EMPLOYMENT

### 1A-1 EMPLOYMENT AT-WILL

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

Erath 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.

Erath 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 Erath County shall have the right to leave their employment with the County at any time, with or without notice.

### 1A-2 EMPLOYEE STATUS POLICY

**REGULAR FULL TIME:** A full time employee shall be any employee in a position which has a normal work schedule of at least thirty (30) hours per week. Full time employees are eligible for county benefits for which they are qualified. 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. Erath 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 which has a normal work schedule of less than twenty-nine (29) hours per week. All regular part time employees must be placed on TCDRS retirement regardless of the number of hours worked per week. Regular part time employees are not entitled to most county benefits.

**TEMPORARY:** A temporary employee shall be any employee who is hired into a position that is expected to last for a specific duration or until a specific project is completed. Temporary employees may have work schedules as assigned by their manager. Temporary employees are not entitled to any county benefits.

All employees are considered to be “at will” employees and employee status shall not be considered a contract of employment.

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, vision, and dental.

All other classifications must be included in the county initial and/or standard measurement periods for the Affordable Care Act.

**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 number 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 less than thirty (30) 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.

**Temporary Full Time:** A temporary short-term full-time employee shall be any employee who is expected to work for thirty (30) or more hours each week in a position that is expected to last for a specific period of time or until a specific program is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into a regular full-time status. Temporary short-term full-time employees are not eligible for retirement benefits under TCDRS. Temporary full-time employees will be eligible under the Affordable Care Act for county health benefits. Other county policies will dictate eligibility for other benefits.

**Temporary Regular Variable Hour:** A temporary 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. This position will be expected to last for a specific period of time or until a specific program is completed, but no longer than 12 months. If this project goes beyond 12 months, the employee will move into either a Regular Full-Time position or a Regular Part Time position. 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 temporary full time or temporary part time depending on the hours worked. Temporary variable hour employees are not eligible for retirement benefits under TCDRS. Other county policies will dictate eligibility for other benefits.

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

Erath 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 Erath 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.

The County allows only service animals to be on County property. A service animal is defined as an animal that is trained to perform tasks for an individual with a disability. Erath County can ask for the service animal to be removed when: 1) the animal is out of control and the handler doesn't take immediate action to control the animal, or 2) when the animal is not housebroken.

It is Erath 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 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, County Attorney or department head. Reasonable accommodation shall be determined through an interactive process of consultation.



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

The Erath County Human Resources department will retain basic employee information in an individual personnel file, and the Sheriff's Office will retain personnel files that are made readily available to the Texas Commission on Law Enforcement for auditing purposes. A personnel file will include all pertinent employment documents such as resume, application, W-4, job description, garnishment orders and records, as well as, records concerning performance, discipline and compensation.

It is important that the personnel records of Erath County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Erath County requests employees to promptly notify the appropriate personnel representative or request through Employee Self Service (ESS) portal to make 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 the employee has 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**

Pursuant to Texas Government Code Chapter 573, a Public Official of Erath 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 they supervise or exercise control over.

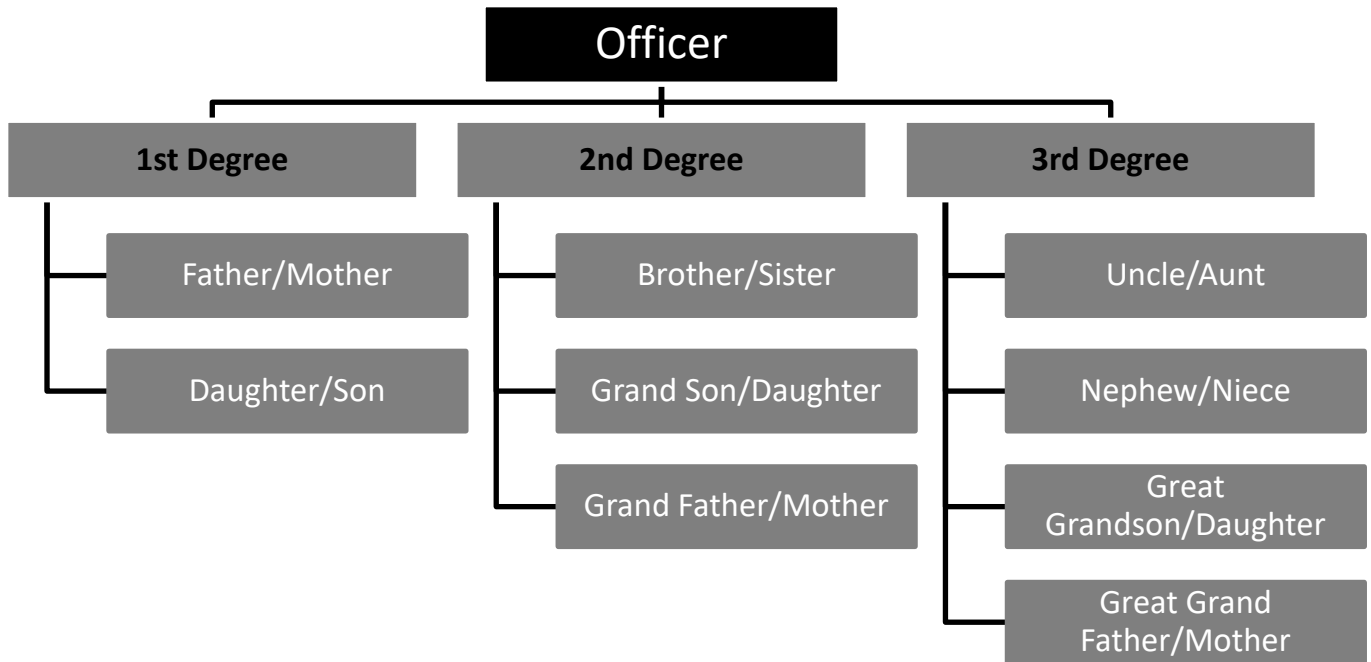
A relative of an elected or appointed official of Erath County shall not be hired on a contract basis unless the following criteria are met and the Commissioners Court gives approval.

- a) All reasonable efforts were made to get contract bids from other qualified individuals.
- b) The cost/quality ratio of the work expected from the individual is most favorable of all bidders; and
- c) The relationship created by the contract is not detrimental to the interest of the county.

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

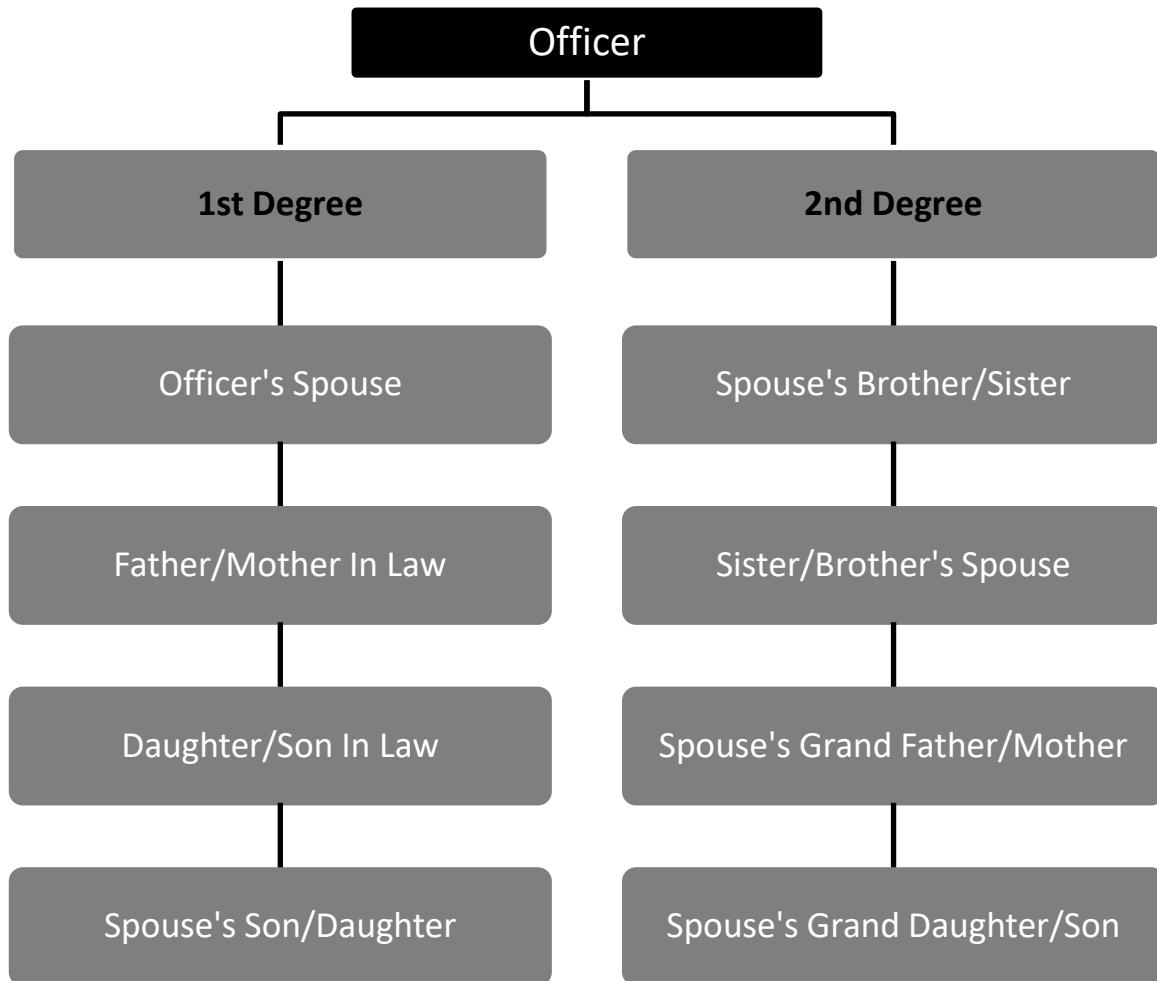
# CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



# AFFINITY KINSHIP CHART

(Relationship by Marriage)



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

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

As an Erath 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 supervisor unless prior approval for absence is given by the supervisor 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 1 hour prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

Calls to non-designated personnel (not the direct supervisor), text messages, or messages left on voicemail will not be considered appropriate notification unless prior approval from a supervisor is given.

Each supervisor must provide their employees with their personal cell phone or home phone number as a point of contact for their employees.

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

Each supervisor 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. Frequent unexcused absences or tardiness, as determined by your immediate supervisor, 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/BEHAVIOR CODE**

Erath County expects all employees to be well groomed, clean, and neat at all times. Each Elected Official or department head will determine the type of attire that is acceptable.

However, jeans with holes, shirts with inappropriate messages or clothing that when worn appears tight or is considered revealing will not be allowed.

Erath County employees are permitted to have tattoos while employed at Erath County. Tattoos that are exposed must be in a professional tasteful manner. Any tattoos that are considered unprofessional or untasteful by a supervisor must remain covered while at work.

Erath County employees are permitted to have piercings while employed at Erath County. The piercings that are exposed must be limited to maintain a professional appearance while at work. It will be left to the employee's supervisor to determine what is excessive or unprofessional piercings.

Erath County employees' hairstyles must remain neat and clean while at work. Erath County employees will not be discriminated for their natural hairstyles under the Texas state law CROWN Act 2023.

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**

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

Additionally, no tobacco is allowed on or in any property owned by Erath County. This includes but is not limited to motor vehicles or construction and/or road repair equipment or tractors.

This policy also applies to all visitors to Erath County property and/or employees. Visitors should be informed of this policy when necessary.

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

Employees of Erath 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 an Erath 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.

Employees shall not engage in private business activities during their working hours and shall not use County Property, equipment or facilities for such activities unless otherwise allowed by this policy (exception would be sheriff's office employees who are employed in a law

enforcement capacity off duty in Erath County where they may be called upon to take law enforcement action.)

Employees of Erath 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 political reason
- 3) Use any equipment, property or material owned by Erath County for political activity or engage in political activity while on duty for the County.

Employees will be allowed to cast a vote on election day while on duty by providing enough notification to supervisor.

Erath County will not enter into any contract to purchase any item from an elected county official. The county will not “do business” with any business owned by an elected county official, a partnership of which an elected county official is a partner, or any entity of which an elected county official is a shareholder, officer, or director. With Commissioner Court approval, Erath County could conduct business with the business of a current employee.

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**

Erath County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, sexual orientation or gender identity, including lesbian, gay, bi-sexual or transgender status, 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 interferes with work performance.

Harassment is strictly prohibited by Erath 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 official or department head may not be the best course of action, the report should be made to the County Judge, the County Attorney, or the Human Resource Manager.

Every reported complaint will be investigated promptly and thoroughly. While all claims of harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. 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 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.

It is the policy of Erath County to treat all employees with respect and dignity and not to discriminate against any employee on the basis of any protected class. Erath County prohibits any form of harassment. Harassment is prohibited by federal and state laws. This policy

prohibits harassment of any kind; and will take appropriate action swiftly to address any violations of this policy.

Harassment can include, but is not limited to, the following actions:

**Inappropriate Communication** – Involves any language that is unnecessarily loud or degrades or berates, including, but not limited to, racial, religious, or sexual comments or jokes, sexual innuendoes, inappropriate personal questions, or threats of any kind, whether communicated verbally, in writing, or electronically. Also involves offensive or inappropriate written materials including, but not limited to, pictures, letters, email messages, graffiti, etc.

**Physical Contact** – Includes, but is not limited to, inappropriate touching, hitting, kicking, or threatening another person, including restraining by force or blocking the path of another.

**Interference of Hostile Environment** - Includes any behavior or action which interferes with an employee's ability to perform job duties and responsibilities, or which results in or creates a hostile or intimidating work environment.

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

Sexual harassment is strictly prohibited by Erath County, whether committed by an elected official, an appointed official, a department head, a co-worker or a non-employee the county does business with. It is the policy of Erath 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 will 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 official or department head may not be the best course of action, the report should be made to the 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.

Use the following procedures so that your complaint may be 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, or Department Head who is responsible for your department or to the County Judge or the County Attorney.
- d) If a thorough investigation reveals that unlawful sexual harassment has occurred, Erath 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 official or department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.

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 Erath 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. 4) If an employee chooses to run for the office against the

incumbent or which he or she is employed, the employee must resign from their job at the time of their filing. 5) Employees may not be contacted during working hours by a candidate for endorsements or signatures for any petitions in lieu of filing fees.

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

Erath County employees are expected to give their full and undivided attention to their job duties. They should not use Erath County facilities or equipment or their association with Erath County to carry on a private business or profession. Unless express approval is obtained in advance and in writing from their immediate supervisor, county employees should not engage in a profit-making business nor become involved with a non-profit organization outside of their employment with Erath County that interferes with the employee's assigned duties with Erath County.

## **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. Erath County supports the practice of expressing breast milk.

Erath 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, and 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.

Erath 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 NOT required under the Fair Labor Standards Act. Department Heads/Elected Officials MAY allow employees up to (2) paid fifteen-minute breaks taken separately during each work day. These breaks will be scheduled by the Department Head/Elected Official and NO office should be left unattended during break time. 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.

## LUNCH

Employees will be allowed one hour for lunch, unless otherwise directed by the Department Head, Elected Official and Supervisor. Some individual departments remain open during this one-hour period in order to better serve the public. In these instances, Department Heads/Elected Officials may choose to alternate times or schedules for lunch breaks for employees if it is deemed that their particular office should remain open during the regularly scheduled period.

## 1B-10 GRIEVANCES

Any employee having a grievance related to their job should discuss the grievance with their immediate supervisor.

If the discussion with the immediate supervisor does not resolve the grievance, and, if the immediate supervisor 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 supervisor 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 supervisor 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.

Examples of reasons for administering discipline shall include, **but not be limited to:**

- 1) Insubordination;
- 2) Absence without approval, including failure to notify a supervisor of sick leave;
- 3) Repeated tardiness or early departure;
- 4) Endangering the safety of others through negligent or willful acts;
- 5) Intoxication or drug abuse while on duty;
- 6) Unauthorized use of public funds or property;
- 7) Violation of the requirements of these personnel policies;
- 8) Conviction of a felony;
- 9) Falsification of documents or records;

- 10) Unauthorized use of official information and unauthorized disclosure of confidential information;
- 11) Conviction of official misconduct;
- 12) Unauthorized or abusive use of official authority;
- 13) Incompetence or neglect of duty; and
- 14) Engaging in outside employment with conflicts or interference with the performance of duties for the county.

Progressive discipline will be administered.

All reprimands and disciplinary actions should be documented in writing and signed by the employee and elected official or department head. A copy of that documentation will be sent to the Human Resources department to be included in the employee's personnel file for retention.

**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.**

Erath County retains the right to terminate the employment of any individual at any time for any legal reason, or no reason, with or without 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**

Erath County has many positions that require licenses and certifications, and it is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to obtain, renew or keep a license or certification, they must immediately notify their supervisor. 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, Erath 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 appropriate entities for a public announcement. 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 continuously operating public safety and service departments. Many county personnel will be required to work during emergency closings. Each elected 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**

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

Regarding the personnel information on employees of Erath 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's requirements.

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

An employee may, in good faith, report an alleged violation of an Erath County Policy or federal or state law to their supervisor, department head/elected official, or human resources, 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 County Judge, County Attorney, District Attorney or Sheriff. The county will investigate the reported activity.

An official, supervisor, department director, 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, County Attorney, District Attorney, and/or County Judge.

An employee with a question regarding this policy should contact Human Resources or the County Attorney.

## **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 any 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 employees 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. 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.

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, and will be required to take a post-accident drug test within 4 hours. A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor, County Auditor, County Attorney, County Judge, and Human Resource Department.

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

Erath 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.

Erath County strongly discourages 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.

Erath 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 and including loss of CDL.

Employees in possession of Erath County-owned cellular phones are required to take appropriate precautions to prevent theft and vandalism.

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

Employees who have county cell phone must give their supervisors or the County Judge the passcode upon request.

There is no expectation of privacy in a county cell phone. Any inappropriate use of the county cell phone may result in disciplinary action up to and including termination of employment.

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

The use of Erath County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for Erath 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 Erath County computers, networks, and Internet access is a privilege granted by officials or 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 an including termination.

Erath County owns the rights to all data and files in any computer, network, or other information system used in the county. Erath 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. Erath County has 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 or download any illegal or unauthorized downloads. Erath County monitors all of its 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 Erath County electronic systems, unless expressly permitted to do so by their supervisor and/or IT department. Violation of this policy may result in disciplinary action, up to and including termination of employment.

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

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

All Erath 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 employees 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. Erath County runs FMLA and worker's compensation leave concurrently.

Any employee who suffers a job-related illness or injury is required to notify their supervisor 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.

Erath County will make every effort to bring the injured employee back to work as soon as reasonably possible. Erath County has a return-to-work policy in place and if a position is found that will meet all the restrictions, the employee will be given a bona fide offer of employment.



If the employee refuses to return to work, and family medical leave has been exhausted, workers' compensation benefits may be affected, and the employee may be terminated.

## **1D-2 RETURN TO WORK**

This policy covers employees who are on leave due to a work-related injury or illness. Because employees are our most valuable resource, Erath County attempts to help employees return to work as soon as possible.

An employee on leave due to a work-related injury or illness may return to work only when Erath County receives a medical release from the treating doctor. It is a violation of County policy for any employee receiving workers' compensation benefits of any kind to be employed with a third party on a full-time or part-time basis. Violation of this policy may result in termination.

### **Return to work options:**

- Return to prior position at full duty with doctor release stating that the injured employee can perform the job functions without restrictions.
- Light Duty: For any employee who is not able to return to their prior position and perform the regular duties of that job but can return with certain restrictions, Erath County will try to accommodate light duty when possible, but **cannot guarantee** the availability of light duty.

Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time of injury or illness. The pay rate for light duty is based on the knowledge, skills, and abilities required for that job, as well as general market conditions. Employees in a light duty position are not permitted to supplement their workers' compensation benefits by using their vacation, holiday, compensatory or sick leave.

**Four (4) week limit** - Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be initially offered for a period of four (4) weeks, and then will be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician (unless FMLA time is still available).

**Employee refusal of work** - In the event an employee refuses to return to regular or light duty work in response to a written, bona fide offer of employment by Erath County, the employee may be separated from employment with Erath County, subject to FMLA qualification, and the employee's position may be filled permanently. A written, bona fide offer of employment must clearly state:

- The position offered and the duties of the position;
- Erath County's agreement to meet the conditions set out by the treating doctor; and
- The job's wage, working hours and location.

### **Medical Information**

All employees' medical information is held in strict confidence in accordance with the Americans with Disabilities Act Amendments Act (ADAAA). Medical inquiries are limited to those permitted under Texas Workers' Compensation Statute and applicable federal law.

### **Coordination with FMLA**

Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law. It is Erath County's policy to designate an employee's leave due to a work-related injury or illness as FMLA, if eligible. Erath County counts the period of any employee's light duty assignment toward the employee's FMLA entitlement.

Until employees have exhausted their twelve (12) week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided they are able to perform the essential functions of the job.

## **1D-3 EMPLOYEE SAFETY**

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

Each County employees 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 supervisor will provide you with specific information pertaining to your position.

Failure to follow the safety standards set by the County or an employee's supervisor 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.

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

Erath 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 Erath 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, operating County equipment, or while on duty for the County.

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. 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 use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty).

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

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

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

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.

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

**Pre-employment drug testing:**

Erath County has a pre-employment drug testing requirement that must be fulfilled 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.

**Suspicion-Based Testing:**

“Under the Influence” shall be defined as having a blood alcohol concentration of 0.01 or more.

**Reasonable Suspicion** – If an employee is having work performance problems or displaying behavior that may be alcohol- or drug-related, or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy where immediate action is necessary, the elected official, supervisor or department head will require that employee to submit to alcohol or drug testing. The following conditions might be signs of possible alcohol or drug use (not an all-inclusive list):

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

Elected Officials, supervisors or department heads must take action if they have reason to believe one or more of the above listed conditions is indicated and that substance abuse is affecting their employee’s job performance or behavior. The following steps will be taken:

1. Confront the employee involved and keep them under direct observation until the situation is resolved. Inform the employee of the problem with their job performance and specific violations of County policy.
2. If the supervisor believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a drug or alcohol test. If the employee refuses to submit to testing for any reason, the employee may be terminated.
3. Employees will be asked to release any evidence, such as alcohol or drug paraphernalia, relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline, up to and including termination. All confiscated evidence will be receipted with signatures of either the elected official or supervisor and the employee.
4. The elected official, supervisor or department head will remove the employee from the county work station and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence. Under no circumstances will the employee be allowed to drive a vehicle until a confirmed negative test result is received.
5. The elected official, supervisor or department head shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems and present such documentation to the Human Resources office for filing.

**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.

Testing Procedures –

1. The employee immediately notifies supervisor of accident/incident.
2. The supervisor will immediately contact County Auditor, County Attorney, and Human Resources Office to report accident/incident.
3. The employee will be escorted and/or driven to the designated facility for specimen collection and/or testing within four hours of the incident if possible.
4. The employee will be required to follow the drug testing protocol of the medical facility providing the testing.
5. If the employee desires another test to be given, they may do so within two 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 Erath County.
6. The employee will be placed on paid administrative leave until the results of the test are known. The elected official, supervisor or department head will make arrangements to ensure that the employee is safely returned to their residence.
7. 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 and/or alcohol 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-5 DRUG AND ALCOHOL- CDL EMPLOYEES**

CDL Drivers are an extremely valuable resource for Erath County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a serious threat to driver health and safety. It is, therefore, the policy of the County to 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. 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 Erath 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, operating County equipment, or 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. Erath County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

It is the policy of Erath 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. Erath 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 is available at the Human Resources office.

### **1D-6 WORKPLACE VIOLENCE**

Erath County is committed to providing a workplace free of violence. Erath 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, including 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. 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 or the sheriff's department. No employee, other than an authorized law enforcement official, may possess a firearm or other weapon, with or without permits, in any county office or building owned or used by Erath County, or in a county-owned vehicle. If an employee believes that a person is violating this policy, they should immediately report to their immediate supervisor or the sheriff's department. Employees found in violation of this policy may be subject to discipline up to and including immediate termination.

## **1D-7 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 (X), Facebook, LinkedIn, YouTube, and Instagram. Erath 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, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of Erath County among the community at large. Erath 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 elected official, supervisor or department head.

- If your posts on social media mention Erath County, make clear that you are an employee of Erath County and that the views posted are yours alone and do not represent the views of Erath County.
- Do not mention Erath County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about Erath County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and anyone who 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 Erath County computer equipment for non-work-related activities without written permission. Social media activities should not interfere with your duties at work. Erath County monitors its computers to ensure compliance with this restriction.
- You must comply with copyright laws, and cite or reference sources accurately.

- Do not link to Erath County’s website or post Erath County material on a social media site without written permission from your supervisor.
- All Erath 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 Erath County must be kept confidential and should not be discussed in a social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

Erath 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 Erath County, and requires the immediate removal of covered applications from these 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, Erath 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.



# SECTION 2: EMPLOYEE COMPENSATION AND BENEFITS

## A. EMPLOYEE PAYROLL

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

Erath County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to the attention of Human Resources, Erath County will make any corrections necessary at the next payroll. 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 they work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time card must accurately reflect all regular and overtime hours worked and any absences, late arrivals, early departures, and meal breaks. Do not submit your time card 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 their supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time card. 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 card. 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 notify the Human Resources office.

It is a violation of Erath County policy for any employee to falsify a time card. No employee may alter another employee's time card without the employee's permission. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time card 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 office located at the Courthouse at 100 W. Washington Street, or call 254-459-5053.

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. An exempt employee's salary will be reduced for certain types of deductions, such as the employee's portion of health, dental or life insurance premiums; state, federal or local taxes;

social security and retirement; and voluntary contributions to a deferred compensation plan. In any work week 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; 2) full day disciplinary suspensions for infractions of the County's written policies and procedures; 3) full day suspensions for violating safety rules of major significance; 4) Family and Medical Leave or Military Leave absences; 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 work week 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; 2) your absence because the facility is closed on a scheduled work day; 3) your absence because of the County's operating requirements; 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 Human Resources office located in the Courthouse at 100 W. Washington Street, or call 254-459-5053. If you are unsure of whom to contact or if you have not received a satisfactory response within five business days after reporting the incident, please immediately contact the County Judge's Office at (254) 965-1452. Every report will be fully investigated and corrective action will be taken where appropriate, up to and including discharge for any employee 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**

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

## **2A-3 COMPENSATION**

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

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

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.

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

In the event of a major disaster where the County Judge has issued a disaster declaration and it has been extended by the Commissioners Court, in order for the County to be reimbursed by FEMA, all salaried employees will be calculated in the same manner as hourly employees for the duration of the disaster incident until the disaster declaration is rescinded or allowed to expire.

## **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 (TCDRS) shall have their contributions to that system deducted from each paycheck. Any optional deductions authorized by the Commissioners Court and approved by the employee shall also be made from the employee's paycheck.

No optional deductions shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the Human Resources office.

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

For purposes of record keeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the work week for Erath County shall begin at 7:00 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 Erath County Commissioners Court.

## **2A-6 TIMESHEETS**

Each employee must clock in/out on their electronic timesheet to record their hours worked, and to be submitted electronically to their supervisor on the last day of each pay period. Failure to complete a timesheet may result in an employee only receiving minimum wage payment until the proper time sheet has been completed and turned into the payroll department. All corrections will be made on the next regularly scheduled payroll. As of October 1, 2023, employees' clock-in/out punches will be recorded at the exact time with no rounding. The

timesheet 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 sheets are governmental documents, and as such require accurate and truthful information. Falsifying a time sheet, a governmental record, is a criminal offense. Employees shall use only appropriate available leave to account for their regular weekly work schedule.

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

The pay period for Erath County shall be a 14-day pay period pay period, which makes 26 pay periods per year, with the 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. 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 in case of emergency or special need.

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

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. For the purposes of the FLSA, the workday for the County shall begin at 7 a.m. each day and end 24 consecutive hours later.

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

Erath 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. Law enforcement employees' salary covers all hours up to 86 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.

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

An employee shall be required to have authorization from their supervisor before working overtime except in emergency situations.

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.”).

### **SEE SECTION 3: ADDENDUMS**

#### **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. Employees will retain sick, vacation and holiday balances.

#### **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.

An elected officials, appointed official or department head may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by the Commissioners Court. Employees may be eligible to transfer from one county department to another county department at the approval of the new elected official or department head. They will fall under the pay and benefits of the new position.

#### **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.

An elected officials, appointed official or department head may promote an employee in their department to a vacant position. All promotions must be handled in accordance with the budget adopted by the 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 Erath 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 Erath County and the separation does not fall into one of the other

categories. An employee who is resigning should submit a written notice of resignation to their supervisor.

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 with 20 continuous years of service to Erath County, who retires in good standing, will retain insurance benefits paid by Erath County for the life of the employee (see 2B-12 Retirement, for insurance information). An employee who is retiring should notify their supervisor 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. Erath County is an "at will" employer and a supervisor 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 employee dies while currently employed by the County. If an employee dies while still employed by the County, their legally designated beneficiary or estate shall receive all earned pay and payable benefits.

## **2A-16 TERMINATIONS**

An employee's last day of work (physically present on the job) shall be considered the termination date unless the employee has been out on FMLA leave, in which case the last day of work will be the last day of FMLA leave. Employees will be required to return all county property including but not limited to uniforms, keys, electronic time cards prior to final payment.

At the time the employee resigns, is discharged, or is terminated for any other reason, the employee shall receive pay for a maximum of 80 unused vacation hours.

## **2A-17 RETIREE REHIRES**

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

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, VISION AND DENTAL PLANS**

All full-time regular employees of Erath County shall be eligible for the group medical, vision, and dental plan benefits.

Premiums for the coverage for eligible employees shall be paid entirely by the County. Newly hired employees will have a 30-day waiting period to be eligible for medical, vision, and dental insurance benefits.

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; however, insurance will not be deducted on the third payroll of the month which occurs twice a year.

Details of coverage under the group medical, vision, and dental insurance plans are available in the County Human Resource office and may be obtained during normal working hours.



Employees who leave the employment of Erath County or who lose their coverage eligibility may be eligible for an extension of the medical and dental 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, they will be offered COBRA if eligible.

Information on extension of benefits under COBRA is available in the County Human Resource office and may be obtained during normal working hours. COBRA notifications will be provided to all employees within 30 days of their hire date. All eligible employees and qualified dependents will be provided with COBRA information following their termination.

**2B1a – SHORT TERM DISABILITY:** Erath County will provide short term disability coverage for all full-time employees with health insurance coverage. The coverage will replace up to 60% of the eligible income due to a sickness or injury following a waiting period which can be up to 7 days for a 13-week period. To apply for this benefit, a physician’s statement is required. This is provided at no cost to the employee.

**2B1B- CAREFLITE INSURANCE:** Erath County will provide Care Flite insurance to all full-time employees and their household family members at no cost to the employees at date of hires and ending on December 31, 2023

**2B1c – MASA INSURANCE:** Erath County will provide MASA, emergency transportation, insurance to all full-time employees and their household family members at no cost to the employees starting January 1, 2024.

## **2B-2 THE HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPPA)**

HIPPA was established to provide a basic level of protection of all employees’ health information. Any health-related information, medical claims and billing information will be kept confidential.

## **2B-3 OTHER PLANS – LIFE, SUPPLEMENTAL**

Erath County may provide a limited amount of life insurance on eligible employees as part of the group medical plan coverage. Erath County provides supplemental insurance coverage under TCDRS. All supplemental insurance coverage premiums are the responsibility of the employee. Information regarding these supplemental insurances may be obtained from the Human Resources Department.

## **2B-4 VACATION**

All full-time regular employees shall be eligible for vacation benefits, and are eligible to receive paid vacation leave, but part-time and temporary employees shall not be eligible for vacation benefits.

Employees who work any part of a pay period will receive the full bi-weekly accrual.

Only the appropriate number of vacation hours will be used to account for the minimum number of hours needed for the designated work week/work period. (i.e. 40 or 85/171)

In calculating hours for an employee, vacation hours will be based off of the employee’s anniversary date of hire, and each regular full-time employee will receive vacation leave according to the following schedule:

<b>Years Worked</b>	<b>Accrue Rate</b>	<b>Hours per Year</b>	<b>Days per Year at 8 hours</b>
1-5	3.08	80	10
5-15	4.62	120	15
15+	6.15	160	20

Scheduling of vacations shall be at the discretion of an employee’s elected official or department head, and each employee shall be responsible for accurately recording all vacation time used on the electronic timekeeping system.

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, the employee will not be charged for the vacation.

The maximum unused vacation an employee will be allowed to have accrued at any time is 240 hours. Vacation pay at termination is addressed in the “Pay at Termination” section.

Employees rehired within 365 days after employment terminated shall have their vacation accrual rate reinstated.

## **2B-5 SICK**

All full-time regular employees shall be eligible for the paid sick leave benefit, and eligible employees shall accrue sick leave at a rate of 3.69 hours biweekly which is equivalent to 96 hours per 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 accrued at any time is 480 hours. Employees will not accrue sick time while out on leave.

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, brother, sister, grandparents, grandchildren 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 or at least one day in advance. Where use of sick leave is not known in advance, an employee shall notify their

supervisor of the intent to use sick leave as soon as reasonably possible. If the employee feels that the situation will cause them to miss more than one day of work, the employee should notify their supervisor of the anticipated length of absence. The employee will be placed on FMLA, if a qualifying event occurs and the employee is eligible.

If an employee uses three (3) or more consecutive days of sick leave, a physician's statement or some other acceptable documentation of injury or illness is required for either the employee's own illness or the illness of an immediate family member, to be turned in to the Human Resource Department.

A supervisor or Human Resources Officer may require employees who have a pattern of abusing sick leave to provide a physician's statement for those absences that are less than three days. Personal statements can be required as to why you are absent.

Employees shall not be allowed to borrow sick leave against future accruals. Employees may be allowed up to 4 hours sick leave to attend a funeral of a relative who is not a member of the immediate family or of a friend.

Sick leave **MAY NOT** be used as vacation or for any other reason not addressed in this policy.

Only the appropriate number of sick hours will be used to account for the minimum number of hours needed for the designated work week/work period. (i.e. 40 or 85/171)

## **2B-6 SICK LEAVE POOL**

The County has established a policy to provide a sick leave pool, which will enable eligible county employees to voluntarily transfer sick leave time earned to a county sick leave pool and to permit employees to draw time in the event of a catastrophic injury or illness.

Examples of a catastrophic injury or illness include, but are not limited to:

1. Stroke
2. Heart attack
3. Major surgery requiring hospitalization
4. Cancer
5. Pregnancy complications
6. To care for a spouse or children who is terminally ill

The County Human Resource office is the administrator of the County sick leave pool.

To contribute time to the County sick leave pool, an employee must submit an application to the Human Resource office. Sick leave donations will be considered a taxable event to the donor unless the situation qualifies as a medical emergency pursuant to IRS guidelines. On approval, in a calendar year an employee may transfer to the pool not less than 8 hours and up to 80 hours accrued sick leave per year. The time will be credited to the pool with the amount of time contributed by the employee and will deduct the same amount of time from the amount to which the employee is entitled, as if the employee

has used the time for personal purpose. An employee who resigns or retires may donate any amount over 8 hours in their accrued sick leave bank.

Employees are eligible to use time contributed to the County sick leave pool for a catastrophic injury or illness, if they have completed one year of continuous service, have exhausted all of their earned sick leave, vacation leave, holiday leave, and short-term disability leave.

Eligible employees must apply to the Human Resource office for authorization to use the time in the County sick leave pool. If the Human Resource office determines that the employee is eligible, the Human Resource office will approve the transfer of time from the pool to the employee. **An eligible employee must submit an application with a physician's statement verifying the catastrophic injury or illness.** The time will be credited to the employee and used in the same manner as sick leave earned during the course of employment.

An employee may not use time in the County sick leave pool in an amount that exceeds the lesser of one-third of the total amount of time in the pool or 480 hours. The sick pool committee may approve additional withdrawals by an employee not to exceed three withdrawals in a calendar year.

An employee absent on sick leave assigned from the County sick leave pool is treated for all purposes as if the employee were absent on earned sick leave.

The estate of a deceased employee is not entitled to any payment for unused sick leave contributed to or acquired by that employee from the County sick leave pool.

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

All employees of Erath 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**

An employee may request up to 3 consecutive work days of paid leave in the event of a death in an employee's immediate family. Additional time off is at the discretion of the department head, and the employee may be permitted to utilize vacation or sick leave. The elected official or department head must verify the family relationship. For purposes of bereavement, "immediate family" shall be defined

as spouse, child, parent, brother, sister, grandparent, grandchild or another relative who is dependent on the employee for care.

## **2B-9 HOLIDAY**

Only full-time regular employees shall be eligible for the paid holiday benefit, and the County holidays shall be determined by the Erath County Commissioners Court.

All holidays not taken on the designated day must be taken off within 180 days in order to use the holiday time. Holidays not taken within the stated period will be lost automatically without compensation.

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

Only the appropriate number of holiday hours will be used to account for the minimum number of hours needed for the designated work week/work period. (i.e. 40 or 85/171)

## **2B-10 LONGEVITY**

All full-time regular employees and elected officials shall be eligible for longevity pay upon first pay period of service, and based on work anniversary date. Longevity pay is related solely to the length of total service with the county and is in addition to the regular salary set by the Commissioners Court.

## Tier Calculations - FY 2024

Years completed	Months completed	Rate per Month	Annual Pay	Pay per Pay Period (75%)
0	0	5.00	60.00	1.731
1	12	5.00	120.00	3.462
2	24	5.00	180.00	5.192
3	36	10.00	480.00	13.846
4	48	10.00	600.00	17.308
5	60	15.00	1,080.00	31.154
6	72	15.00	1,260.00	36.346
7	84	15.00	1,440.00	41.538
8	96	20.00	2,160.00	62.308
9	108	20.00	2,400.00	69.231
10	120	25.00	3,300.00	95.192
11	132	25.00	3,600.00	103.846
12	144	25.00	3,900.00	112.500
13	156	25.00	4,200.00	121.154
14	168	25.00	4,500.00	129.808
15	180	30.00	5,760.00	166.154
16	192	30.00	6,120.00	176.538
17	204	30.00	6,480.00	186.923
18	216	30.00	6,840.00	197.308
19	228	30.00	7,200.00	207.692
20	240	35.00	8,820.00	254.423
21	252	35.00	9,240.00	266.538
22	264	35.00	9,660.00	278.654
23	276	35.00	<b>10,000.00</b>	288.462

**\*\*\* TIER LEVELS ARE BASED OFF OF TIME SERVED AND LONGEVITY DATE. MOVING BETWEEN TIERS TAKES PLACE IN THE PAY PERIOD CONTAINING THE LONGEVITY DATE EACH YEAR. \*\*\***

Part time and temporary employees will not receive longevity pay. If a part time employee becomes a regular employee, the longevity benefit will be calculated from the day the employment became regular.

## **2B-11 MILITARY LEAVE**

All Erath County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to 15 days off per federal fiscal year with pay for active duty or to attend active or inactive authorized training sessions and exercises. The 15 days 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 Erath 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 seven 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 supervisor with a set of orders within two business days after receiving them.

Upon request of the employee, Erath 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.

Erath 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-12 PAID QUARANTINE LEAVE 9240**

Erath County shall provide paid quarantine leave for peace officers, detention officers, and emergency medical technicians employed by Erath County and ordered by a supervisor or the health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. This includes peace officers, detention officers and

emergency medical technicians, as defined by this policy, who are employed by, appointed to, or elected to their position.

"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.

"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.

Counties that do not establish a local health department or public health district 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 costs, and transportation. An employee on qualifying paid quarantine leave will not have their leave balances reduced.

Off-duty exposures to communicable diseases will not be covered under this policy.

## **2B-13 RETIREMENT**

All regular employees (full-time, part-time, and regular variable hour) 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 deductions. Erath County shall contribute to each eligible employee's retirement account according to requirements of TCDRS. Information on the retirement program may be obtained at the County Human Resource office during the normal working hours for that office.

## **2B-14 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-15 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 Erath 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** have worked at least 1250 hours during the previous 12 months; and
- 2) be employed at a work site that has 50 or more employees within a 75-mile radius.

Any employee with any question about their eligibility for FMLA leave should contact the Human Resource office 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 makes 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 the 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. Erath County sets the 12-month period used under this policy as a *“rolling” 12-month period measured backward from the date an employee uses FMLA leave.*

A 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 a 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 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 a 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:**

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

**SUBSTITUTION OF PAID LEAVE:**

Erath County requires substitution of paid leave for all FMLA or MFL events. A full-time employee must follow the compensatory, vacation and sick leave policy guidelines. The balance of FMLA is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Workers' Compensation leave and Short-Term Disability.

If any qualified employee has short-term disability insurance, the employee doesn't have to use compensatory, vacation or sick time, but if the employee does not have short-term disability insurance, the employee will have to use compensatory, vacation and sick leave while on FMLA.

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 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 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 leave 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 leave. An employee's failure to return the medical certification may result in denial of FMLA leave 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 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 or medical leave rights.

**COUNTING:**

To count employees in the county we will include all full-time employees, all part-time employees currently getting paid and all temporary employees currently getting paid. This will not include a count of elected officials, CSCD employees, A&M County Agents or any employees paid by the state. The county will not count people on the payroll register that are NOT getting paid. When the county payroll hits 50 eligible employees, Erath County will comply fully with the entire regulation and will notify employees of the change to the FMLA policy for over 50 employees.

**RESPONSIBILITIES:**

Erath County will post the current FMLA poster as provided by the Department of Labor. If an employee asks for FMLA leave for any reason, Erath County will respond in writing and will use the FMLA forms (WH-381) "Notice of Eligibility and Rights and Responsibility" and (WH-382) "Designation Notice" to notify the employee of their eligibility rights.

# Section 3: ADDENDUMS





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

An employee shall be required to have authorization from their supervisor before working overtime except in emergency situations.

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.>").

Full-time EMS employees who have overtime as part of their regular work schedule, will be compensated at the appropriate rate to maintain their pay for that pay period, as part of their budgeted salary.

Brandon J. Huckabee  
County Judge

Dee Stephens  
Commissioner Precinct 1

Albert Ray  
Commissioner Precinct 2

Joe Brown  
Commissioner Precinct 3

Jim Buck  
Commissioner Precinct 4