

DEWITT COUNTY COURTHOUSE OF 1896
CUERO, TEXAS
RESTORED 2008



DEWITT COUNTY PERSONNEL POLICY AND PROCEDURES MANUAL

(Approved by Commissioners Court April 14, 2015)

DEWITT COUNTY PERSONNEL POLICY AND PROCEDURES MANUAL

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DEFINITIONS

OFFICIAL: ELECTED/APPOINTED - Elected or appointed officials are those individuals who hold elected positions under the Constitution and laws of the State of Texas or who are appointed by appropriate authority to such positions and those individuals who, under the laws of the State, hold positions filled by appointment by the District Judge or Juvenile Board. Elected and appointed officials do not accumulate vacation leave, sick leave, and are exempt under the FLSA. Elected and appointed officials are entitled to health insurance, retirement benefits, social security and other benefits as required by law. County employees appointed to a position by the Commissioners Court or other bodies, including the Election Commission, are considered as exempt or non-exempt employees as classified by federal law and regulations.

DEPARTMENT HEAD – A supervisor (ie. chief deputy, chief clerk, foreman etc.) designated by the elected or appointed official.

EXEMPT- Exempt employees are those employees who are not covered by the overtime provisions of the Fair Labor Standards Act, 29 U.S.C. Section 201 et seq (FLSA) and regulations adopted pursuant to the Act.

NON-EXEMPT- Non-exempt employees are those employees who are covered by the overtime provisions of the FLSA and regulations adopted pursuant to that Act.

EMPLOYEE CLASSIFICATION

Each county position has an employee classification that identifies how the position is paid and how benefits are granted by Commissioners Court. The classification of an employee cannot be changed without the approval of the Commissioners Court.

JOB DESCRIPTION

Each county position has a job description that shall be provided to the employee. The description will be executed by the employee and the employee's elected or appointed department head or a supervisor designated by the elected official or department head.

EMPLOYEE ACKNOWLEDGMENT

I have received and read my copy of the **DEWITT COUNTY PERSONNEL POLICY AND PROCEDURES MANUAL**, which outlines my privileges and obligations as an employee, a summary of my benefits, and includes the County's general policies and procedures. I acknowledge that the provisions of these policies are part of the terms and conditions of my employment and I agree to abide by them. I accept responsibility for reading and familiarizing myself with the policies in this manual. I understand that it contains general personnel policies of the County. If I need clarification on any of the policies in this manual, I will contact my supervisor or the County Treasurer's Office.

Since this information is necessarily subject to change, it is understood that my supervisor through official notices will communicate any changes to me.

I further understand that the DeWitt County Personnel Policy and Procedures Manual is not a contract of employment. I understand that I am an at-will employee and that my employment may be terminated by either myself or the County, at any time, with or without cause, and with or without notice.

I further understand that my employment is terminable **at will** so that **both** the County and its employees remain free to choose to end their relationship at any time, for any legal reason or no reason at all.

I further understand that as a DeWitt 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 team work and cooperation at all times.

Signature of Employee: _____

Printed Name of Employee: _____

Date Signed: _____



COUNTY OF DEWITT
307 N. Gonzales St.
CUERO, TEXAS 77954
OPEN RECORDS ACT

Government CODE SECTION 552.024

- (a) Each employee or official of a governmental body and each former employee or official of a governmental body shall choose whether to allow public access to the information in the custody of the governmental body that relates to the person's home address, home telephone number, emergency contact information, or social security number or that reveals whether the person has family members.
- (b) Each employee and official and each former employee and official shall state that person's choice under Subsection (a) to the main personnel officer of the governmental body in a signed writing not later than the 14th day after the date on which:
 - (1) The employee begins employment with the governmental body;
 - (2) The official is elected or appointed; or
 - (3) The former employee or official ends service with the Governmental body.

+++++

I choose to (allow) (disallow) public access to my home address, home telephone number, emergency contact information, social security number or the information that reveals whether I have family members as described in the above article.

Note: Personal information to include the last four digits of social security number may be released to the appropriate parties who will be conducting tests required under the Random Drug and Alcohol Testing portion of this policy (See Page 49: Random Drug and Alcohol Testing)

Employee Signature

Date

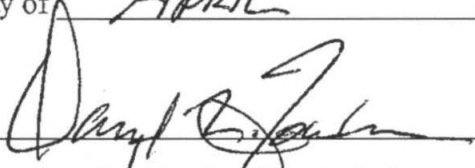
ORDER NO. 2015-010
COUNTY OF DEWITT
ORDER OF COMMISSIONERS COURT

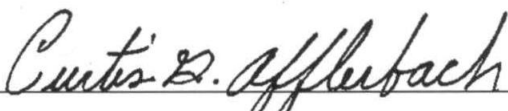
WHEREAS DeWitt County Commissioners Court desires to provide the employees of DeWitt County with a uniform format for dealing with various employment related issues; and

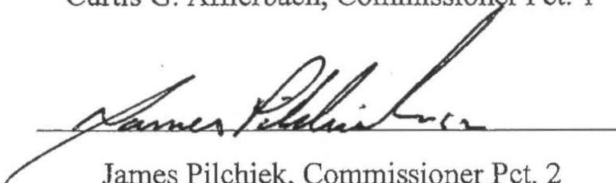
WHEREAS the DeWitt County Commissioners Court wishes to adequately communicate to employees the policies and procedures of the County;

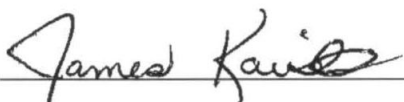
THEREFORE, BE IT RESOLVED that the DeWitt County Commissioners Court does hereby approve and adopt this DEWITT COUNTY PERSONNEL POLICY AND PROCEDURES MANUAL.

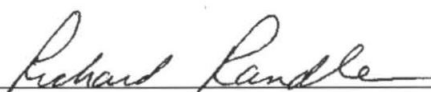
Adopted this the 14th day of APRIL, 2015.


Daryl L. Fowlen, County Judge


Curtis G. Afflerbach, Commissioner Pct. 1


James Pilchick, Commissioner Pct. 2


James Kaiser, Commissioner Pct. 3


Richard Randle, Commissioner Pct. 4

NOTICE TO EMPLOYEES

DeWitt County operates under the legal doctrine of employment-at-will and within requirements of state and federal law regarding employment. DeWitt County **can dismiss an employee at any time, with or without notice, for any reason or for no reason.** DeWitt County will attempt to ensure that employee dismissals are not made in an arbitrary or capricious manner. However, these personnel policies do not constitute or imply a contract, agreement, promise or guarantee of employment or of continued employment. DeWitt County has the right to change these policies at any time, without prior notice to employees.

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WELCOME

Welcome to employment with DeWitt County. We are happy to have you on our team of employees that serve the people of DeWitt County. You will find public service a rewarding career.

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

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

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

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

Other county elected officials and department heads may have additional policies governing their employees. State and federal law will govern any departmental policy that conflicts with a countywide policy. Be sure to check with your supervisor or department head to see which additional policies, if any, are applicable to you. If you need more details on the countywide policies and procedures, please consult your supervisor, department head or the County Treasurer's Office.

Sincerely,

Daryl L. Fowler, County Judge
Curtis G. Afflerbach, County Commissioner Precinct No. 1
James Pilchick, County Commissioner Precinct No. 2
James Kaiser, County Commissioner Precinct No. 3
Richard Randle, County Commissioner Precinct No. 4

ABOUT DEWITT COUNTY GOVERNMENT

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

The Commissioners Court consists of four County Commissioners, each elected by the voters of a Commissioner's precinct, and the County Judge, elected by all of the voters of the county. This is the policy-making body of the County.

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

SERVICE TO THE PUBLIC

On a day-to-day basis, citizens base their opinions on DeWitt County on the actions of county employees like you. We have developed a code of personal conduct we think will help maintain a reputation for good county government.

CODE OF PERSONAL CONDUCT

1. Remember that we are here to serve the people of DeWitt County.
2. Our responsibility is to provide fair, efficient service in a courteous manner.
3. You 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. Be a good and sincere listener; all visitors and callers want us to understand and care about their problems.
4. Learn all about the activities of the county and try to help others get their problems solved in the most efficient manner, even if the problem must be referred to another employee or department.
5. Write down all of the information you will need to complete a task for a citizen, including the date and time of a call or request and the telephone number or address where the person can be contacted.
6. Fulfill all promises you make. If you cannot complete a promised task as anticipated, get back in touch and explain the circumstances.
7. Respect the dignity of every individual; try honestly and sincerely to see the other person's point of view; speak kindly to and of others; avoid arguments; and be friendly.
8. Be punctual in your work and for appointments.
9. Make suggestions about ways that we can improve our services to the citizens of DeWitt County or perform work in a more efficient manner.
10. Dress and appearance must be appropriate to our job. Expensive clothes are not necessary, but a neat, orderly appearance is important.
11. County employees are trustees of public funds - - treat county money, time and equipment as if it were your own.
12. Finally, public service requires that we not only obey the law, but it is also important that we avoid even the appearance of any improper action or of using our official position to gain any personal advantage.

1. INTRODUCTION

PURPOSE & AUTHORITY

These policies are established by the Commissioners Court and any deletions, amendments, revisions, or additions to the policies must be approved by Commissioners Court.

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

The purpose of this handbook is to describe and clarify the policies of DeWitt County and the employee's current benefit package. Please take time to study the handbook and keep it available for reference.

This handbook does not constitute a contract of employment. All policies and benefits are subject to change or elimination with or without notice at any time. All County employees are at-will employees, and nothing contained in this handbook alters that status.

Hereinafter the pronouns he, him or them are used to signify both male and female individuals and are used only to condense the language of this text and are not to be construed to be discriminatory against either sex.

Each reference in these policies to the "County" means DeWitt County, Texas.

Any Elected/Appointed Official or department head who has a written office policy that has been approved by Commissioners Court, and made a part of the court's minutes, shall file the policy with the County Treasurer's Office. These specific policies may not supersede, violate or contradict the general personnel policies for DeWitt County.

All policies contained in this handbook have been approved by the Commissioners Court and have been entered in the Court Minutes.

SEVERABILITY

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

RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES

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

County Commissioners Court oversees general personnel policies. The record of any modifications will be recorded in the official minutes of the court.

The **County Treasurer** maintains a copy of these policies, official personnel records pertaining to time and attendance, payroll, resignations, unemployment and medical records (ie: medical records related to FMLA and Workers Compensation claims which are filed separately).

Elected/Appointed Officials or department heads maintain other records on departmental employees and are responsible for administration of these personnel policies within their own departments or units.

PERSONNEL FILES

The DeWitt County Treasurer's office will retain basic employee information in an individual personnel file. This file will include all pertinent employment documents such as resume, application, insurance, retirement, deductions, as well as, records concerning performance, discipline and compensation with the exception of Worker's Compensation and/or Family Medical Leave Act medical records.

Worker's Compensation and/or Family Medical Leave Act medical records are filed in a confidential file maintained by the County Treasurer.

Information in an employee's personnel file is public information and must be disclosed upon request unless specific items are exempt from disclosure by law.

No information from any record placed in an employee's file will be communicated to any person or organization, except by the County Treasurer or an employee authorized to do so by the County Treasurer.

The Public Information Act allows county employees to keep their home addresses and telephone numbers confidential. You 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 your first day of employment. However, an employee may change their election for disclosure or confidentiality at any time. A form is attached for this purpose.

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

2. COUNTY EMPLOYMENT

DEWITT COUNTY AS AN "AT-WILL" EMPLOYER

All employment with DeWitt County shall be considered "at-will" employment. No contract of employment shall exist between any individual and DeWitt County for any duration, either specified or unspecified. No provision of this personnel manual shall be construed as modifying your employment at will status. Terms of employment are in no way guaranteed for any length of time and should not be considered as a contract in any way. Employees may terminate employment with DeWitt County at any time for any reason or for no reason at all. Likewise, the County may terminate an employee's employment at any time for any reason or no reason. No provision of this employee handbook shall be construed as modifying your employment at will status.

DeWitt 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.

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

DISSEMINATION OF PERSONNEL POLICIES

The County Treasurer's Office maintains the official set of Personnel Policies with all revisions for reference by employees. In addition, the County Treasurer's Office will provide a complete copy of this manual and copies of all subsequent revisions to each Elected/Appointed Official and/or department head; will notify employees of policy changes; and will make the updated manual available to employees. If a question arises about a particular policy; the official set of policies should be consulted and will control.

The County Treasurer's office will provide a copy of the Personnel Policy to new employees on their first day of employment if they have not already been provided a copy by their supervisor. Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Within one week of employment (ie. 5 business days, excluding holidays) every employee is required to sign an acknowledgement that they were provided a copy and read the DeWitt County Personnel Policy and Procedures Manual and the employee further understands they are responsible for knowing its contents. Signing an acknowledgement of understanding of these policies within the first week of employment is a condition for continuing employment with the County.

CHAIN OF COMMAND

Individual county employees are responsible to the appropriate Elected/Appointed Official or to a supervisor designated by the Elected/Appointed Official or department head. Elected officials are responsible to county voters. Directions regarding work to be done, expected results, the adequacy of work performance and grievance shall follow the chain of command.

COMMUNICATIONS

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

Communication with the public about county issues or problems is the responsibility of the appropriate Elected/Appointed Official or his or her designee. If a question is non-routine, controversial or outside of the scope of the employee's normal duties, employees are to refer the public to the appropriate Elected/Appointed Official or department head.

EQUAL EMPLOYMENT OPPORTUNITY

The policy of DeWitt County is to provide equal employment opportunities to recruit, hire and promote in all job positions without regard to race, color, sex, religion, age, national origin, genetic make-up, or physical or mental disability and to assure that all other matters affecting employees, including compensation, benefits, transfers, lay-offs and promotions will be administered without regard to race, color, sex, religion, age, national origin, genetic makeup or physical or mental disability.

The preceding policy, however, is not to be construed as to prohibit the County from establishing bona-fide occupational qualifications that relate to physical or mental abilities required to perform a job and that do not discriminate against qualified individuals with a disability.

The County shall make reasonable accommodation for qualified individuals with disabilities to afford them the same opportunities for employment and all other benefits and privileges of employment afforded to non-disabled individuals.

Reasonable accommodation shall be determined through consultation with the disabled individual and where deemed necessary through consultation with outside resources.

WHISTLE BLOWER'S ACT

Chapter 554 of the Texas Government Code, the Texas Whistleblower Act, relates to the protection of public employees who report a violation of the law. It protects a public employee from retaliation, such as being fired, put on leave, or otherwise discriminated against by a government employee, if the employee, acting in good faith, reports a violation of law to an appropriate authority.

AMERICANS WITH DISABILITIES ACT

DeWitt County complies with the Americans with Disabilities Act in the hiring and discharge of employees and with respect to the terms, conditions, and privileges of employment with the County.

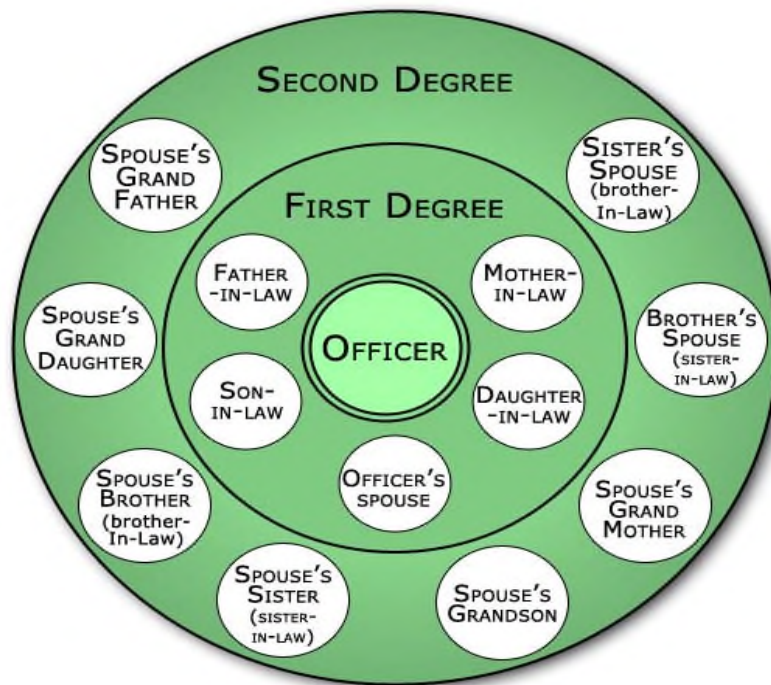
NEPOTISM

In accordance with Chapter 573 of the Texas Government Code, the Texas Nepotism Statutes, an Elected/Appointed Official of DeWitt County who has the final authority to hire an employee shall not hire a relative related in the first, second or third degree of consanguinity (blood) or the first or second degree of affinity (marriage) to work for the County.

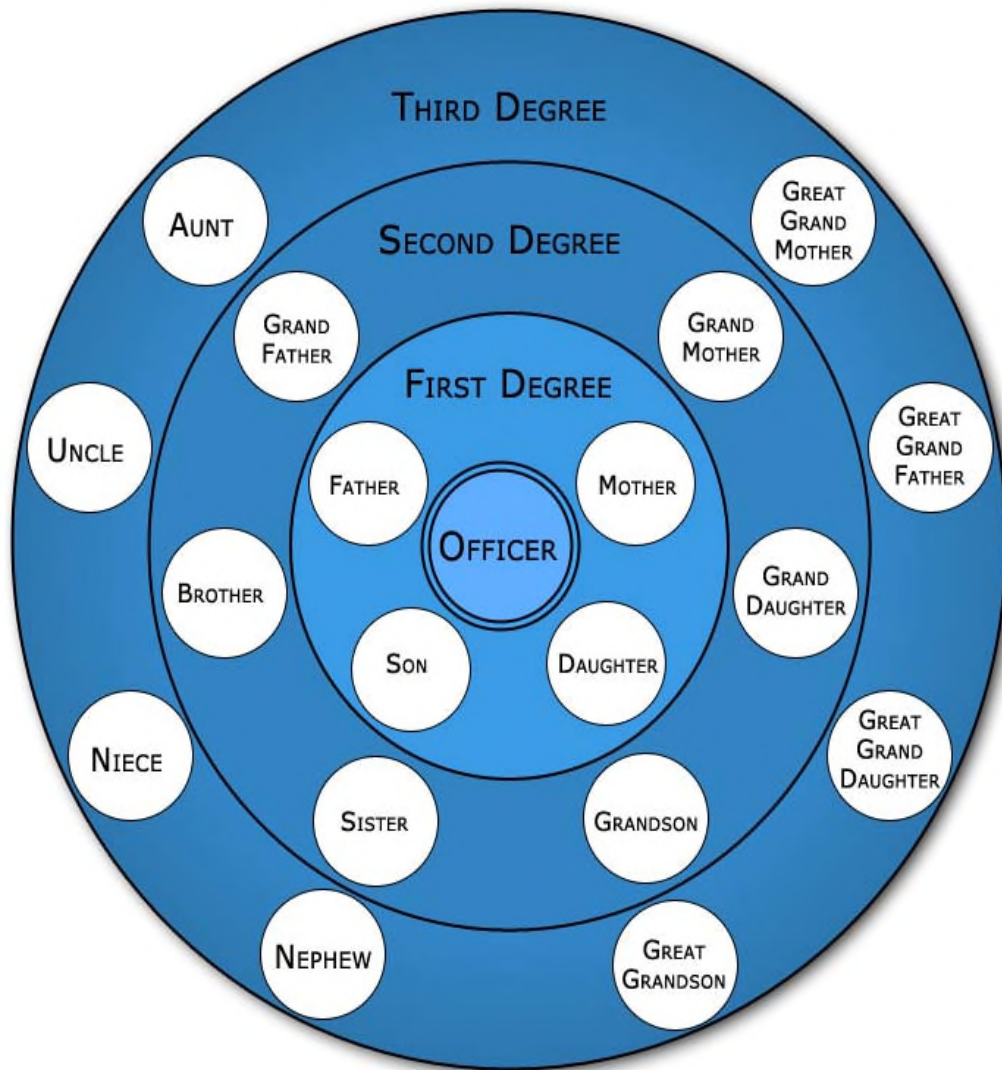
The civil law method, as approved the Texas Legislature in 1991 to be effective in August of that year, shall be used for determining degree of relationship. (See the charts that follow)

NEPOTISM CHART

The chart below shows **Affinity Kinship** (relationship by marriage) and **Consanguinity Kinship** (relationship by blood) for purposes of interpreting nepotism as defined in VTCA Government Code, Chapter 573, §573.021 - .025



Affinity Kinship (relationship by Marriage)



Consanguinity Kinship (Relationship by Blood)

VERIFICATION OF ELIGIBILITY TO WORK

In order to comply with the Immigration Reform and Control Act of 1986, each new employee will be required to complete and sign an INS Form I-9 prior to his or her first day of employment to provide proof of his or her identity and employment eligibility.

Former employees who are rehired must also complete the form if they have not completed an I-9 with DeWitt County within the past three years, or if their previous I-9 is no longer valid.

PLACEMENT ON COUNTY PAYROLL

New employees must fill out employment forms in the County Treasurer's office before or during their first day of employment. The Elected/Appointed Official or department head must provide the necessary paperwork to the County Treasurer before the new employee may be placed on the payroll.

ORIENTATION AND TRAINING

The County Treasurer's Office will provide a general orientation for new employees about employment with the County. The County Treasurer's office will provide a copy of the Personnel Policy to new employees on their first day of employment if they have not already been provided a copy by their supervisor. Employees are required to read this manual carefully and to adhere to the rules and regulations stated herein. Within one week of employment (ie. 5 business days, excluding holidays) every employee is required to sign an acknowledgement that they were provided a copy and read the Personnel Policies manual and the employee further understands they are responsible for knowing its contents. Signing an acknowledgement of understanding of these policies within the first week of employment is a condition for continuing employment with the County.

Before an individual begins performing his or her actual duties, he or she normally will be given a brief orientation conducted by the Elected/Appointed Official or department head for whom he/she will be working or by that person's designated representative. The purpose of the session is to enable a new employee to understand his or her job better and its relationship to the overall operation of County government. Training an employee is the responsibility of the Elected/Appointed Official or department head for whom he/she works. Whenever possible, employees receive on-the-job training under close supervision.

In addition, Elected/Appointed Officials and department heads are responsible for scheduling employees to attend job-related seminars and workshops when an employee's attendance would benefit the County, provided that funds are available and the department can afford to be without the employee's services for the time required to attend. When an employee attends outside seminars or workshops, his or her attendance should be documented in the employee's personnel file.

POLITICAL INVOLVEMENT

DeWitt County employees are encouraged to vote on Election Day for the person or party of their choice. Officials should grant a reasonable amount of time off at full pay to employees who wish to vote during regular working hours.

DeWitt County employees will not be allowed to perform or be involved in political campaigning or related activities during their normal working hours; while using county vehicles or equipment; or while wearing articles of clothing, badges, or pins that identify them as county employees.

Employees are not required to participate in political campaigns or related activities as a condition to obtain or retain employment. Additionally, employees will not be disciplined, terminated, or deprived of their employment rights for refusal to participate in such activities.

Employees shall resign employment with DeWitt County upon filing for elected office against an Elected Official who is their supervisor.

Employees may not use the County's internal mail system for the distribution of political advertising.

OFFICE DONATIONS

An employee will not be forced to contribute or make donations to any fund or collection. All office donations should be approved by the Elected/Appointed Official or department head.

OUTSIDE EMPLOYMENT

County employees cannot engage in other employment during the hours they are scheduled to work for DeWitt County.

Employees may be employed at any time other than the hours they are working for the County in any capacity in a business, trade, occupation or profession, that will not adversely affect the employee's job performance as determined by the Elected/Appointed Official or department head and that will not create a conflict of interest for the employee.

CONFLICT OF INTEREST

Employees of DeWitt County shall not engage in any employment, relationship, or activity which could be viewed as a conflict of interest.

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

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

- 1) Soliciting, accepting, or agreeing to accept a financial benefit, gift or favor that might 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, Unless the gift is from the county;
- 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 his or her duties for the County; or

5) Soliciting, accepting, or agreeing to accept any benefit from a person the employee knows to be subject to regulation, inspection, or investigation by the employee or the County.

7) Soliciting, accepting, or agreeing to accept any benefit from a person the employee knows is interested in or likely to become interested in any contract, purchase, payment, claim, or transaction involving the exercise of the employee's discretion.

HIRING PRACTICES

DeWitt County has four methods of selecting persons to fill vacancies:

1. Promotion from within;
2. Transfer from within;
3. Public announcement and competitive consideration of applications for employment;
4. Selection from a current eligible list of applicants. (A current eligibility list is a record of applicants for the same or a similar position for which selection was conducted within the preceding 2 years.)

The Elected/Appointed official(s) or department head determines the method of selection to be used in filling each vacancy. However, the Commissioners Court must approve funding for a position before the selection process begins.

Each Elected/Appointed Official is responsible for staffing his/her own department as allowed by the current County Budget and Salary Order. The Budget and Salary Order are adopted annually by the Commissioners Court and are effective for one fiscal year.

Annually the Commissioners Court, under statutory budgetary procedures, decides the number and salary of all positions allowed for each department and establishes them in the Salary Order. No department will be allowed positions in excess of those approved by Commissioners Court nor may the salary range of any position be changed without Court approval.

POSITION ANNOUNCEMENTS

Elected/Appointed Officials or department heads must send a notice of all position openings for which there will be a competitive consideration to the County Treasurer's office for posting. The County Treasurer will post any notices received on the county's website at www.co.dewitt.tx.us.

Job openings may be published in the local newspaper at the request of the Elected/Appointed Official or department head, however, accommodations may be made depending on the job needs for other listings.

County employees are permitted to apply for positions for which they believe themselves to be qualified.

Applications will be accepted until the position is filled.

QUALIFICATIONS

The county maintains a job description that establishes the required knowledge, skills and abilities for each staff position or class of position and the acceptable levels of experience and training for each.

APPLICATION FOR EMPLOYMENT

Each person desiring employment with DeWitt County may obtain an application for employment from the County Treasurer's Office or from the county's website at www.co.dewitt.tx.us.

Applications for employment with the DeWitt County Law Enforcement Center must be obtained from the sheriff's office or Texas Commission of Law Enforcement website www.tcole.texas.gov.

The county must retain each employment application for two years after receipt of the application.

SELECTION

The Commissioners Court is responsible for the selection and employment of all appointed department heads except as specified by law or in these policies.

The District Judges representing DeWitt County appoint the County Auditor. The DeWitt County Juvenile Board (District Judges and County Judge) is responsible for appointing the Chief Juvenile Probation Officer.

The Commissioners Court approval is required for all position appointments funded by federal and/or state grants.

Except for positions filled by a vote of the Commissioners Court or as set out above, each Elected/Appointed Official or department head is responsible for selection of persons to fill each vacant position within the Salary Order as adopted by the Commissioners Court.

The hiring official has the responsibility to check the employment references of all applicants to ensure that individuals who join DeWitt County are well-qualified.

The county will respond to inquiries from other employers. These inquiries should be directed to the County Treasurer's office. Answers to inquiries will be limited to confirmation of employment dates, wage rates and position(s) held.

Once a selection is made, the Elected/Appointed Official or department head shall complete a written request listing the name of the applicant, the requested classification, beginning salary and effective date of employment. Along with the request a copy of the applicant's resume and/or application for employment and signed job description must be submitted to the County Treasurer's Office. The County Treasurer's Office will then complete the personnel change form for the Elected/Appointed Official or department head's signature. The personnel change form shall be submitted by the County Treasurer to Commissioners Court at the next scheduled meeting for receipt and approval of whether or not the payroll status change is in compliance with the current budget of the County of DeWitt.

EMPLOYMENT VERIFICATION

It is the responsibility of the employing department to make appropriate checks to verify education, criminal history, experience, character and required certificates and skills of an applicant prior to employment.

JOB CLASSIFICATIONS/DESCRIPTIONS

Job descriptions are written by the Elected/Appointed Official or department head for each employee in their department. The Commissioners Court adopts the official job descriptions for each position in the County.

The job description for each employee's position will be:

1. Given to the employee;
2. Reviewed by the employee;
3. Signed by the employee; and
4. Placed in the employee's personnel file with a signed certification statement that the employee has reviewed it.

In addition, each employee is given a copy of the job description to keep.

RE-EMPLOYMENT

DeWitt County's policy on re-employment after withdrawal of funds from the Texas County and District Retirement System shall have a waiting period of 90 calendar days from date of resignation and shall also comply with the Retirement System's statutes and regulations and applicable federal law.

CONFIDENTIALITY

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

Regarding the personnel information on employees of DeWitt 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 intimate and personal matters are typically not subject to disclosure. The County will adhere to the Public Information Act requirements. No county employee is authorized to disclose personnel information of another employee unless in response to a request for public information that has been processed by the County.

3. EMPLOYEE COMPENSATION & ADVANCEMENT

SALARY SCHEDULE

The Salary Schedule lists all job titles for employees and the corresponding salary ranges.

New employees usually start at the minimum rate (Step 1) for the salary range of the job position. If an Official determines that a new employee is experienced in the job being filled, he may, upon approval of the Commissioners Court, start that employee at a step higher than Step 1 if funds are available in that department's budget.

A copy of the current salary schedule is given to each Elected/Appointed Official or department head at the beginning of the Fiscal Year. It is also available for viewing in the County Treasurer's Office.

STEP INCREASES

An Elected/Appointed Official may grant a step increase to an employee who has achieved the required number of years of service. The effective date for such a step increase will be based on the employee's anniversary date of employment and written notice of such intent must be filed with the County Treasurer's Office prior to the effective month's Commissioners Court meeting.

Once an employee has reached the upper salary level of his position, he will remain at that level unless the Commissioners Court grants an across-the-board annual salary increase or additional steps are added to the salary schedule.

No employee, regardless of length of service, shall be considered for more than one step increase in any one year.

If an employee refuses a scheduled step increase granted by the Elected/Appointed Official or department head, the employee shall not be considered for a step increase until the next scheduled step. The refusal must be a written request submitted to the County Treasurer's Office and will be placed in the employee's personnel file.

Effective October 1, 2012, DeWitt County employees receiving a step increase will be paid all accumulated compensation time at their current rate of pay before the step increase becomes effective. Payout will be paid at the next scheduled payday. (Amended 8-8-2012)

EMPLOYEE DEFINITIONS/STATUS

FULL TIME EMPLOYEE. A full time employee shall be any employee in a budgeted position which has a normal work schedule of at least forty (40) hours per week.

PART TIME EMPLOYEE. A part time employee shall be any employee in a budgeted position which has a normal work schedule of less than thirty (30) hours per week.

TEMPORARY SEASONAL EMPLOYEE. A temporary seasonal employee shall be any employee who is hired in a position which usually does not exceed six (6) months and is expected to last for a specific duration of time with a start date and end date. Temporary employees may be either full time or part time. A temporary employee who averages thirty (30) or more hours per week or 130 hours per month over a twelve (12) month period is eligible for health insurance coverage.

HEALTH INSURANCE. All regular employees who work thirty (30) hours or more per week are eligible for health insurance coverage effective on the first of the month following sixty (60) days of employment. Temporary seasonal, and part-time employees who average thirty (30) or more hours per week or 130 hours per month over the previous twelve (12) month period, also known as the (look back) or Measurement Period, are also eligible for health insurance coverage.

Employees may purchase coverage for eligible dependents under the group plan. The additional premiums will be deducted from their paycheck.

Each employee will be provided a policy booklet which outlines the coverage under the current county policy. Questions on specific items may be answered by contacting the insurance company.

The County reserves the right to alter, diminish, or eliminate health benefits coverage at any time.

Additionally, classified employees working on average at least thirty (30) hours per week or 130 hours per month will be considered full time for health insurance plan purposes and offered health insurance benefits in order to be in compliance with the Patient Protection and Affordable Care Act.

WORK WEEK – TIME SHEETS

For payroll purposes, the County work week begins on Saturday at 12:01 a.m. and ends on the following Friday at midnight. A regular non-exempt county employee is required to log forty (40) hours per workweek to receive their full pay. A time sheet will cover two weeks of work for regular non law enforcement employees.

Law Enforcement personnel designated as 207K employees must log a minimum of 80 hours in the 14 day work period covered by their time sheet.

Regular dependable attendance is an essential function of every county job. Employees are expected to be at work on time and to comply with all notice requirements in the event they are unable to be at work on time or at all. If an employee must be late for work or is unable to attend work, the employee must notify the employee's Elected/Appointed Official or department head.

Each employee is responsible for recording hours worked on his own time sheets, as well as compensable time (comp-time) away from work (see Section 4). The time sheet is to be filled out and signed by the employee and approved and signed by the Elected/Appointed Official or department head. Any changes made to the time sheet shall be at the discretion of the Elected/Appointed Official or department head.

Time sheets with white-out used will not be accepted.

Falsifying a time sheet, a governmental record, is a punishable offense under the Texas Penal Code, Section 37.10 (Tampering with Governmental Records, a state felony punishable by up to two years in a state jail facility and a fine up to \$10,000.00 or both). Any time sheet not submitted by the deadline will be processed at a later date. Falsification of a time sheet will also result in discipline up to and including immediate termination of employment.

When a non-exempt employee falls below the minimum compensable time (hours worked plus paid time away from work) during a pay period, his pay will be adjusted accordingly. (See Standard & 207K Employees section.)

All approved time sheets are due in the Treasurer's Office by 10:00 a.m. on the Monday following the end of the pay period. If a holiday falls during the week of payroll calculation notice for earlier deadline will be issued by the Treasurer's Office. Any time sheet not submitted by the deadline will be processed at the next payroll.

WORKING HOURS

Each Elected/Appointed Official is responsible for scheduling the hours worked in his department that will ensure the best service to the public as well as with other county offices.

FAIR LABOR STANDARDS ACT SAFE HARBOR

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

Employees who are classified as non-exempt must maintain an accurate record of the total hours worked 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, any absences, late arrivals, early departures and meal breaks. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week. Do not sign your time sheet if it is not accurate. Unless you are authorized by your supervisor, you 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 and that time is 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.

It is a violation of DeWitt County policy for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time sheet to under-report or over-report hours worked. If anyone instructs you to: (1) incorrectly or falsely under-report 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 your Elected/Appointed Official or Department Head.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work 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, such as during salary review times, 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.

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

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; or (2) your absence because the facility is closed on a scheduled work day; or (3) your absence because of the County's

operating requirement; or (4) absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work; or (5) any other deductions prohibited by state or federal law.

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

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

PAYDAYS

Paychecks for DeWitt County employees will be issued bi-weekly, on every other Friday.

If a Friday pay day falls on a holiday, pay checks may be issued earlier to coincide with the holiday.

Paychecks will be issued to each Official or designated employee for distribution.

All employees' pay will be "lagged" one week. Checks issued on Friday will be for time through the end of the previous work week as recorded on the employee's time sheet.

DIRECT DEPOSIT

Direct Deposit of paychecks is an option for all employees with the exception of the last paycheck which will be a hard copy paper check distributed from the Treasurer's Office.

OVERTIME

The Fair Labor Standards Act (FLSA) determines the minimum number of hours a non-exempt employee must work in a single work week before the employee is eligible for overtime. "Hours worked" means the number of hours an employee is physically on the job and does not include paid hours away from work (holidays, vacation, sick leave, etc). All overtime must be approved in advance by the Official or Designated Supervisor. An employee who works overtime without prior approval will be disciplined. There are two different non-exempt employee classifications for DeWitt County – "Standard Employees" and "207K Employees".

STANDARD EMPLOYEES

Standard employee's hourly rate of pay shall be his bi-weekly pay divided by 80 hours.

Employees who work more than 40 hours in a single workweek and are not classified as "207K Employees" are in overtime status. These employees will be compensated for overtime hours at the County's discretion with either Overtime Pay or Compensatory Time Off.

OVERTIME PAY. An employee may receive Overtime Pay at a rate of 1½ times the employee's current hourly rate of pay for each hour of overtime worked. Payment for overtime will be included on the paycheck for the pay period in which it was earned.

COMPENSATORY TIME OFF. At the discretion of the County, employees in overtime status may be given compensatory time off in lieu of overtime pay. Employees who do not receive overtime pay will accrue Compensatory Time Off at a rate of 1½ times the number of overtime hours worked. All Standard Employees except Sheriff's Department Dispatchers may accrue a maximum of 240 hours of Compensatory Time off (160 overtime hours worked). Dispatchers may accrue up to 480 hours of Compensatory Time Off (320 overtime hours worked). Employees must have approval by the Official or Designated Supervisor before using Compensatory Time Off. Effective October 1, 2012, DeWitt County employees receiving a step increase will be paid all accumulated compensation time at their current rate of pay before the step increase becomes effective. Payout will be paid at the next scheduled payday.

Effective July 2011, in the event an employee transfers from one county department to another county department and has a balance of accumulated comp time, the department the employee is transferring from shall be responsible for payment in full, from their budget, of the accumulated comp time balance at time of transfer.

Effective September 8, 2014, all Compensatory Time earned during the fiscal year will be paid out at the rate earned through the last pay period of the fiscal year. The payout will be included on the last pay period in the fiscal year.

Upon termination of employment, the employee will be paid for any unused Compensatory Time Off at their current hourly rate of pay.

207K EMPLOYEES

207K employee's hourly rate of pay shall be calculated by the bi-weekly salary divided by 86 hours.

In accordance with the FLSA, DeWitt County Sheriff's Office Deputies and Jailers have been designated as 207K Employees. These employees are not eligible for overtime consideration until they work more than 86 hours in a 14-day work period. 207K employees will receive overtime pay on the pay check for the pay period in which it was earned at a rate of 1½ times the employee's regular rate of pay for each hour of overtime worked, but shall not be compensated with overtime pay for more than 5 overtime hours worked for any 14 day pay period, any additional hours shall be compensated with Compensatory Time Off at a rate of 1½ times the number of overtime hours worked. 207K employees may not accumulate more than 480 compensatory time hours (320 overtime hours worked). Employees must have the approval of the Official or Designated Supervisor before using Compensatory Time Off.

LAW ENFORCEMENT RECRUITMENT BONUS

DeWitt County Commissioners Court approved a recruitment bonus of \$1,000 for sheriff's deputies effective October 1, 2014. The sheriff's deputy must remain employed with DeWitt County as a sheriff's deputy for 1 continuous year before the bonus will be paid. The bonus will be included on the first payroll check after completion of 1 year of service as a DeWitt County sheriff's deputy.

PAYROLL DEDUCTIONS

Deductions shall be made from each employee's paycheck for federal withholding, social security, Medicare, and any other deductions required by law. Employees eligible for membership in the Texas County and District Retirement System shall have their contributions to that system deducted from each paycheck. Any optional deduction authorized by the Commissioners' Court and approved by the employee shall also be made from the employee's paycheck. No optional deduction shall be made from an employee's paycheck unless the employee turns in written authorization for the deduction to the County Treasurer's Office.

Improper deductions from the pay of exempt employees is prohibited. If an exempt employee believes that an improper deduction from his/her salary has been made, a complaint should be made to the County Treasurer. The County Treasurer will investigate the complaint. Upon a finding by the County Treasurer that an improper deduction was made, the exempt employee will be reimbursed in the amount of the improper deduction and the County will make a good faith effort not to make future improper deductions.

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/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.

TRANSFERS

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

Elected/Appointed Officials may transfer an employee in their department to a vacant position. All transfers must be handled in accordance with the budget adopted by Commissioners Court.

Transfers may be requested by the employee, the Elected/Appointed Official or department head to whose department the employee will be transferred to and must be approved by the Commissioner's Court.

An employee will be placed in the pay classification commensurate with their experience and education. An employee may receive the salary for the position and level of the new position for which his/her qualifications justify and that is within the department's annual budget. An employee who makes a lateral transfer will retain the same effective employment date and all accrued vacation and health leave.

Effective July 2011, in the event an employee transfers from one county department to another county department and has a balance of accumulated comp time, the department the employee is transferring from shall be responsible for payment in full of the accumulated comp time balance at time of transfer from their budget.

PROMOTIONS

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

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

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 DeWitt County shall be designated as one of the following types: 1) resignation; 2) retirement; 3) dismissal; 4) reduction in force; or 5) death.

RESIGNATION

A resignation shall be classified as any situation in which an employee voluntarily leaves his/her employment with DeWitt County and the separation does not fall into one of the other categories. Employees who are resigning should submit a written notice of resignation to his/her supervisor.

RETIREMENT

A retirement shall be any situation in which an employee meets the requirements to collect benefits under the County's retirement program and voluntarily elects to leave employment with the County to do so. An employee who is retiring should notify his/her 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.

DISMISSAL

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation. DeWitt 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.

REDUCTION IN FORCE

Reduction in force may be ordered by the Commissioners Court when there is a lack of funds to support the position, or when there is a lack of work to justify the position.

When reductions in force are necessary, decisions on individual separations will be made after considering: 1) the relative necessity of each position to the organization; 2) the performance record of each employee; 3) qualifications of the employee for remaining positions with the county; and 4) the employee's length of service with the county.

Elected/Appointed Officials or department heads with departments containing multiple positions effected by a reduction in force, will have the responsibility of choosing the individual personnel that will be eliminated as a result of the reduction in force.

DEATH

A separation by death shall occur when an individual dies while currently employed by the County. If an employee dies while still employed by the County, all earned pay and payable benefits shall be distributed pursuant to the Texas Estates Code or a designated beneficiary whichever is applicable.

4. LEAVE TIME

HOLIDAYS

Each year, the Commissioners Court designates the paid holidays for regular employees. Each holiday is equivalent to an eight-hour day.

It should be understood that the holidays awarded by the Commissioners Court are not an automatic benefit and are subject to change in any given year.

Employees who are scheduled to work on a designated holiday will receive one of the following at the discretion of their Official:

- 8 hours to take off, as scheduled by the Elected/Appointed Official, at an alternative time within the same pay period as the holiday; or
- payment for 8 additional hours at that employee's regular rate of pay.

At no time will hours awarded for holidays be counted toward hours worked for the purpose of calculating overtime pay.

Part-time employees are not paid for holidays. They will be off without pay for the observed county holiday.

VACATION

Everyone needs to get away from work from time to time and with this in mind the County encourages employees to take a vacation each year.

After one year of employment, a regular employee is granted 80 hours vacation per year on their anniversary date. The anniversary date is defined below.

After completion of ten consecutive years of employment with the County, a regular employee is granted 120 hours of vacation per year on their anniversary date. The anniversary date is defined below:

ANNIVERSARY DATE

The date of employment is the anniversary date for employees hired after January 1, 1994.

January 1 of each calendar year is the anniversary date for employees hired before January 1, 1994.

All vacation must be scheduled with an approval by the Elected/Appointed Official or department head. Plans should be made well in advance so arrangements may be made to cover the employee's work during the employee's absence. County needs may require an employee to change a scheduled vacation. The Elected/Appointed Official or department head will notify an employee if this is necessary. County holidays that fall within a planned vacation are not charged against vacation time.

An employee may not carry vacation time over and **will not** be paid in lieu of taking their vacation. Vacation time is a "use-it" or "lose-it" policy.

Upon termination an employee shall be paid for unused vacation at the hourly rate of pay at time of separation. **The last day worked will be considered as the last day of employment. The employee cannot end employment using vacation, sick, personal or comp time.**

SICK TIME

All regular employees are granted sick leave at the rate of four (4) hours per pay period accumulative to a maximum of 240 hours. If employee is on unpaid leave, sick leave will not accrue.

Sick leave may be used for the following purposes:

1. Illness or injury of the employee;
2. Appointments for the employee or for a member of the employee's immediate family with physicians, optometrists, dentists, and other qualified medical professionals; or
3. Illness or injury of a member of the employee's immediate family.
4. Salary supplement under Workers' Compensation rules.
5. Salary supplement under FMLA rules.

For purposes of this policy, immediate family shall be defined as spouse, child or foster child (under 18 years of age or over 18 years of age and dependent on the employee for care) or parent. Immediate family also includes another relative living in the employee's home who is dependent on the employee for care.

Advance permission from the Official is necessary when an employee attends an appointment scheduled during normal working hours for a **non-emergency** examination.

If an employee is absent for three or more consecutive days, the Elected/Appointed Official or department head has the discretion to require a doctor's statement to verify the need for the leave.

At any time, an Elected/Appointed Official may ask an employee to provide a doctor's statement to substantiate sick leave requests or may ask proof of a doctor's appointment. If an Official finds that an employee has misused sick leave, disciplinary action may be taken.

Sick leave is a benefit of county employment and no payment will be made for unused sick leave at time of termination of employment.

DEWITT COUNTY

SICK LEAVE POOL POLICY

As pursuant to Local Government Code §157 Pooling of Sick Leave by County Employees, DeWitt County Commissioners Court on this the 23rd day of May, 2016, adopts the following policy effective immediately.

PURPOSE

The purpose of the DeWitt County Sick Leave Pool is to provide additional sick leave days to County employees in the event of a catastrophic illness or injury, surgery, or disability that prevents an employee from active employment. Days may be applied from the Pool only after the employee has exhausted all accrued sick, vacation or compensatory time.

DEFINITIONS

1. Pool Administrator means:

The person designated by the Commissioners Court of a county to administer the county's sick leave pool program.

2. Employee means:

A district, county, or precinct employee with 12 or more months of continuous employment with the district, county or precinct who is paid from the general fund of the county, from a special fund of the county or from special grants paid through the county.

3. A catastrophic illness or injury means:

A terminal, life-threatening, and/or severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed health practitioner for a prolonged period of time and that forces the employee to exhaust all accrued leave time (sick leave, vacation leave and compensatory time) and to lose compensation from the County.

4. A licensed practitioner means:

A practitioner, as defined by the Texas Insurance Code, who practices within the scope of his/her license.

5. An Incapacitated person means:

1. A minor;
2. An adult individual who, because of a physical or mental condition, is substantially unable to provide food, clothing, or shelter for himself, to care for the individual's own physical health, or to manage the individual's own financial affairs; or
3. A person who must have a guardian appointed to receive funds due the person from any governmental source. (See Texas Estate Code §1001.003) and (Texas Estates Code §1002.016)

AUTHORITY TO ESTABLISH PROGRAM FOR SICK LEAVE POOL

Pursuant to LGC §157.072 the commissioners court of a county may establish a program within the county to allow an employee to voluntarily transfer sick leave time earned by the employee to a county sick leave pool. An employee is not eligible to withdraw from the pool if the employee does not transfer sick leave time to the pool establishing membership.

ADMINISTRATION OF THE POOL

At the direction of the Commissioners Court, the County Treasurer shall serve as the Pool Administrator. The Pool Administrator shall be responsible for developing mechanisms to transfer accrued sick leave into and out of the Pool; developing rules and procedures for the operation of the Pool; and developing forms for contributing leave to, or using leave from, the Pool.

POOL MEMBERSHIP – EMPLOYEE CONTRIBUTION TO POOL

1. All regular full-time employees are eligible to join the Sick Leave Pool by contributing a minimum of one day (equivalent to 8 hours) or a maximum of five days (equivalent to 40 hours) accrued sick leave.
2. New employees may join the pool and become members after 12 months of continuous employment, Days donated will be subtracted from their accrued leave.
3. After the Pool is established, employees may donate accrued sick time at any time during the fiscal year (October 1 through September 30) or, in the case of new employees, immediately upon completion of 12 months of continuous service.
4. Open enrollment for membership will be in September of each year. Membership enrollment forms must be submitted to the County Treasurer's Office. Days
5. donated will be subtracted from each member's accrued sick leave. All eligible employees must return the enrollment forms whether or not the employee wishes to obtain membership in the pool.

6. Days donated become the property of the DeWitt County Sick Leave Pool and cannot be returned in the event of membership cancellation. To cancel membership an employee must submit written cancellation form to County Treasurer's Office.
7. An employee who is terminated or resigns or retires may donate not more than 10 days of accrued sick leave time.
8. Employees on approved leave of absence will retain membership in the Pool and will not be required to donate additional days.
9. To maintain membership in the Sick Leave Pool, all members must donate a minimum of one day (equivalent to 8 hours) or a maximum of five days (equivalent to 40 hours) of sick leave. An employee may donate accrued sick time at any time during the fiscal year (October 1 through September 30) or, in the case of new employees, immediately upon completion of 12 months of continuous service. Only one donation during the fiscal year is required to maintain membership in the Pool.

DAYS GRANTED – EMPLOYEE WITHDRAWAL FROM POOL

1. Days will be granted only for catastrophic illness or surgery or other disability, which necessitates an absence from work for five consecutive days or longer. In case of chemotherapy for cancer treatment, days can be granted for 1-4 days consecutive absence.
2. Pregnancy will not be covered by the Sick Leave Pool, but complications due to pregnancy or delivery will be considered.
3. The Pool may be used only by members for his/her personal illness or disability or for a family member whose illness and relationship to the employee meet the guidelines of the Family Medical Leave Act and the DeWitt County Family Medical Leave Policy.
4. Days requested for stress related illness will be granted for hospitalized days only.
5. The maximum number of days granted to an employee each year shall not exceed (1/3) one-third of the total amount of time in the Pool at the time of the request or 90 days, whichever is less.

6. Days will not be granted when an employee is receiving worker's compensation or long-term disability benefits.
7. The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the county sick leave pool.

PROCEDURE

1. After approval by the employee's Elected/Appointed Official/Department Head, an eligible employee must apply to the Pool Administrator for permission to withdraw time in Pool.
2. If the employee is determined to be eligible, the Pool Administrator shall approve the transfer of time from the Pool to the employee. The time shall be credited to the employee and shall be used in the same manner as accrued sick leave.
3. An employee absent on sick leave assigned from the Pool is treated for all purposes as if the employee were absent on accrued sick leave.
4. If a member is incapacitated and unable to file an application for sick leave from the Pool, his/her Elected/Appointed Official/Department Head may submit an application at the written request of the employee's family.

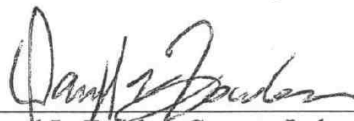
FINAL AUTHORITY

The Sick Leave Pool Administrator shall have the final approval/disapproval of employee applications.

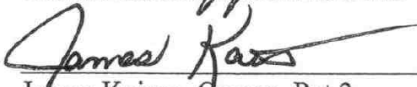
APPLICATION FORMS

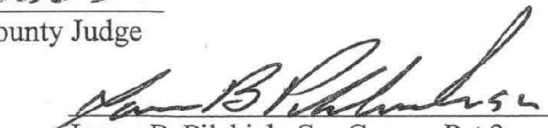
Applications for donation of accrued sick time to the DeWitt County Sick Leave Pool are available in the County Treasurer's Office.

Applications for withdrawal from the DeWitt County Sick Leave Pool are available in the County Treasurer's Office.


Daryl L. Fowler, County Judge


Curtis Afflerbach, Comm. Pct. 1


James Kaiser, Comm. Pct. 3


James B. Pilchick, Sr., Comm. Pct. 2


Richard L. Randle, Comm. Pct 4

DEWITT COUNTY SICK LEAVE POOL MEMBERSHIP APPLICATION

Membership in the DeWitt County Sick Leave Pool is available to all full-time employees who accrue sick leave benefits and have been continuously employed for at least 12 or more months.

I have read the rules and guidelines in the DeWitt County Sick Leave Pool Policy concerning the Pool and desire to become a member by donating a minimum of 1 day (equivalent to 8 hours) or a maximum of five days (equivalent to 40 hours) of sick leave.

I understand that these days, once donated to the Pool for membership, will be subtracted from my available sick leave days. All donations to the Pool become the property of the Pool and cannot be returned even upon cancellation of membership.

My authorization to deduct days from my accumulated sick leave is verified by my signature below.

Employee _____ Department _____
(Print Full Name)

Social Security Number _____ Number of days to be donated _____

Signature _____ Date _____

WAIVER OF MEMBERSHIP

I have read the above information concerning the County's Sick Leave Pool and I do not wish to become a member and waive my right to membership during the current eligibility period.

Signature _____ Date _____

Social Security Number _____ Department _____

PLEASE RETURN THIS FORM TO THE COUNTY TREASURER'S OFFICE

DEWITT COUNTY
APPLICATION FOR WITHDRAWAL FROM SICK POOL

NAME _____ SS# _____

DEPARTMENT _____ POSITION _____

First date for this illness _____

Date returns to work or expect to return _____

Number of days absent for this illness _____

The above days requested are needed due to illness/injury described below:

Signature of Employee or Family Member

Date

Approved by Elected/Appointed Official

Date

Approved by Pool Administrator

Date

PLEASE RETURN THIS FORM TO THE COUNTY TREASURER'S OFFICE

DEWITT COUNTY SICK LEAVE POOL MEMBERSHIP CANCELLATION

Employee _____ Department _____
(Print Full Name)

Signature _____ Date _____

PLEASE RETURN THIS FORM TO THE COUNTY TREASURER'S OFFICE

FITNESS FOR DUTY

If an employee is absent for five or more consecutive days, a physician's fitness for duty statement is required before the employee may return to work.

This fitness for duty statement must state that the employee is able to perform the essential functions of his/her job and identify any physical limitations that may apply. A copy of the employee's job description will be provided for this purpose.

EXTENDED LEAVE OF ABSENCE

In addition to those instances otherwise recognized by these policies for the use of leave without pay (ie, military leave, workers' compensation leave, FMLA, etc.), an employee may request to take leave without pay for **extraordinary circumstances**. Such leave may be granted at the discretion of the County with the approval of the Elected/Appointed Official or department head. The granting of an unpaid leave of absence will depend upon the reason for the leave, the amount of leave requested and the ability of the County to provide services and continue operations efficiently and effectively if the request is granted. If the purpose for the unpaid leave of absence is a medical condition of the employee, a medical certification will be required before the extended leave will be granted and before the employee may return to duty. All paid leave must be exhausted prior to the commencement of any leave without pay.

Employee benefits (sick and vacation time) will not accrue during any period of leave without pay unless required by state or federal law.

No period of a combination of any type of leave, with and/or without pay, may exceed six (6) months. If at the end of any 6-month period of approved leave, the employee is unable to return to work, employment with the County is automatically terminated unless continuation of employment is required by state or federal law.

EXCUSED LEAVE

The County recognizes there are times when an employee may need to be away from work for personal reasons other than illness or vacation. To accommodate when these times occur, the employee may take up to 24 hours off with pay per year. These hours are subject to the approval of the Official and are available upon employment. These hours do not roll over from year-to-year.

CITIZENSHIP LEAVE

Employees will be given time away from work with pay to fulfill citizenship obligations such as:

- Witness duty
- Jury duty
- Voting and other similar obligations

When possible, employees should try to schedule these activities so they do not interfere with their work schedule. Employees must let their Official know as soon as possible when they need to be away from work to fulfill one of these duties.

BAD WEATHER/EMERGENCY DAYS

If the Elected/Appointed Official declares a bad weather or emergency day and delays the hours of opening or closes his/her office, the employee will list the hours as bad weather/emergency as declared and the hours will count the same as worked.

If an employee opts not to come to work on a day not declared a bad weather and/or emergency day, the employee must use accrued leave or be absent with no pay.

Essential or key personnel who are required to work during a declared emergency will receive extra compensation at their normal rate of pay or equal time off at a later date for the hours actually worked.

MILITARY RESERVE DUTY

GUARD & RESERVE

1. County employees who are members of the Texas military forces, a reserve component of the United States Armed Forces, or a member of a state or federally authorized urban search and rescue team shall be allowed up to fifteen (15) days off per year with pay to attend authorized training sessions and exercises or duty ordered or authorized by proper authority.
2. The fifteen (15) days paid military leave shall apply to the County's fiscal year and any unused balance at the end of the year shall not be carried forward into the next fiscal year.
3. 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.
4. An employee may use annual leave, earned compensatory time, or leave without pay if he must attend Reserve or National Guard Training sessions or exercises in excess of the fifteen (15) days paid leave.

MILITARY ORDERS

5. An employee going on military leave shall provide his supervisor with a set of military orders within two (2) days after receiving them.

ACTIVE MILITARY

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

FAMILY AND MEDICAL LEAVE

The County provides leave to eligible employees in accordance with the Family and Medical Leave Act (FMLA). Under the FMLA, eligible employees may take up to 12 weeks of unpaid leave during a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Eligible employees may take up to 26 weeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period which begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

ELIGIBILITY

To be eligible for FMLA leave, an employee must have worked for the County:

- For at least 12 months, and
- For at least 1,250 hours during the 12 months preceding the start of the leave.

An employee's 12 months of service with the County need not be consecutive months. However the County will not recognize employment that preceded a 7-year break in service except in limited circumstances required by the FMLA.

QUALIFYING EVENTS

Eligible employees may take FMLA leave for one or more of the following reasons:

- for the birth of a child;
- for placement of a child for adoption or foster care;
- to care for the employee's spouse, son, daughter, or parent with a serious health condition;
- when the employee is unable to perform the functions of his/her position because of his/her own serious health condition;
- because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty (or has been notified

of an impending call or order to covered active duty) (“Military Exigency Leave”). Covered active duty requires deployment to a foreign country; or

- to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member (“Military Caregiver Leave”).

To determine eligibility for leave for most qualifying events, the 12-month period used by the County is a rolling 12-month period measured backward from the date an employee uses any FMLA leave. Leave to care for a covered service member with a serious injury or illness is determined by a 12-month period that begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date.

SERIOUS HEALTH CONDITIONS

“Serious health condition” is defined as an, incapacity and refers to the inability to work, attend school or perform other regular daily activities due to a serious health condition, treatment therefore, or recovery there from.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves:

- **Inpatient care**, which is an overnight stay in a hospital, hospice, or residential medical-care facility and includes any period of incapacity or any subsequent treatment in connection with such inpatient care; or
- **Continuing treatment by a health care provider** which includes any one or more of the following conditions:

(A) Incapacity and treatment, which is 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:

(i). Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(ii). Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen);

Or

For purposes of this section, “treatment by a health care provider” means an in-person visit to a health care provider, the first of which treatment visit must take place within seven (7) days of incapacity.

(B) Any period of **incapacity due to pregnancy** or for prenatal care. For example, an employee who is pregnant may be unable to report to work because of severe morning sickness.

(C) Any period of incapacity or treatment for such incapacity due to a **chronic serious health condition**. A chronic serious health condition is one which:

(i) Requires periodic visits (at least twice per year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (episodic: having symptom free periods that alternate with presence of symptoms – ie: asthma, diabetes, epilepsy, etc.).

(D) A period of incapacity which is **permanent or long-term due to a condition for which treatment may not be effective**. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

(E) Any period of absence to receive **multiple treatments** by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive full calendar days in the absence of medical intervention or treatment, including any period of recovery for conditions such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis). (including any period of recovery

(F) Substance abuse may be a serious health condition if the conditions of this section are met.

However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee’s use of the substance, rather than for treatment, does not qualify for FMLA leave.

(G) Absences attributable to incapacity for pregnancy or prenatal care are for chronic conditions even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee’s health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An

employee who is pregnant may not be able to report to work because of severe morning sickness.

Examples of Situations that are NOT Serious Health Conditions.

- Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not “serious health conditions” unless inpatient hospital care is required or unless complications develop.
- Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.
- A regimen of continuing treatment that includes the consumption of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.
- “Treatment” does not include routine physical examinations, eye examinations, or dental examinations.

PAID AND UNPAID LEAVE

If any employee has any available accrued sick leave, it must be used concurrently with any available FMLA leave, provided the employee’s absence is covered by the County’s sick leave policy. Accrued sick leave taken for the purposes of FMLA for the employee or employee’s immediate family will follow the guidelines set out in the sick leave policy. If the absence is not covered by the County’s Sick Leave Policy or if an employee exhausts accrued sick leave, an employee on FMLA leave will be required to exhaust any accrued vacation leave concurrently with the FMLA leave. FMLA leave will also run concurrently with any time off from work covered by workers’ compensation when the on-the-job injury qualifies as FMLA leave. Whenever an employee is substituting paid leave for FMLA leave, the employee must comply with the County’s existing notice and procedural requirement for the type of paid leave being used.

INSURANCE

During any period of FMLA leave, the County will continue to pay its portion, if any, of any group health insurance coverage for the employee on the same terms as if the employee had continued to work. Where applicable, the employee must timely pay his or her share of health premiums while on FMLA leave. The County may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave, unless the employee is unable to return due to a serious health condition or something else beyond the employee’s control. Medical Certification is required under such circumstances.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave, and seniority will not be affected. However, benefit accruals, such as vacation and sick leave, will be suspended during any unpaid leave.

INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE

An eligible employee may take FMLA leave on an intermittent or reduced schedule basis only in those situations required by the FMLA or otherwise approved by the Elected/Appointed Official or department head. When intermittent leave is needed, the employee must try to schedule the leave so as not to unduly disrupt the County operations. The County may temporarily transfer the employee to an alternative position (with equivalent pay and benefits) in order to better accommodate an employee's intermittent or reduced leave schedule.

CERTIFICATIONS

An employee must provide the County with a medical certification supporting the need for FMLA leave due to a serious health condition affecting the employee or the employee's spouse, son, daughter, or parent or to care for a covered service member with a serious injury or illness. The medical certification form must be filled out sufficiently to allow the County to make a determination of the need for leave. In addition, the certification must set for the beginning and expected ending dates of the leave. In the case of intermittent leave, the certification must also provide the dates and duration of the treatments necessitating the intermittent leave. Certification may also be required for Military Exigency Leave, which certification should state, without limitation, the need for the leave, dates of leave, and contact information for third parties. Forms are available from the County Treasurers Office.

An employee must also provide periodic reports during FMLA leave as to his/her status and intent to return to work, and will be required to submit a "fitness-for-duty" (Please see Fitness for Duty section of this manual) certification before the employee can return to work when the absence was due to the employee's own serious health condition. A fitness for duty certification must certify that the employee is able to resume work and must specifically address the employee's ability to perform the essential functions of the employee's job. A copy of the employee's job description will be provided by the County for the physician to be able to make the required certification. Restoration to employment may be delayed until the required fitness-for-duty certification is submitted. In some cases the County may require a second or third medical opinion (at the County's expense) and periodic recertification of the serious health condition. If an employee fails to provide any required certification within 15 days, the County may deny leave until the certification is provided. If an employee elects to take FMLA leave in order to care for a family member, the employee may be required to provide reasonable documentation confirming a family relationship.

When Military Caregiver Leave is requested, a special medical certification form must be completed by the service member's health care provider. The County will provide the appropriate form. A service member's health care provider may be a United States Department of Defense ("DOD") health care provider, a United States Department of Veterans Affairs ("VA") health care provider, a DOD TRICARE network authorized private health care provider, a DOD non-network TRICARE authorized private health care provider, or a health care provider not affiliated with the

DOD, VA or TRICARE. Second and third opinions regarding a covered service member's serious injury or illness and recertification may be required for certifications that are completed by health care providers who are not affiliated with DOD, VA or TRICARE. An employee may be required to provide confirmation of covered family relationship to the seriously injured or seriously ill service member. Invitational travel orders (ITOs) or Invitational Travel Authorizations (ITAs) will be accepted in lieu of medical certification.

NOTICES

In order for the County to accommodate an employee's workload during his/her absence, an employee seeking to take FMLA leave must provide the County Treasurer's Office with at least 30 days advance notice when the leave is foreseeable for an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of the employee or of a family member of the employee, or the planned medical treatment for a serious injury or illness of a covered service member. If 30 days' notice is not practicable (for example, because of a medical emergency), then notice must be given as soon as practicable. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, notice should be provided the same day or the next business day. If requested to do so, the employee must provide an explanation of why 30 days' notice of foreseeable leave could not be given. If the leave is not foreseeable, an employee is expected to provide the County Treasurer's Office with as much advance notice as possible. In the event of medical leave for planned medical treatment for the employee or for the employee's spouse, child or parent, the employee is required to make a reasonable effort to schedule the treatment so as not to unduly disrupt County operations.

Absent unusual circumstances, employees must comply with the County's normal notice and procedural requirements for requesting leave. In requesting leave, the employee must provide sufficient information for the County to reasonably determine whether the FMLA applies to the leave request.

All supervisors must immediately notify the County Treasurer's Office if they have reason to believe an employee's absence is due to an FMLA-covered reason.

REINSTATEMENT. Upon return from FMLA leave, an employee will be restored to his/her original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions.

MILITARY EXIGENCY LEAVE. When the need for leave because of a qualifying exigency arises out of the covered active duty or call to covered active duty status of a military member, the employee requesting leave must provide a copy of the military member's covered active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or a contingency operation, and the dates of the military member's covered active duty service. An employee requesting leave for a qualified exigency will be required to provide a certification on DOL Form WH-384 which will be provided by the County. This certification must be complete and sufficient enough to enable the County to determine the need for leave.

A “qualifying exigency” includes:

SHORT-NOTICE DEPLOYMENT. To address any issue that arises from the fact that a military member is notified of an impending call or order to covered active duty in support of a contingency operation seven or less calendar days prior to the date of deployment. Leave taken for this purpose

can be used for a period of seven calendar days beginning on the date a military member is notified of an impending call or order to covered active duty in support of a contingency operation;

MILITARY EVENTS AND RELATED ACTIVITIES. To attend any official ceremony, program, or event sponsored by the military that is related to the covered active duty or call to covered active duty status of a military member and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a military member;

CHILDCARE AND SCHOOL ACTIVITIES. To arrange for alternative childcare, provide childcare, enroll in or transfer child(ren) to a new school or day care facility, or to attend meetings with school or daycare staff as authorized by the FMLA;

PARENTAL CARE. Eligible employees may take leave to care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility or attending meetings with staff at a care facility.

FINANCIAL AND LEGAL ARRANGEMENTS. To make or update financial or legal arrangements to address the military member’s absence while on covered active duty or call to covered active duty status;

COUNSELING. To attend counseling provided by someone other than a health care provider for oneself, for the military member, or for the biological, adopted, or foster child, a stepchild, or a legal ward of the military member, or a child for whom the military member stands in loco parentis, who is either under 18 or 18 or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to commence, provided that the need for counseling arises from the covered active duty or call to covered active duty status of a military member;

REST AND RECUPERATION. To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Eligible employees may take up to 15 calendar days of leave for each instance of rest and recuperation. A copy of the military member’s Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member’s leave is required certification for a qualifying exigency;

POST-DEPLOYMENT ACTIVITIES. To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of

90 days following the termination of the military member's covered active duty status; and to address issues that arise from the death of a military member while on covered active duty status;

ADDITIONAL ACTIVITIES. To address other events which arise out of the military member's covered active duty or call to covered active duty status provided that the County and employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave. A "military member" is the employee's spouse, son, daughter, or parent on covered active duty or call to covered active duty status.

MILITARY CAREGIVER LEAVE

An eligible employee is entitled to 26 work weeks of leave to care for a covered service member with a serious injury or illness during a single 12-month period which begins on the first day the eligible employee takes FMLA leave to care for a covered service member and ends 12 months after that date. If an eligible employee does not take all 26 workweeks during the 12-month period, the remaining part of the 26 weeks is forfeited. An eligible employee is entitled to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the "single 12-month period" described in this section provided that the employee is entitled to no more than 12 weeks of leave for one or more of the following qualifying events: because of the birth of a son or daughter of the employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for the spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency.

A husband and wife who are both employed by the County and who are both eligible for FMLA leave are limited to a combined total of 26 work weeks of leave during the "single 12-month period" described in this section if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered service member with a serious injury or illness.

The "serious injury or illness" of a covered service member is an injury or illness incurred in the line of duty on covered active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating. This also includes injuries or illnesses that existed before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the Armed Forces.

A "serious injury or illness" for a covered veteran (see definition in subsequent paragraph) means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is: a continuation of serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; **OR** a physical or mental condition for which the covered veteran has received a Veterans Affairs Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful occupation by

reason of a disability or disabilities related to military service or would do so absent treatment; or An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

A “covered service member” is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient therapy, or is otherwise on the temporary disability retired list, for a serious injury or illness. “Covered service member” also includes covered veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness. A “covered veteran” is an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The County may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship.

LEAVE DUE TO BIRTH/ADOPTION. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, if an employee and the employee’s spouse are both employed by the County, both are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent (but not a parent-in-law) who has a serious health condition.

OTHER EMPLOYMENT. Under no circumstances may an employee on FMLA leave, sick leave, disability leave, or workers’ compensation leave engage in outside employment by a third party or self-employment.

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

NOTICE. In addition to this policy, please read the following notice of Employee Rights and Responsibilities under the Family and Medical Leave Act: (Notice included; end of this manual.)

5. EMPLOYEE BENEFITS

HEALTH INSURANCE & EMPLOYEE DEFINITIONS FOR PURPOSES OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

FULL TIME EMPLOYEE. A full time employee shall be any employee in a budgeted position which has a normal work schedule of at least forty (40) hours per week.

PART TIME EMPLOYEE. A part time employee shall be any employee in a budgeted position which has a normal work schedule of less than thirty (30) hours per week.

TEMPORARY SEASONAL EMPLOYEE. A temporary seasonal employee shall be any employee who is hired in a position which usually does not exceed six (6) months and is expected to last for a specific duration of time with a start date and end date. Temporary employees may be either full time or part time. A temporary employee who averages thirty (30) or more hours per week or 130 hours per month over a twelve (12) month period is eligible for health insurance coverage.

HEALTH INSURANCE

All regular employees who work thirty (30) hours or more per week are eligible for health insurance coverage effective on the first of the month following sixty (60) days of employment. Temporary seasonal, and part-time employees who average thirty (30) or more hours per week over a twelve (12) month period are also eligible for health insurance coverage. Employees may purchase coverage for eligible dependents under the group plan with the additional premiums deducted from their paycheck.

Each employee will be provided a policy booklet which outlines the coverage under the current county policy. Questions on specific items may be answered by contacting the insurance company.

Additionally, classified employees working on average at least thirty (30) hours per week will be considered full time for health insurance plan purposes and offered health insurance benefits in order to be in compliance with the Patient Protection and Affordable Care Act.

Employees who leave employment with DeWitt County or who lose their coverage eligibility may be eligible for an extension of medical coverage for themselves and their eligible dependents under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

The County reserves the right to alter, diminish, or eliminate health benefits coverage at any time. The Commissioners Court determines the amount of health insurance premium that the county assumes for the employee portion.

BREAKTIME FOR NURSING MOTHERS & DESIGNATION OF AREA

Pursuant to the Affordable Care Act which amended Section 7 of Fair Labor Standards Act, the Commissioners Court of DeWitt County, has adopted a policy to comply with the Patient Protection and Affordable Care Act, H.R. 3590 and will provide for reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk. The Commissioners Court will provide an area, as required by law, which is other than a bathroom, and is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. Employees seeking this consideration should present their request to their Elected/Appointed Official or department head. The Elected/Appointed Official or department head will coordinate with the County Treasurer to ensure all provisions of the law and amendments to the Fair Labor Standards Act are met. The employee may also contact the County Treasurer for direct consideration. A specific location will be determined at time of request.

CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT OF 1985 (COBRA)

The County complies with COBRA requirements. The county will send out the appropriate COBRA notice when due and the employee will receive all required information at that time.

DEATH BENEFIT

The County pays the premium for a group term death benefit equal to the employee's annual salary if an employee dies while working for the County. Both full-time and part-time employees are eligible. This group term death benefit is part of the Texas County and District Retirement System program and is subject to change by virtue of changes in the Texas County and District Retirement System statutes and regulations.

WORKERS' COMPENSATION

The County provides Workers' Compensation insurance for on-the-job accidents or occupational illnesses for all DeWitt County employees.

In order to insure benefits, the employee must notify his Elected/Appointed Official or department head immediately when injured. He or she **shall** do so no matter how small the injury: even if it does not require immediate medical treatment while performing work duties.

It is then the Elected/Appointed Official or department head responsibility to notify the Treasurer's office. No medical expenses can be paid by the Workers' Compensation carrier until an accident claim notice has been filed.

If an employee misses work due to an on-the-job accident or occupational illness, the County will supplement the employee's Workers' Compensation check for the difference between the Workers' Compensation payment and his full county check for a period of 90 calendar days from the date of incapacity without a deduction from the employee's accrued sick leave balance.

Beginning with the 91st day, the employee may then elect to use any accrued sick leave necessary to supplement the workers' compensation payment up to 100% of their regular salary. Under no circumstances shall the combined compensation from Workers' Compensation and accrued sick leave exceed 100% of the employee's salary. The employee may use accrued vacation leave or compensatory leave even though, combined with compensation from workers' compensation, the employee is receiving in excess of 100% of salary.

Prior to returning to work, an employee must submit a "fitness for duty" (See Fitness for Duty section of this manual) statement from his physician certifying his physical ability to return to work and stating the limits if any, of his activity.

LIGHT DUTY POLICY

The County is committed to returning employees injured on the job to modified or alternative work as soon after an injury or illness as the employee's condition permits. In this connection, the County will endeavor to temporarily modify an employee's job if job modification is feasible or to provide an employee with an alternate position if an alternate position for which the employee is qualified is available. In assessing whether a temporary job modification or alternate position is feasible, the County may require medical certification and will meet with the employee to discuss limitations. Temporary light duty jobs will not be created.

Light duty work is temporary in nature and may not exceed six (6) weeks in duration. In the event the employee is unable to perform the essential functions of his or her job, with or without a reasonable accommodation in the event of a disability, at the conclusion of six weeks of a light duty assignment, the County will explore all other possible means of addressing the employee's inability to return to full duty.

Before returning to full duty, employees shall obtain an unrestricted medical clearance from their attending physician.

UNEMPLOYMENT INSURANCE

All employees, except Elected Officials, are covered by Unemployment Compensation Insurance as required by law.

RETIREMENT SYSTEM

The County is a member of the Texas County and District Retirement System (TCDRS). The County complies with all TCDRS statutes and regulations. Employees should read the TCDRS information handbook carefully for details about the retirement plan.

DEFERRED COMPENSATION PLAN

DeWitt County offers an optional Deferred Compensation plan for regular employees. The plan permits employees to supplement their retirement income by making contributions to the Deferred Compensation Plan. This is not a savings plan, and the County does not match employee contributions. Interested employees should contact the Treasurer's office for additional information. Products and services are provided by an outside vendor(s). The county assumes no liability for fitness of purpose or the performance of the products offered.

OPTIONAL PLANS

Other optional payroll deduction plans may be authorized by Commissioners Court from time to time.

6. GENERAL POLICIES AND PROCEDURES TRAVEL EXPENSES

DeWitt County Employees/Officials who are required to travel in the performance of county business will be reimbursed as follows, with the proper documentation as required by the County Auditor. Should an employee/official request a travel advance, proper supporting documentation must be submitted to the County Auditor within five working days of travel time. Unused funds that were advanced to employee/official shall be returned to the County Treasurer at that time. Failure to return any unused funds to the County within five (5) working days will forfeit that employee's/official's right to receive any future travel advances.

PRIVATELY OWNED VEHICLE - An employee using a privately owned vehicle for allowable travel will be reimbursed at the standard allowable IRS rate per mile.

OVERNIGHT ACCOMMODATIONS - Overnight accommodations will be reimbursed based upon actual out-of-pocket expenses upon presentation of receipts. DeWitt County is not exempt from the Hotel Occupancy Tax. Should this tax be charged to an employee, it will be reimbursed.

For trips away from home overnight, an employee will be reimbursed for meals based upon actual expenses or, at the allowable IRS per diem rate. If an employee wishes to claim the per diem rate, submission of receipts is not required.

INCIDENTAL EXPENSES - Employees will be reimbursed for the actual cost of allowable incidental business expenses incurred during official travel upon presentation of receipts. These expenses may include airfare, registration fees, taxi fares, parking fees and toll way fares.

INMATE TRANSPORT – Payment of actual daily costs specific to the Sheriff's office personnel performing inmate transport will be paid upon presentation of expense reimbursement form with attached receipts.

RESERVE DEPUTIES AND BAILIFFS EXPENSES – School and travel expenses for reserve deputies and bailiffs must have prior approval by Commissioners Court unless asset forfeiture funds or LEOSE funds are available for payment.

AIR TRAVEL – When purchasing airfare, the travel cancellation policy shall be purchased. If no policy is purchased the employee or Official is responsible for the lost airfare in the event of cancellation.

REIMBURSEMENT FORM – The most current DeWitt County Travel/Expense Reimbursement Form will be utilized in claiming allowable expenses. This form shall be approved by the supervisory Official prior to submission to the Auditor's office for payment.

DISCIPLINE

County employees are public servants and, as such, should conduct themselves professionally and courteously while on duty or while wearing any indication of their status as a county employee. All employees are expected to comply with county policies, follow the lawful direction of supervisors, and avoid the appearance of illegal or unethical conduct at all times. Employee conduct is verbal or physical behavior and includes all types of communication including without limitation electronic communication.

Officials have the responsibility and authority to instruct, correct and if necessary, reprimand employees. Progressive discipline steps include but are not limited to an oral or written warning, suspension with or without pay, or termination of employment. While the County will generally follow progressive discipline steps, it may impose discipline at any level, including immediate termination of employment, depending upon the severity of the offense.

All written reprimands shall be filed in the employee's official personnel record in the County Treasurer Office.

Employees may be subject to immediate termination of employment for reasons including, but not limited to, the following:

- Use of profanity
- Insubordination
- Willful discourtesy to a citizen in the line of duty
- Absence from work without permission from the official
- Willful destruction of county property or equipment
- Theft of county property or equipment
- Falsifying official documents or records
- Unauthorized or illegal use of county equipment or property
- Gross or repeated neglect of duty
- Violation of the County's Substance Abuse Policy
- Harassment or discrimination
- Falsification of county records including time sheets
- Disclosure of confidential county records or confidential personnel information
- Violence or threats of violence
- Safety violations and horseplay

PAID ADMINISTRATIVE LEAVE

An employee may be placed on Paid Administrative Leave when it is recommended by the supervising Elected/Appointed Official or department head and confirmed by the Human Resources Director and the DeWitt County Attorney. Paid Administrative Leave will be assigned when the employee's temporary absence from work is determined to serve the best interest of employee and the County. An employee may be placed on Paid Administrative Leave for a period of five (5) working days without Commissioners Court approval.

Paid Administrative Leave may only be extended beyond the initial period by an action of the Commissioners Court. Each request for an extension will be considered on a case by case basis during a meeting of the Commissioners Court held in compliance with the Texas Open Meetings Act pursuant to Chapter 551 of the Government Code.

UNPAID ADMINISTRATIVE LEAVE

Unpaid Administrative Leave may be assigned to an employee as a disciplinary measure if deemed appropriate by the supervising Elected/Appointed Official or department head. The supervising Elected/Appointed Official or department head will **immediately** notify the Human Resources Department in writing of the decision to change the employee's status to Unpaid Administrative Leave. Notice of this disciplinary action and the status change to Unpaid Administrative Leave will be documented in the employee's personnel file and on the departmental payroll timesheet.

This section was adopted by Commissioner's Court Order No. 2015-022 and became effective on August 24, 2015.

GRIEVANCES

Any employee having a grievance related to his/her job should discuss the grievance with his/her Elected/Appointed Official or department head. If the discussion with the Elected/Appointed Official or department head does not resolve the grievance, and, if the department head is not the Elected/Appointed Official with final responsibility for the employee's department, the employee shall have the right to discuss the grievance with that Elected/Appointed Official.

The decision of the Elected/Appointed Official with final responsibility for the employee's department shall be final in all grievances.

WORKPLACE VIOLENCE

DeWitt County is committed to providing a workplace free of violence. DeWitt County will not tolerate or condone violence of any kind in the workplace. The County will also not tolerate or condone any threats of violence, direct or indirect, this includes jokes. All threats will be taken seriously and will be investigated. Employees must refrain from any conduct or comments that might make another employee suspicious or in fear for their safety. Employees are required to report all suspicious conduct or comments to their immediate supervisor. 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.

Pursuant to Section 46.03(a) (3) weapons are prohibited on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court. Pursuant to Section 46.03 (b) possession of fire arms in the actual discharge of official duties as a member of the armed forces or National Guard or a guard employed by a penal institution, or an officer of the court, is allowed.

The prohibition or possession of weapons also pertains to county owned vehicles. If an employee believes that a person is violating this policy, they should immediately report said violation 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 of employment.

SAFETY

Employees are required to exercise care in the completion of work. To prevent or minimize injuries and to protect and conserve county equipment, employees are required to:

1. Obey all safety rules and follow work instructions;
2. Keep work areas clean and orderly at all times;
3. Report immediately all accidents to the Official who is responsible for reporting all accidents to the County Treasurer and the County Auditor for insurance purposes; and
4. Operate only machines or equipment that the employee has been trained and authorized to operate.

An employee who violates safety policy requirements shall be subject to disciplinary action up to and including termination. The Official may consider the employee's safety record in evaluating job performance.

UNIFORMS

Uniforms consistent with IRS standards are a condition of employment for courthouse maintenance personnel and County Commissioners' precinct employees. Uniforms for employees of the Sheriff's Office are as designated by the Sheriff.

DRESS CODE

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

USE OF COUNTY PROPERTY, EQUIPMENT, AND COUNTY-OWNED VEHICLES

Employees are provided by the County with the facilities, furniture, equipment and, in some instances, motor vehicles necessary for the proper conduct of county jobs. Employees are responsible for the items provided to them by the County. If any item issued to the employee is in need of maintenance or repair, the employee should notify his or her immediate supervisor. Improper, careless, negligent, destructive, or unsafe use of county-owned property, equipment, or motor vehicles will result in discipline up to and including termination of employment. Personal use of county-owned property, equipment, or motor vehicles is prohibited.

DeWitt County will adhere to IRS regulations regarding employer-provided vehicles. County vehicles are not to be used for personal use or gain. Personal use includes the transportation of family members, friends or any other person not involved in a county function.

Any commuting use not exempted by IRS regulations must be included as compensation in the employee's gross pay.

The utmost care should be exercised in using DeWitt County property to minimize damage to equipment or waste of supplies. Intentional or negligent damage to county-owned equipment may be grounds for disciplinary action or dismissal, depending on the severity of the incident.

INSURABILITY OF EMPLOYEES WHO DRIVE COUNTY VEHICLES

County employees whose driving record causes them to be excluded from coverage under the County's automobile insurance policy by the insurance carrier shall not be allowed to operate any county-owned motor vehicle.

If any employee's job requires him to operate a county-owned motor vehicle in the course of his work, his continued employment may be contingent on being insurable as determined by the

County's insurance carrier. If the employee's driving record makes him ineligible to be insured under the County's policy, he must report this to his immediate supervisor immediately.

Insurability will be confirmed by a driver's license check prior to a new employee being hired if he will be required or allowed to operate county-owned motor vehicles. If he is in a non-driving position, insurability must be confirmed before the transfer is made. Driving record checks will be maintained in a confidential file by the County Treasurer. Refer to Motor Vehicle Record Program shown in the following pages.

MOTOR VEHICLE RECORD PROGRAM

PURPOSE: The purpose of this program is to help control vehicle accident exposure by drivers that have an excessive number of moving violations and/or accidents on their driving record. Drivers in this category are considered to be higher risk and possibly cause unnecessary liability exposure to DeWitt County.

APPLICATION: This Motor Vehicle Record (MVR) program applies to all employees who drive DeWitt County vehicles.

RULES AND PROCEDURES

1. Employment of all prospective employees whose job will involve driving a county vehicle will be contingent on the evaluation of the MVR. The MVR will be obtained from the state for evaluation prior to making an offer of employment.
2. The MVR evaluation will be based on the following criteria:
 - a. The maximum number of moving violations and/or accidents allowed in a three (3) year period will be three (3).
Example: (1). 3 speeding
(2). 1 speeding, 2 accidents
(3). 1 accident, 1 ran red light, 1 speeding

However, no more than two (2) "at fault" accidents will be allowed within a three (3) year period. If the MVR does not indicate whether you were "at fault", burden of proof is upon applicant or employee to show proof.

- b. No major moving violations will be allowed.
Examples: (1). Driving While Intoxicated
(2). Hit and Run
(3). Any felony or manslaughter involving the use of a motor vehicle.

Any one of these major moving violations may result in removal from driving positions and make applicants ineligible for a driving position.

3. The MVR will be obtained on an annual basis and from time to time at the officials discretion and re-evaluated according to these standards.
4. Because a combination of three (3) moving violations and/or accidents in a three (3) year period is the maximum allowed by the County, any driver who reached this point will be issued a written warning and placed on probation. Any further moving violations or accidents may result in removal of driving privileges. Non-preventable accidents do not count. National Safety Council Rule on determining preventable accidents will apply.
5. If a driver is removed from driving because of a failure to meet these county standards, the driver's employment may be terminated.
6. A driver on probation will remain on probation until the MVR is within county standards. This will occur when any violations drop off the MVR at the end of the year. A driver on probation will have the MVR checked every six (6) months.
7. Any driver currently employed who has already exceeded these standards will be placed on probation immediately. The rules and procedures regarding the period of probation and removal of driving privileges will apply as outlined above if another moving violation or preventable accident occurs. However, probation is unacceptable in cases of gross or major violations.

DRUG FREE WORKPLACE

To provide a safe and productive workplace, to promote employee safety, and to insure the safety of citizens, the County prohibits the use, influence, possession, sale, purchase or distribution of alcohol, controlled substances, or illegal drugs by any employee during work hours or at any time while on County premises. Violators of this policy will be subject to discipline up to and including immediate termination of employment. Further, depending upon the circumstances, the County may notify appropriate law enforcement personnel of a violation of this policy.

All drug and alcohol testing will be conducted in conformance with the United States Department of Transportation workplace testing requirements.

As used in this policy, the following terms have the following meanings:

- “Alcohol” means ethyl alcohol and includes any beverage, mixture, or preparation containing ethyl alcohol.
- “Controlled substance” means a drug or substance which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of it is illegal under any federal, state, or local law or regulation without a permit or prescription and includes but is not limited to inhalants,

marijuana, cocaine, narcotics, opiates, opium derivatives, hallucinogens, and any other substances having either a stimulant, depressant, or hallucinogenic effect on the central nervous system such as amphetamines, barbiturates, lysergic acid, or diethylamide. This term also includes prescription drugs used for any reason other than a legitimate, prescribed medical reason and inhalants used illegally. Any reference to “drugs” in this policy has the same meaning as “controlled substance.”

- “Under the influence” means having an alcohol, controlled substance, or drug concentration at or above 0.04.
- “Safety-sensitive function” means a position with the County requiring any activity that presents a threat to the health or safety of the employee, other employees, or the public if performed with inattentiveness, errors in judgment, diminished coordination, reduced dexterity, or lack of composure and that is performed with such independence that it cannot reasonably be assumed that mistakes could be prevented by a Supervisor or another employee. An employee is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, is ready to perform, has just completed performing, or is immediately available to perform any safety-sensitive function.

DRUG AND ALCOHOL TESTING AFTER AN ACCIDENT. An employee who is involved in any accident, physical injury results to any person, or medical attention is sought by any person as a result of the incident, during working hours, is required to submit to drug and alcohol testing immediately following the accident. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment.

DRUG AND ALCOHOL TESTING BASED ON REASONABLE SUSPICION. If an employee is reasonably suspected of being impaired by or under the influence of alcohol, a controlled substance, or illegal drugs, the employee is required to submit to drug and alcohol testing. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment. For purposes of this paragraph, “under the influence” also means a condition in which a person is affected by alcohol, a controlled substance, or illegal drugs in any detectable manner. The symptoms of being under the influence include but are not limited to slurred speech, alcohol on the breath, trembling, disorientation, aggressive behavior, irregular work pace, decline in productivity, mood swings, and difficulty in maintaining balance.

RANDOM DRUG AND ALCOHOL TESTING (to include CDL drivers). All County employees who operate commercial motor vehicles for the County, who routinely perform safety-sensitive functions, or who are paid from federal grant funds for which random testing is required, will be subject to random drug and alcohol testing. Failure to submit to such testing will result in disciplinary action up to and including immediate termination of employment.

CONFIDENTIALITY OF ALCOHOL AND DRUG TEST RESULTS. All laboratory reports or alcohol and drug test results will be maintained by the County as confidential documents in a confidential medical file that is separate from the employee’s personnel file. Test results and lab reports may be revealed to the appropriate Elected/Appointed Official or department head on a need-to-know basis. Disclosure may also be made as required by state or federal law, when the information has been placed at issue in a dispute between the employee and the County, when the information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize disclosure, or when the information is authorized to be disclosed by the employee. The records will be maintained in the same area as the personnel files but kept separate from personnel files.

PRESCRIPTION MEDICATIONS. For all employees, if prescription drugs must be taken, such drugs must not affect an employee's ability to perform his/her work. If an employee is required to take medication prescribed by a physician and the prescribed drug could affect the ability of the employee to perform his/her work or could present a safety risk to the employee or his/her coworkers, notification must be provided to the employee's Supervisor before work commences. The County reserves the right to require an employee who is taking prescription drugs and whose job requires him or her to drive on County business or to operate commercial vehicles or heavy equipment to provide a physician's statement that the prescribed drugs will not impair the employee's ability to drive safely and/or to operate commercial vehicles or heavy equipment safely. Failure to submit such a physician's statement when requested will result in the employee's suspension from duty without pay until the physician's statement is provided.

As a condition of employment with the County, employees are required to notify their Supervisors within five (5) business days of conviction for any criminal drug violation occurring in the workplace. Failure to do so will result in immediate termination of employment.

SEXUAL AND OTHER UNLAWFUL DISCRIMINATION AND HARASSMENT

The County, as employer, must take all reasonable steps to prevent discrimination and harassment from occurring. In addition to prohibiting other forms of unlawful discrimination, the County maintains a strict policy prohibiting sexual harassment and harassment or discrimination because of race, color, national origin, religion, physical or mental disability and age. All such unlawful harassment and discrimination will not be tolerated. The County is committed to taking all reasonable steps to prevent discrimination and harassment from occurring.

SEXUAL HARASSMENT DEFINED. Federal law defines sexual harassment as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment; or (2) submission to or rejection of such conduct is used as basis for employment decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

COMPLAINT PROCEDURE. The County's complaint procedure provides for an immediate investigation by the Elected/Appointed Official or department head of any claim of unlawful or prohibited harassment or discrimination; appropriate disciplinary action against one found to have engaged in prohibited harassment or discrimination; and appropriate remedies to any victim of harassment or discrimination.

Employees who believe they have been discriminated against or harassed on the job or who are aware of the discrimination against or harassment of others should provide a written complaint to their Elected/Appointed Official or to the County Treasurer as soon as possible. The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses.

All incidents of prohibited discrimination or harassment that are reported will be investigated. The County will immediately undertake or direct an effective investigation of the allegations. The investigation will be completed and a determination regarding the allegations will be made.

If the County determines that prohibited discrimination or harassment has occurred, the County will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of prohibited discrimination or harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

PROTECTION AGAINST RETALIATION. The County's policy prohibits retaliation against any employee by another employee or by the County for using this complaint procedure or for filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the County or by a federal or state enforcement agency. Additionally, the County will not permit any retaliation against any employee who complains of prohibited discrimination or harassment or who participates in an investigation.

Any report of retaliation engaged in by the one accused of harassment, or by co-workers, supervisors or managers, will also be immediately, effectively and thoroughly investigated in accordance with the County's investigation procedure outlined above. If a complaint of retaliation is substantiated, appropriate disciplinary action, up to and including discharge, will be taken.

LIABILITY FOR HARASSMENT. Any employee of the County, whether a staff person, supervisor or manager, who is found to have engaged in prohibited harassment or discrimination is subject to disciplinary action up to and including discharge from employment.

COMPUTER AND INTERNET USAGE

The use of DeWitt County information systems, including computers, fax machines, smart phones, tablet computers and all forms of Internet/Intranet access, is for DeWitt 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. At no time should an employee use a county email address as his or her primary email address.

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 DeWitt County computers, networks, and Internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination of employment.

DeWitt County owns the rights to all data and files in any computer, network, or other information system used in the County. DeWitt 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. DeWitt 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, download any illegal or unauthorized downloads. DeWitt County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.

Employees should not bring personal computers to the workplace or connect them to DeWitt 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.

County-owned computers may not be used to deliberately propagate any virus, worm, Trojan horse, trap-door, or back-door program code or knowingly disable or overload any computer system, network, or to circumvent any system intended to protect the privacy or security of another user.

County-owned computers may not be used to knowingly violate the laws and regulation of the United States or any other nation, or the laws and regulations of any state, city, province or local jurisdiction in any material way.

County employees shall identify themselves honestly, accurately and completely when corresponding or participating in interactive activities, and shall not send unsolicited mass electronic mail.

County employees should not automatically assume that any county data or databases are subject to the Texas Public Records Act. There are numerous exclusions to this law and such data or databases may not be uploaded or otherwise transferred to non-county entities without appropriate approval.

County employees should not have any expectation of privacy as to his or her internet usage. It is possible to monitor Internet usage patterns and the county may inspect any and all files stored on county resources to the extent necessary to ensure compliance.

For county employees, an infraction of these policies constitute misuse of county assets and is considered a violation of the DeWitt County Employee Code of Conduct and may result in disciplinary actions.

For individuals using county-owned computers at public locations, infractions of these policies may result in restricted use, which is to be determined by the Information Technology Committee and/or Commissioners Court

It is the County's policy to conduct random monitoring and pick up any patterns of abuse and to provide historical evidence in case of investigation.

SOCIAL MEDIA

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

DeWitt County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: it interferes with the employee’s work; is used to harass supervisors, co-workers, customers or vendors; creates a hostile work environment; or harms the goodwill and reputation of DeWitt County among the community at large. DeWitt County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.

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

- If your posts on social media mention DeWitt County make clear that you are an employee of DeWitt County and that the views posted are yours alone and do not represent the views of DeWitt County.
- Do not mention DeWitt County supervisors, employees, customers or vendors without their express consent.
- Do not pick fights. If you see a misrepresentation about DeWitt County, respond respectfully with factual information, not inflammatory comments.
- Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination of employment 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 DeWitt County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. DeWitt 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 DeWitt County’s website or post DeWitt County material on a social media site without written permission from your supervisor.
- All DeWitt 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 DeWitt County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.
- Misappropriation of governmental assets is a criminal offense.

DEWITT COUNTY CELL PHONE POLICY AND PROCEDURES

Should an Official or employee feel a cell phone is needed in the completion of official duties, that Official or employee shall submit a written request to Commissioners Court outlining the justification for such a need. The requirement for a written request shall be fulfilled by a statement added to the Personnel Status Change Form filled out and signed by the Official for each individual upon employment. Only after Commissioners Court agrees with the justification will an Official or employee be considered for future cell phone allowance.

The Official or employee, approved for cell phone allowance, will assume responsibility for purchasing the cell phone plan they consider adequate to satisfy their needs. The cell phone contracts must be established in the Official or employee's name and the account may not reflect the Official's title, office or office address. The only responsibility that DeWitt County will encumber in this regard is an allowance to the Official or employee paid through payroll of not more than \$35.00 (\$16.16 *bi-weekly*) per month for cell phone charges incurred in the justified performance of their duties.

Should the rare circumstance (natural disasters, prolonged criminal investigations, etc.) occur that necessitates extensive official cellular use, verifiable documentation may be presented to Commissioners Court to obtain reimbursement for official calls involving that specific event. The request for reimbursement in this case will include the itemized detail of charges for the billing period accompanied by an affidavit signed by the Official or Supervisor attesting to the emergency situation. The detail of charges will be audited by the Official to determine the amount of minutes to be considered for reimbursement. Any amount reimbursed will be the actual per minute cost of these calls based upon the specific service contract as verified by the County Auditor and Commissioners Court.

COURTHOUSE EMERGENCY EVACUATION POLICY

DeWitt County is vitally interested in the safety of its employees.

As a result, this Emergency Response Policy has been designed to assist supervisors and employees, in knowing and complying with good safety practices under special circumstances.

In the event an accident occurs, each employee shall take the necessary emergency response as outlined below. Supervisors, or employees in the absence of their supervisor, shall immediately inform the County Judge's office of the following occurrences and take appropriate action:

FIRE

If a fire occurs, each employee should:

- Protect injured persons from danger.
- Sound an alarm to notify persons in the area.
- Evacuate the facility, via the safest route possible, and assemble in the parking lot across the street from the flag pole in front of the courthouse.
- Call the fire department at 9-1-1.

- Attempt to extinguish the fire using the proper equipment if it does not endanger the employee.
- Immediately report the incident to supervisor.

BOMB THREAT

In the event of a bomb threat, all employees shall evacuate the facility. Employees will assemble in the parking lot across the street from the flag pole in front of the courthouse. Report incident to supervisor immediately and call 9-1-1.

Assist law enforcement personnel by whatever means necessary in determining if foreign items are present in your office spaces.

HAZARDOUS MATERIAL INCIDENT

Chemical spills or exposure to gases, whether from natural gas, carbon monoxide exhaust fumes, or gases formed as a result of a chemical spill, can be extremely hazardous. Often the chemicals involved can change from dormant to volatile when exposed to the environment or when they come in contact with other materials.

Evacuate all employees and assemble in the parking lot across the street from the flag pole in front of the courthouse and be prepared to relocate to another area if wind or weather conditions warrant.

Report the incident to supervisor immediately.

BUILDINGS AND USE REGULATIONS

The DeWitt County Commissioners Court approved unanimously on this date, March 17, 2008, the following regulations to be followed by all DeWitt County officials and employees in regard to the DeWitt County Annex and the DeWitt County Courthouse.

The care and maintenance of the DeWitt County Annex Complex and the DeWitt County Courthouse shall be made with the knowledge that the offices are provided to serve the citizens of the county and all improvements have been implemented with taxpayer's money.

The DeWitt County Courthouse has been restored through a grant from the Texas Historical Commission. The county has entered a permanent covenant with the THC which affects any additions or changes to the building.

NO ADDITIONS TO THE BUILDINGS OR OFFICES SHALL BE MADE WITHOUT APPROVAL FROM THE COMMISSIONERS COURT.

Data Communications Network and Telephone Equipment

Changes to telephone service providers or data providers, changes to communication system hardware including modems, data servers or other electronic data transmission components or networking infrastructure [The Network] in county-owned and maintained buildings including, but not limited to, the courthouse, the courthouse annex, and the law enforcement center without prior approval of the

commissioner's court whose decision(s) are based upon a recommendation of the Information Technology administrator and supported by the county judge are prohibited.

Proposed changes to any component of The Network including, but not limited to hardware, hard-wired, and/or wireless communication devices will be presented to the Information Technology administrator for evaluation of the proposal's fitness of purpose within the general need for data security among all users of the county information technology network without limitation.

Any change(s) to the electronic data network, network servers, data communication lines, telephone lines or devices without prior approval of the commissioner's court is a direct violation of this policy; with the limited exception of emergency repairs to restore lost service.

Violations of this policy which interrupt county operations or damage the existing county infrastructure network or incur expenses including, but not limited to, expenses incurred for the unauthorized changes and the reversal of same, service calls made by unauthorized service providers, unauthorized purchases of hardware, financial loss, physical property damages, or the retrieval of lost or corrupted of public records will not be obligations of the county, but will be borne by the individual(s) acting in violation of this order.

Costs associated with unauthorized changes including damages will be considered debts owed to DeWitt County and may be prosecuted by any lawful means deemed necessary and appropriate by the commissioner's court. The county treasurer shall recover the debt in accordance with Chapter 113.902 of the Local Government Code.

Violations of this policy can be enforced by proper notice, writ, or process executed by the sheriff under Chapter 81.022 and Chapter 291.003 of the Local Government Code.

FLOORS:

To protect the floors a mat shall be under the rolling chairs of each office.

Care shall be given when moving furniture in the buildings. Felt tips shall be applied to tables, chairs, etc. where possible to prevent scarring of floors.

No tape shall be applied to the floors.

In order to protect the longleaf pine wood floors in the County and District Courtrooms, ladies high heels without protective rubber caps will not be allowed in the courtroom.

WALLS:

Appropriate items may be placed on the walls but only thru the maintenance department who will use the correct attachments to prevent damage to the walls.

WINDOWS:

Any additions to the windows shall be approved thru Commissioners Court.

The courthouse has historic window blinds which can be seen from the street. Due to the numerous photographs taken by the public, the blinds shall be down at all times in order to maintain a uniform exterior appearance.

SIGNAGE:

Posting of legal notices shall be in an area designated by commissioners court and shall be monitored on a regular basis to remove clutter and outdated notices. Personal notices such as community event announcements shall not be displayed in the legal notice area.

OFFICE AND DIRECTIONAL SIGNS:

All signage, building directories, room designations and directional signs, shall be discreet and consistent with the restoration design and style.

PLANTS:

Plants shall have drainage trays placed underneath them to prevent water damage to floor surfaces or furniture.

BUILDING SAFETY:

Use of candles and open flames are prohibited. Employees are required to turn off and unplug all electric heaters when not in use. All coffee pots shall be switched off when not in use.

AFTER HOURS USE OF BUILDING:

Anyone leaving a county building after 5:15 P.M. shall be responsible for re-locking the outside door.

ATTIC STORAGE:

Necessary record storage in the courthouse attic shall be in a designated space for each office as determined by commissioner's court. All storage shall be in metal cabinets and properly marked. Before adding storage to a designated area, the building superintendent shall be notified as it will be the responsibility of the superintendent to keep the attic safe and organized. Only necessary working records shall be kept in the attic. The Archive Center will be available for storage of other records. The Surplus Property and Storage Building will be available for equipment storage.

ARCHIVE CENTER:

The DeWitt County Archive Center located on the county annex property shall have designated space for each office as determined by commissioner's court. All storage shall be in file cabinets and properly marked. Ledger books, marked banker boxes and marked plastic containers are acceptable if stored on shelving units. Before adding records to the Archive Center, the Building Superintendent shall be notified. It will be the responsibility of the building superintendent to keep the building safe and organized. Office decorations and various miscellaneous items shall not be stored in the research center.

COUNTY MULTI-USE CENTER:

The County Multi-Use Center located within the annex complex shall be designated as an activity center for various approved county functions. After each approved function the room shall be returned to its original set-up.

This center will also include a secure storage area for election equipment.

The center shall be subject to room reservation procedures as described in the "Meeting Room and Grounds Policy".

SURPLUS PROPERTY AND STORAGE BUILDING:

The trailer building located on the annex property shall be used for storage of surplus property to be sold at auction and miscellaneous items. The building superintendent shall be notified of all equipment to be moved into the building. The county auditor's office shall also be notified for inventory purposes.

ZERO TOLERANCE POLICY:

All county buildings shall be drug and alcohol-free.

All county buildings are smoke free.

MEETING ROOM AND GROUNDS POLICY:

The DeWitt County Judge's Office shall have the overall responsibility for reservations and room use for meeting rooms in county facilities and use of county grounds.

Yearlong or regularly scheduled meetings will not be booked for non-county functions as such meetings restrict the freedom of the county in planning and scheduling its own activities.

The county reserves the right to change or cancel reservations in the event of emergencies or when meetings do not conform to county policy.

Reservations shall include name of department or organization, time desired, phone number(s) of person who will be responsible for the group and number of people expected and any set up needs required (tables, podium, microphone, etc.)

Attendance at meetings shall be limited by fire regulations.

Smoking is not permitted in any DeWitt County owned building. All county property is drug and alcohol free.

No equipment belonging to an organization using the meeting room facilities will be stored.

Any change in the set-up of the meeting room shall be requested prior to the event.

Organizations holding meetings assume responsibility for any damage to rooms and/or contents and/or damage to the grounds.

Any exceptions to these rules will be at the discretion of the DeWitt County Commissioners Court.

ACKNOWLEDGEMENT PAGE

I acknowledge my receipt of the DeWitt County's Buildings and Use Regulations and accept responsibility for reading and familiarizing myself with the regulations. I agree to abide by and fully implement the regulations.

Signature

Date

RESERVATION REQUEST FOR USE OF DEWITT COUNTY FACILITY:

FACILITY/MEETING ROOM:_____

NAME OF DEPT-ORGANIZATION:_____

DATE NEEDED:_____TIME:_____

PERSON RESPONSIBLE:_____PHONE NO._____

NUMBER OF PEOPLE EXPECTED:_____

SET-UP REQUESTS:_____

I HAVE READ AND FULLY UNDERSTAND THE MEETING ROOM AND GROUNDS POLICY WHICH IS INCLUDED IN THE BUILDINGS AND USE REGULATIONS OF DEWITT COUNTY. I UNDERSTAND THAT THE ENTIRE BUILDINGS AND USE REGULATIONS APPLY TO THE USE OF ANY COUNTY FACILITY AND GROUNDS. AS A REPRESENTATIVE OF THE ABOVE ORGANIZATION, I AGREE TO COMPLY WITH ALL REGULATIONS CITED IN THE BUILDINGS AND USE REGULATIONS OF DEWITT COUNTY.

Signature

Date

DEWITT COUNTY FRAUD POLICY

Purpose

The DeWitt County Fraud Policy and Response Program ("Policy") has been created to support DeWitt County's commitment to protecting county revenue, property, reputation and other assets; to emphasize clearly the need for accurate financial reporting; and to define guidelines for the investigation and handling of fraud, should it occur.

Applicability

The DeWitt County Fraud Policy applies to all elected officials, appointed officials and employees of DeWitt County and includes all full-time, part-time, seasonal, volunteer, and other temporary employees.

Definition of Fraud

In law, "fraud" generally involves an act of deception, bribery, forgery, extortion, theft, misappropriation, false representation, conspiracy, corruption, collusion, embezzlement, or concealment of material facts. Fraud may be committed by an individual, a group of individuals, or by one or more organizations. Fraud is a violation of trust that, in general, refers to an intentional act committed to secure personal or business advantage. While fraud can cover many activities, this Policy is directed primarily at financial matters that could be legally defined as fraud. Examples of "financial fraud" generally fall into two broad categories and may include, but are not limited to:

1. Misappropriation of Assets

- Forgery, alteration or misappropriation of checks, drafts, or securities
- Unauthorized, non-business acquisition, use, or disposition of funds
- Confiscation or unlawful alteration of county inventory, furniture, fixtures, equipment, records, or other assets
- Cashing personal checks or receiving cash advances from available cash drawer in county offices (Section 130.902 (c) of the Texas Local Government Code)
- Embezzlement
- Theft
- Falsifying time sheets or payroll records, including but not limited to: (1) reporting hours not worked or a supervisor not allowing the reporting of all hours worked by hourly employees and (2) Falsifying travel or other business expenses and/or utilizing county funds to pay for personal expenses.
- Misappropriation of County-owned computer hardware, software, data, or other records including county intangibles (e.g. proprietary information, trade secrets, patents, etc.)

2. Expenditures and Liabilities for Improper Purposes

- Bribery
- Kickbacks

General Policy and Responsibilities

- The County will investigate any suspected acts of fraud, misappropriation or other similar irregularity. An objective and impartial investigation, as deemed necessary will be conducted regardless of the position, title, office, or length of service or relationship with the County of any party who might be or becomes involved in or becomes/is the subject of such investigation.
- Each Elected Official/Department Head/Supervisor is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.

- The County Auditor, with consultation and support from the appropriate supervisor, has the primary responsibility for overseeing the investigation of all fraudulent activity as defined in this policy. The Auditor will immediately notify the Commissioners Court of any significant fraud investigation. Also, the Auditor, will involve Legal Counsel and/or management, as deemed appropriate. Upon conclusion of the investigation, the results will be reported to the appropriate management representatives.

Where there are reasonable grounds to indicate that a fraud may have occurred, the County may report the incident to the appropriate authorities in order to pursue all legal remedies.

Also, the County will pursue every reasonable effort, including court ordered restitution, to obtain recovery of the losses from the offender.

Procedures for Reporting

All Employees - Any employee who has knowledge of an occurrence of fraudulent conduct, or has reason to suspect that a fraud has occurred, shall immediately notify their supervisor. If the employee has reason to believe that the employee's supervisor may be involved, the employee shall immediately notify the County Auditor or an appropriate Elected Official.

Elected or Appointed Officials & Department Heads - Upon notification from an employee of suspected fraud, or if the Department Head has reason to suspect that a fraud has occurred, the Department Head shall immediately notify the County Auditor or an appropriate Elected Official

Investigation

Upon notification or discovery of a suspected fraud, the Auditor will promptly investigate the fraud. The Auditor will make every effort to keep the investigation confidential; however, from time to time other members of the management team will need to be consulted in conjunction with the investigation. After an initial review and a determination that the suspected fraud warrants additional investigation, the Auditor will notify the Commissioners Court and the appropriate Elected Official, Department Head or management as required to deal with the findings. ***When deemed necessary, the Auditor shall coordinate the investigation with the appropriate law enforcement officials. Internal or external counsel will be involved in the process, as deemed appropriate.***

It should be noted that there may be certain instances of fraud that will be handled in the normal course of business that will not result in a separate "investigation" by the Auditor's Office. An example of this would be an employee taking home office supplies or other minor items purchased with county funds.

Security of Evidence

Once a suspected fraud is reported, immediate action to prevent the theft, alteration, or destruction of relevant records needs to occur. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. The records must be adequately secured until the Auditor obtains the records to begin the audit investigation.

Confidentiality

All participants in a fraud investigation shall keep the details and results of the investigation confidential. However, as noted above, from time to time other members of the department will need to be consulted in conjunction with the investigation.

Personnel Actions

If a suspicion of fraud is substantiated by the investigation, disciplinary action, up to and including dismissal, shall be taken by the appropriate level of management, in consultation with the Commissioners' Court and legal counsel.

Whistle-Blower Protection

Retaliation for compliance with this Policy is prohibited. No employee of the DeWitt County or person acting on behalf of the County in attempting to comply with this policy shall:

- Be dismissed or threatened to be dismissed;
- Be disciplined or suspended or threatened to be disciplined or suspended;
- Be penalized or any other retribution imposed, or
- Be intimidated or coerced, based to any extent upon the fact that the employee has reported an incident or participated in an investigation in accordance with the requirements of this Policy. Violation of this section of the Policy will result in disciplinary action, up to and including dismissal. If an allegation is made in good faith, but it is not confirmed by the investigation no action will be taken against the originator. If, however, individuals make malicious allegations, action may be considered against the individual making the allegation.

DEWITT COUNTY PROCEDURES POLICY FOR PURCHASING AND ACCOUNTS PAYABLE

DeWitt County intends to make purchases efficiently with the proper authorizations and budgetary controls. The County Auditor is charged with the responsibility of insuring that all purchases are made in accordance with Federal, State and local laws as well as verifying that each purchase is in line with the approved and adopted DeWitt County Budget.

Each official or department head is authorized to order materials, supplies and services pursuant to the approved Annual Budget. Purchases are for items needed for that budget period keeping inventories at a minimum level. The DeWitt County Purchasing Policy disallows purchasing goods and services for personal use and violators are subject to prosecution.

Only DeWitt County Commissioners Court is authorized to enter into contracts, grants, or other agreements for DeWitt County.

Before making any purchases on behalf of DeWitt County, a Purchasing Acknowledgment and Authorization form must be read, understood, signed and given to the County Judge's office. A copy of this document will be kept on file in the Auditor's office. (LGC 262.037) (Exhibit A)

Before making any purchases with the CITIBANK credit card, a Credit Card Policy and Procedures and County Purchasing Card Agreement must be read, understood and signed. This document will be kept on file in the Auditor's office. (Exhibit B)

Accounts are overdue on the 31st day after the entity receives the goods, performance completed or after the entity receives an invoice for the goods or services. (GC 2251.021)

All new vendors must establish a new account with the DeWitt County Auditor's office prior to initial purchase.

Accounts Payables are presented to Commissioners Court on the second Monday and the fourth Monday of each month.

Accounts Payables Procedures

Definitions

CLAIMS – invoices, statement, receipts

OFFICIAL – Elected Official, Appointed Official, Approved Department Head

1. Department receiving claims shall stamp/write the date received on the invoice.
2. Officials should check in the Auditor's office for claims received by mail.
3. Official shall review claims and if qualified for payment, note approval with a signature/initials.
4. Official shall review their departmental budget and write the general ledger code on the invoice.
5. If the amount of the invoice causes a negative balance in the general ledger code, a budget amendment form shall be completed and sent to the Auditor's office with the invoice or the Auditor's office will notify you by email. Payment will not be made without a signed budget amendment form, unless arrangements have been made with the County Auditor. (Exhibit C)
6. Purchases over \$500.00 require a purchase order and three (3) quotes before a purchase is made. Purchases over \$50,000.00 require competitive bid. (LGC 262.023).
7. The approval of claims by the DeWitt County Commissioner's Court precedes the disbursement of payments by the County Treasurer's office. Claims should be submitted as they occur to allow time for processing and verification by the County Auditor's office.
8. The deadline for submission of claims to the Auditor's office is 12 noon on Thursday before the Monday court.
9. Claims must be itemized and clearly state items purchased or service rendered. If not clearly stated, the official shall write a description of the item or service on the invoice.
10. Sales tax will not be paid with county funds except for Hotel/Motel tax. A Texas Sales and Use Tax Exemption Certification form can be obtained from the Auditor's office.
11. Disputes with Vendors shall be settled by the Official and the Auditor's office shall be notified.

DEWITT COUNTY, TEXAS CREDIT CARD POLICY AND PROCEDURES

The DeWitt County Credit Card Policy and Procedures is a mutual effort intended to delegate both authority and responsibility for purchases to Officials or employees who are in the best position to know what their office needs are. However, as a public entity, DeWitt County is expected to be able to demonstrate to the public that the County is spending the taxpayer's money wisely. Officials/employees issued a credit card are responsible to ensure that their credit card usage can withstand the scrutiny of the public, press and auditing. The cardholder is responsible to purchase ethically, fairly and without conflict of interest and to seek the best value for the County. Vendors shall be informed the County is sales tax exempt; cardholders will be responsible if sales tax is applied. Improper use of a DeWitt County issued credit card will be considered misappropriation of DeWitt County funds, which will result in disciplinary action, up to and including termination.

The credit card is provided to DeWitt County Officials or employees based on their need to purchase business related goods and services. The card may be revoked at any time based on change of assignment or at Commissioners Court sole discretion. All Officials/employees that are issued a credit card will be required to sign the Agreement which is a part of the DeWitt County Credit Card Policy and Procedures.

Personalized or Departmental Cards

Officials may request a personalized Purchasing Card and/or a departmental general use Purchasing Card. The personalized card will have his/her name on the card and shall only be used by the card holder. No other person is authorized to use that card. The cardholder may make transactions on behalf of others in their department with the approval of the Official authorized to approve such purchases. However, the cardholder is responsible for use of his/her card.

The maximum limit shall be \$500.00 for a single purchase. Payment for a purchase will not be split into multiple transactions to stay within the limit. In some cases, this amount may be increased with the County Auditor's approval.

All items purchased must be immediately available at the time of Purchasing Card use. No backordering of merchandise is allowed.

Cardholder Record Keeping

Whenever a purchasing card purchase is made, either over the counter, telephone or by internet, an itemized invoice or receipt shall be retained as proof of the purchase. The cardholder is responsible for making sure that the documentation fully describes the item(s) and that sales tax has not been added.

After statements are received and the cardholder has neatly attached all necessary documentation, the supervisor's signature is required for approval and shall be return to the Auditor's office in a timely manner to avoid late payments.

Dispute of Charges

If the cardholder is disputing a charge, he/she shall contact he supplier in an effort to determine a resolution. If that does not correct the issue, the cardholder will need to complete a Dispute Report and submit to the Auditor's office. Immediate action to resolve a dispute is of extreme importance.

Card Security

It is the cardholder's responsibility to safeguard the Purchasing Card and account number to the same degree that a cardholder safeguards his/her personal credit information. If the purchasing card is lost or stolen, the cardholder shall immediately notify the bank. Representatives are available 24 hours a day. The cardholder must advise the representative that the call is regarding a Procurement Card. The Auditor's office is also to be notified immediately.

Cardholder Separation

Prior to separation from the County or transfer to another department, the cardholder shall surrender the Purchasing Card and current purchasing documentation to the Auditor's office. All documentation shall be approved by the approving supervisor.

Unauthorized Purchasing Card Use

The credit card is for business related purchases only. Personal charges shall not be made to the card at any time. The following is a nonexclusive list of credit card purchases that are prohibited:

- Personal purchases or purchases for family members or friends or for identification.
- A single purchase that exceeds the limit of \$500.00 or the Cardholder's single purchase limit; unless a higher limit has been agreed in writing with the County Auditor.
- Cash advances or refunds.
- Sales tax except in cases where State law does not exempt local governments.
- Entertainment of any kind, including the purchase of alcohol or patronage of drinking establishments.
- Purchases under contract, unless an emergency exception is granted.
- Telephone calls/monthly service.
- Gasoline for non-County related business trips.
- Any additional items/services as may be restricted by County policy.
- Travel expenses for anyone other than the cardholder.

EXHIBIT A

PURCHASING ACKNOWLEDGEMENT AND AUTHORIZATION FORM

Elected Official or Department Head is held accountable to insure that all authorized employees are properly instructed in Purchasing Law and policy and aware of all legal and disciplinary consequences as a result of violations per Local Government Code, Chapter 262. Authorized users will be held accountable for all orders placed and received in their department.

Please sign and return to DeWitt County Judge's Office.

Employee Signature

Date

Official/Department Head Signature

Date

EXHIBIT B

DeWitt County Purchasing Card Agreement

As a Purchasing Card holder I agree to comply with the following terms and conditions regarding my use of the card.

I understand that I am being entrusted with the Purchasing Card and will be making financial commitments on behalf of the County.

I understand that I am liable for all charges not in compliance with this Agreement.

I agree to use the Purchasing Card for purchases in compliance with the DeWitt County Credit Policy and Procedures. I understand the County Auditor will audit the use of the Purchasing Card and appropriate actions will be taken to enforce this Agreement. Failure to follow the Policy and Procedures may result in the revocation of my use of the card and other possible disciplinary actions.

I have received a copy of the DeWitt County Credit Card Policy and Procedures and understand the requirements of the use of the Purchasing Card. I agree to return the Purchasing Card immediately upon request and upon termination of my employment.

I understand the burden of proof will be upon me to show that items purchased were made in compliance with the Policy. I agree to purchase ethically, fairly and without conflict of interest and to see the best value possible.

By signing below, I acknowledge that I have read and agree to the terms and conditions of this document and I understand and assume the responsibilities listed above.

Employee Signature

Date

Official Signature

Date

EXHIBIT C

COUNTY OF DEWITT REQUEST FOR BUDGET AMENDMENT

All budget amendments require approval of Commissioner's Court. Elected Officials and department head may request a transfer of line-item funds within their office budget. The elected official or the department head must submit copies of the request to the County Auditor.

DATE: _____

OFFICE: _____

FROM LINE ITEM CODE: _____

TO LINE ITEM CODE: _____

AMOUNT OF AMENDMENT: _____

DESCRIPTION OR REASON TO AMEND:

REQUESTED BY: _____

(FOR AUDITOR'S OFFICE USE ONLY)

DATE REVIEWED BY AUDITOR'S OFFICE: _____

DEWITT COUNTY REVENUE COLLECTION POLICY

DEPOSIT POLICY

All officials and departments that deposit directly with the County Treasurer shall make deposits by 12:00 pm at least once a week or when \$1,500 in cash has been collected, whichever comes first.

POLICY REGULATIONS

1. Fees of Office

Each Official and/or department shall give a list of current fees of office to the County Auditor's office on an annual basis or when any changes are made and shall post the list of fees in their respective office in plain view of the public.

2. Receipt and Endorsement of Funds

Money collected by any Official or employee that is owed to the county shall be officially receipted at the time of collection. All checks and money orders shall be endorsed at the time of collection.

3. Receipts

All Receipts shall be in triplicate form, one to keep in office, one for the customer, one for the auditor's office.

4. Hand Written Receipts

- a) Hand written receipts shall be personalized with the name of the office and the county seal
- b) Receipts shall have a place for the description of the fee, fine or other money collected
- c) Must record the amount collected
- d) Must indicate if the money is cash, check or money order
- e) All receipts shall be pre-numbered
- f) Receipts must be initialed/signed by the person receiving the money

5. Computer Generated Receipts

- a) Computer generated receipts shall have a tracking sequence number
- b) Receipts shall be personalized with the county seal
- c) As computer generated receipts are processed all of the above mentioned requirements shall be shown on the receipt, including if funds are received by credit card or e-filing.

6. Deposit Reports

- a) As funds are turned in to the County Treasurer, a deposit summary report indicating the general ledger code and amount to be deposited into each code is required. *SEE EXHIBIT A for Hand Written Receipts*
- b) Receipts and reports given to the Treasurer's office at the time of a deposit will be forwarded to the Auditor's office for review.
- c) At the end of each month, an Official's Monthly report shall be given to the County Auditor's office listing all deposits made during the month. *SEE EXHIBIT B*

7. Collections Made by One Officer on Behalf of Another

Officials have the authority to collect county revenues for another official/department. When depositing the funds, it will be credited to the respective general ledger code. If a check is made out to the wrong department of the county and your department accepts the check, arrangements need to be made by the receiving department to have the check properly endorsed before the deposit is submitted to the Treasurer.

EXAMPLE: A check is made out to DeWitt County District Clerk, but should have been made out to DeWitt County Clerk. The County Clerk would have the District Clerk endorse the check so that it can be deposited, rather than returning the check to the issuer and waiting for them to submit a different check.

8. Service of Process Fees

Service of process fees for service to be effectuated by the DeWitt County Sheriff's office or the DeWitt County Constables for cases pending in the District Court of DeWitt County, the DeWitt County Court or the Justice Courts of DeWitt County shall be collected and receipted by the respective court clerks as per the Texas Rules of Civil Procedure and handled according to the DeWitt County Revenue Collection Policy.

DEPOSIT SUMMARY REPORT
[INSERT NAME OF OFFICE - EX: DEWITT COUNTY AUDITOR]

Deposit Date: [INSERT DEPOSIT DATE]

Receipt Numbers: [STARTING #] through [ENDING RECEIPT #]

[ADDITIONAL RECEIPT NUMBERS, IF ANY]

CASH: \$ [INSERT AMOUNT OF CASH]

CHECK/MONEY ORDER: \$ [INSERT AMOUNT OF CHECKS/MO]

DEPOSIT TOTAL: [INSERT TOTAL]

General Ledger Description	General Ledger Code	Amount

TOTAL [INSERT TOTAL]

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