

# **DeWitt County Employee Personnel Policy**



**Adopted by Commissioners' Court  
March 28, 2022**

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**ORDER NO. 2022 - 008**  
**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

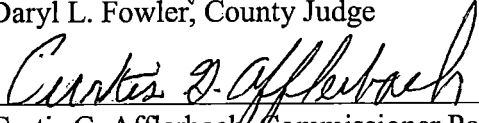
WHEREAS, DeWitt County Commissioners' Court wishes to adequately communicate to employees the policies and procedures of the County; and

NOW, THEREFORE, BE IT RESOLVED, that the DeWitt County Commissioners' Court does hereby approve and adopt this DeWitt County Personnel Policy.

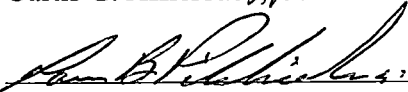
Adopted this the 28th day of March, 2022.



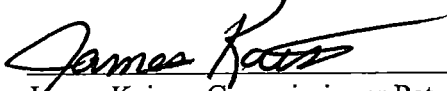
Daryl L. Fowler, County Judge



Curtis G. Afflerbach, Commissioner Pct. 1



James Pilchick, Commissioner Pct. 2



James Kaiser, Commissioner Pct. 3



Richard Randle, Commissioner Pct. 4

# **WELCOME**

Welcome to DeWitt County!

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

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

This employee personnel policy contains benefits, and expectations of DeWitt County, and other information you will need. Each elected/appointed official or department head may have a detailed interdepartmental policy for their office.

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

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 their position as a result of good performance, proper attitude and responsible action in the use of tax dollars.

The policy is a guideline on how we work as a team to provide that public service. Whether you are a new or experienced employee, this policy will give you facts about the County, how it works and governs 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.

Sincerely,

DeWitt County Commissioners' Court

## **ABOUT DeWITT COUNTY**

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**

The DeWitt County Commissioners' Court is the one body with powers and duties that allow it to affect all areas of County operation. It is comprised of five elected officials; the County Judge who represents the entire County, and four commissioners who each represent a different geographical area – a precinct.

As a group, the Commissioners' Court is the chief policy or legislative branch of County government and the chief administrative or executive branch. Among their functions, the Court:

- Sets the tax rate
- Adopts the annual budget
- Adopts regulations and policies
- Approves and manages County facilities
- Has final authority over all County matters

The Court meets on the second and fourth Monday of each month at 9:00 a.m. unless otherwise scheduled special sessions or work sessions are called as needed.

### **ELECTED OFFICIALS**

Elected Officials are directly responsible to the voters for carrying out powers and duties assigned to their offices by State Law. While the Commissioners' Court may influence the functions through the budget, the Elected Officials have administrative power over their departments.

### **APPOINTED OFFICIALS & DEPARTMENT HEADS**

State Law also prescribes some offices whose directors are appointed by an Elected Official. It also allows the Commissioners' Court to create some departments and approve personnel to run them. The Auditor, who is appointed by the District Judges, is an example of a State mandated appointed official.

### **SERVICE TO THE PUBLIC**

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

# INTRODUCTION

## **PURPOSE**

The purpose of this policy is to provide uniform personnel guidelines for all employees of DeWitt County. It is hoped that these guidelines will promote a high degree of understanding, cooperation, and unity between the officials/department heads of this County and its personnel. Any elected/appointed official or department head, who has a written office policy, shall file the policy with County Treasurer's Office. These specific policies may not supersede, violate or contradict the general personnel policies of DeWitt County.

As such, this policy is designed to:

- Create and maintain a modern and comprehensive system of personnel administration;
- Increase efficiency and economy in the service of this County;
- Establish a system of fairness and equality for the employee and taxpayer alike; and
- Encourage higher morale among County Personnel by providing good working relationships and opportunities for advancement and consideration.

## **APPLICABILITY**

This policy is designed to apply to all employees and public officials in the service of DeWitt County, also referred to as the "County", and shall not apply to those individuals or areas of the job which are regulated by Statute.

The County Commissioner's Court is the source of authority concerned with setting personnel objectives and issuing policy statements. The elected/appointed officials or department heads will be responsible for the implementation of the Policy and for the development of detailed procedures consistent with its intent.

DeWitt County reserves the right to change the provisions of this policy at any time, with or without prior notice. The policy is a general guide and the provisions do not constitute an employment contract. Elected/appointed official or department head will be notified of any changes. The most up to date policy will always be posted on [www.co.dewitt.tx.us](http://www.co.dewitt.tx.us).

## **SEVERABILITY**

The provisions of this policy 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.

# **SECTION A: COUNTY EMPLOYMENT**

## **GENERAL RULES AND REGULATIONS**

As a general guide, this policy suggests a number of standards of conduct for all DeWitt County employees. Most are standard procedures for any well managed place of employment. Each department may have its own set of rules and guidelines, and if so, the elected/appointed official or department head will explain them and may provide an interdepartmental policy. Any elected/appointed officials or department heads who have a written office policy, shall file the policy with the County Treasurer's Office. These specific policies may not supersede, violate or contradict the general personnel policies of the DeWitt County Personnel Policy.

County employees should observe the following:

1. An employee's appearance and conduct reflects upon all DeWitt County officials and employees, and should be as outstanding as possible.
2. When dealing with the public in person or by telephone, courtesy is a necessity. If the answer to a question is unknown, try to find out or direct the person to the proper place.
3. Information concerning County business should be held in confidence. Most County records are available to the public through established procedures.
4. County equipment shall be used only for County business. Personal telephone calls shall be kept to a minimum.
5. All trips made for County business shall be reimbursed as per policy set by the Commissioners' Court. No reimbursement will be made for entertainment, personal telephone calls, liquor, laundry or similar expenses.

The privileges, duties and responsibilities as a DeWitt County employee are, of course, much more numerous than those briefly outlined in this policy. Questions about an employee's job should be addressed to their elected/appointed official or department head.

Always remember that DeWitt County employees are public servants. Courtesy and consideration are the right of the citizens employees serve. Our main objective is to serve the citizens of DeWitt County and all of us must work together to accomplish this goal.

## **EMPLOYMENT AT-WILL**

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 the DeWitt County Personnel Policy shall be construed as modifying an employee's 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 prior notice. Employees of DeWitt County shall have the right to leave their employment with the County at any time, with or without prior notice.

## **EQUAL EMPLOYMENT OPPORTUNITY**

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

## **AMERICANS WITH DISABILITIES**

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

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

## **APPLICATION FOR EMPLOYMENT**

### **JOB ANNOUNCEMENTS**

The elected/appointed official or department head, will notify the Treasurer's Office of any job openings by e-mailing [HR@dwcotx.org](mailto:HR@dwcotx.org). The e-mail must include the job announcement along with where it should be posted with the job description for the position that is being filled.

Announcements for job openings with DeWitt County may be advertised on [www.co.dewitt.tx.us](http://www.co.dewitt.tx.us), in local newspapers, postings on DeWitt County bulletin boards and/or any other media.

### **POSTING JOB ANNOUNCEMENTS**

Job openings for regular, full-time positions will generally be posted on the County website, [www.co.dewitt.tx.us](http://www.co.dewitt.tx.us). DeWitt County reserves its discretionary right not to post a particular opening or to post exclusively to DeWitt County employees. Applications will be considered current for 1 year, and it will be provided to hiring departments if the application is for a similar job posting. Elected/appointed officials or department heads may fill vacant positions by reassigning, promoting or transferring employees if the employee meets the minimum requirements for the job. No offer of employment will be made until after the closing date of the posting. Applications received after the closing date and time may not be considered.

### **APPLICATION PROCEDURE**

Before an individual can be considered for employment with DeWitt County, they shall be required to complete the appropriate DeWitt County employment application. The applications can be found on [www.co.dewitt.tx.us](http://www.co.dewitt.tx.us), and in the Treasurer's Office. The DeWitt County Sheriff's Office employment application, is available on [www.dewittsheriff.org](http://www.dewittsheriff.org) or [www.tcole.texas.gov](http://www.tcole.texas.gov), and in the Sheriff's Office.

All applications received will be retained in the Treasurer's Office, and a copy will be sent to the appropriate hiring office(s). If an application is sent directly to a department within the County, the department shall retain a copy for their own records, if needed, and turn in the original to the Treasurer's office for retention purposes, if applicable.

An applicant may be subject to background investigation and review of their driving record. Some departments in DeWitt County conduct extensive pre-employment background investigations due to the nature of their jobs. The individual shall not begin employment until successful background investigation, driving record and drug test results have been received.

### **SELECTION**

Each elected/appointed official or department head, shall be responsible for selecting the applicant who they feel best meets the qualifications for an open position in their department. 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.

Each elected/appointed official or department head is responsible for staffing their 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 compensation 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 compensation of any position be changed without Court approval.

### **PROCESSING**

The Treasurer's Office shall be notified by the elected/appointed official or department head, of the applicant they would like to hire within 3 days of the proposed start date. The Treasurer's Office will then conduct a background investigation, request a driving record, and drug test, if applicable. After the results are received, the Treasurer's Office will notify the elected/appointed official or department head, of the results and confirm the date and time for the new employee orientation. Orientations must be scheduled with the Treasurer's Office. Orientation must be completed before the new employee can perform any work.

The Treasurer's Office must be e-mailed at [HR@dwcotx.org](mailto:HR@dwcotx.org), by the elected/appointed official or department head, containing the following information:

- Name
- Hire date
- Position
- Pay schedule: category
- Employee Type

Once the Treasurer's Office receives the e-mail, the elected/appointed official or department head, will be contacted to schedule orientation for their new employee. All offers of employment are contingent upon successful completion of a background investigation, driving record and drug test, if applicable.

### **DISQUALIFICATION**

Reasons for which an applicant may be disqualified for consideration for employment include, but not limited to, the following:

- The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which they are applying;
- The applicant has made a false statement on the application form or any other document related to or which has a bearing on the selection process;
- The applicant has committed or attempted to commit a fraudulent act at any stage of the application process; or
- The applicant is not legally permitted to hold the position.
- The applicant does not successfully complete the background check, driving record check or the drug test.

(Amended by Commissioners' Court 11/14/2022)

## **JOB DESCRIPTIONS**

Job descriptions are written by the elected/appointed official or department head for each employee in their department.

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 elected/appointed official or department head; and
4. Placed in the employee's personnel file with a signed certification statement that the employee has reviewed it.
5. Each employee is given a copy of the job description to keep.

## **FORMER EMPLOYEES**

All separated employees must have a bona fide separation of employment. A bona fide separation means there is no prior arrangement or agreement of understanding between DeWitt County and the separated employee that the employee would be rehired.

An employee must be separated for 1 full calendar month, from the date of separation, before being rehired by any department in the County. (See *Admin Code, Sec. 107.4*)

If a former employee of DeWitt County is rehired, they will be treated the same as a new hire in regards to leave accruals and years of service.

A rehired retiree who meets all other TCDRS requirements, and is rehired consistent with this policy, must establish a new membership with TCDRS.

Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401 (a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.

(Amended by Commissioners' Court 11/14/2022)

## **TRAINING**

Before an individual begins performing their actual duties, they normally will be given a brief orientation conducted by the elected/appointed official, department head or supervisor for whom they will be working. The purpose of the session is to enable a new employee to understand their 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 they work. Whenever possible, employees may receive on-the-job training under close supervision.

In addition, elected/appointed officials or department heads are responsible for scheduling employees to attend job-related seminars and workshops when an employee's attendance would benefit the County.

## **ATTENDANCE**

DeWitt County employees are expected to be punctual and demonstrate consistent attendance. Each employee shall report to work at the starting time set by their elected/appointed official or department head. Prior approval for absence may be given by the employee's supervisor if the employee is unable to report for work due to circumstances beyond the control of the employee.

If an employee is unable to be at work at their normal reporting time, they shall be responsible for notifying their supervisor at least 30 minutes prior to the scheduled start of their shift or as soon as it is reasonably practicable in the case of an emergency.

Each employee shall remain on the job until the normal quitting time, established by the elected/appointed official or department head, unless permission to leave early is given. Each supervisor shall be responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness. Frequent unexcused absences or tardiness shall make an employee subject to disciplinary measures, up to and including termination of employment.

## **PERSONNEL FILES**

The 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, job description, acknowledgements, certificates, as well as, records concerning performance, discipline and compensation.

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.

## **PERSONAL APPEARANCE AND DRESS CODE**

Appearance is often viewed as a direct reflection of the level of professionalism of the workplace. All employees contribute personally to the image of DeWitt County by their individual attire and grooming. Each DeWitt County employee is expected to follow these basic minimum guidelines:

- Maintain an appropriate appearance that is businesslike, neat and clean as determined by the requirements of the area in which the employee works.
- Clothing should be in good repair and fit appropriately.
- Sweatshirts, t-shirts, sport shoes, flip flops and like attire may not be considered appropriate in some environments.
- Employees whose jobs require that they wear a uniform are expected to keep their uniforms in good repair and laundered.

The personal appearance and dress code for County employees shall be set forth in the interdepartmental policy determined by the elected/ appointed official or department head. If sent home, the time taken to change may be deducted from their PTO balance.

## **UNIFORMS**

The purpose of this policy is to govern the taxable/non-taxable treatment of the costs associated with the purchase and upkeep of work clothing and uniforms worn by DeWitt County employees.

The DeWitt County Commissioners' Court realizes that each individual department has specific circumstances and needs for its employees and therefore this policy serves as the basis for each individual department's policy.

Each individual department that purchases any type of clothing for its employees should have a policy pertaining to work clothing and uniforms. Likewise, each individual department's policy should be in keeping with the Internal Revenue Service regulations. In the absence of a departmental policy, this policy shall govern.

Each individual department's policy should be submitted to the Treasurer's Office. Pursuant to the Internal Revenue Service regulations, the value of work clothing provided by the employer is not taxable to the employee if:

- The employee must wear the clothing as a condition of employment, and
- The clothes are not suitable for everyday wear or are not worn or adaptable to general usage as ordinary clothing.

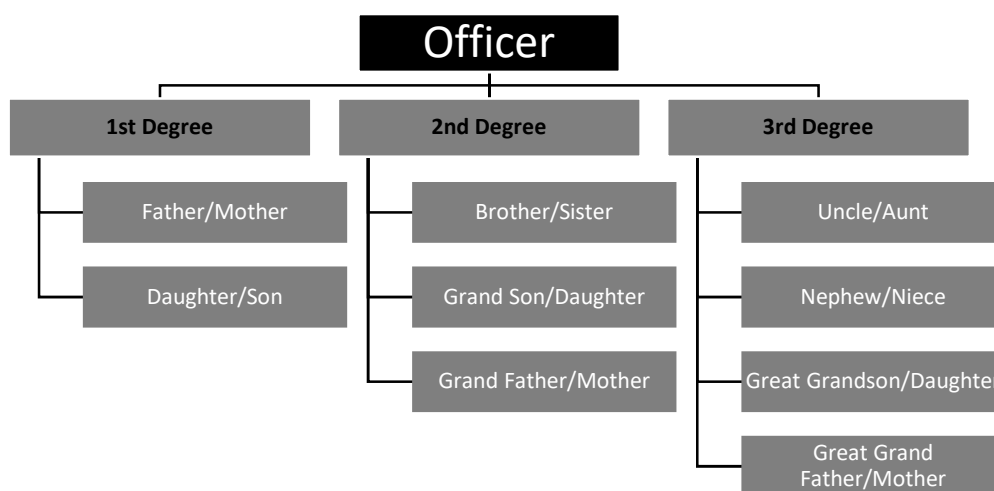
It is not enough that the employee wear distinctive clothing; the employer must specifically require the clothing as a working condition. Nor is it enough that the employee does not, in fact, wear the work clothes away from work. The clothing must not be suitable for taking the place of an employee's regular clothing. If the clothing qualifies as excludable, then the cleaning costs are also excludable from taxation. If the clothing does not qualify as a deductible expense (i.e. as a uniform), then the costs, if paid by the County, must be allocated to the employee as income, treated as a taxable fringe benefit thereby subjecting it to income, Social Security and Medicare taxes.

## NEPOTISM

In accordance with Chapter 573 of the Texas Government Code, the Texas Nepotism Statutes, an elected/appointed official or department head of DeWitt County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervises or exercises control over. A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow)

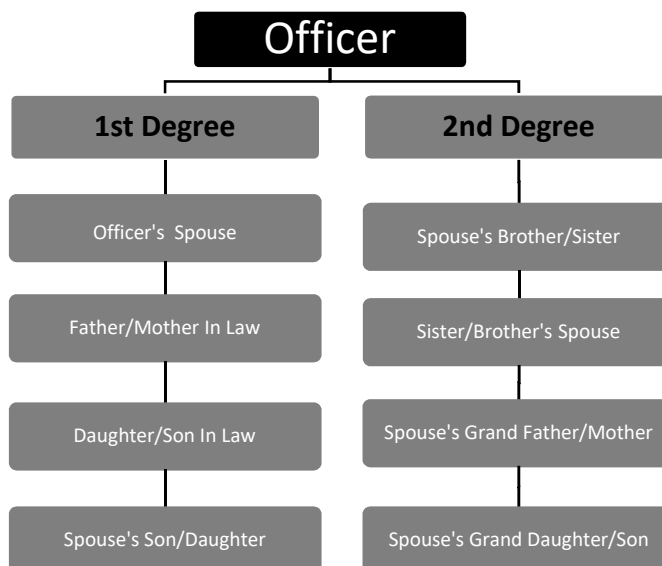
### CONSANGUINITY KINSHIP CHART

(Relationship by Blood)



### AFFINITY KINSHIP CHART

(Relationship by Marriage)



## **ELECTED/APPOINTED OFFICIALS**

Elected/appointed officials are paid on a salary basis per the Department of Labor Sec. 541.602. A predetermined daily rate will be paid to the official for any day in which the Official performs any work without regard to the number of hours worked.

## **DEPARTMENT HEADS**

The Commissioners' Court is responsible for the selection and employment of all appointed department heads except as specified by law. All department heads, who are not elected/appointed officials, will submit their time entry through the Employee Self-Service portal to Commissioners' Court or the approved designees for approval.

Leave requests must be submitted in writing or via the Employee Self-Service portal to the Commissioners' Court or approved designee for prior approval.

## **EMPLOYMENT STATUS**

Each County position has an employee status that identifies how the position is paid and how benefits are granted. This policy defines both health insurance and retirement benefits. The elected/appointed official or department head should examine the Salary Order and their department's budget prior to each status change within their department. Any needs or changes desired that are outside of the parameters of the Salary Order or department's budget should be addressed to Commissioners' Court for approval.

### **REGULAR, FULL-TIME**

A regular full-time employee is any employee in a position who has a normal work schedule of forty (40) hours per week. Regular full-time employees are eligible for:

- TCDRS retirement benefits
- County health insurance
- Other County policies will dictate eligibility for other benefits.

Employees may be non-exempt or exempt. Non-exempt employees are eligible for overtime compensation, whereas; exempt employees are not eligible for overtime compensation. DeWitt County recommends exempt status classifications based on guidelines from the Fair Labor Standards Act.

### **MODIFIED, FULL-TIME**

A modified full-time employee is any employee in a position, which has a normal work schedule of less than forty (40) hours per week, but more than thirty (30) hours per week. Modified full-time employees are eligible for:

- TCDRS retirement benefits
- County health insurance
- Other County policies will dictate eligibility for other benefits.



If an employee's schedule changes, and hours worked correspond with a different employment status, they may be reclassified. The Salary Order and budget will be taken into consideration for reclassification.

### **REGULAR, PART-TIME**

A regular part-time employee is any employee in a position who has a normal work schedule of less than thirty (30) hours per week. Regular, part-time employees are eligible for:

- TCDRS retirement benefits
- County health insurance, if the employee meets the eligibility requirements defined under the Affordable Care Act section of this policy. They are not eligible upon hire.
- Other County policies will dictate eligibility for other benefits.

### **REGULAR, VARIABLE HOUR**

A regular, variable hour employee is any employee for whom the County cannot determine the average amount of hours that the employee will work each week. Hours are variable or indeterminate at the time of the employee's start date. Regular, variable hour employees are eligible for:

- TCDRS retirement benefits
- County health insurance, if the employee meets the eligibility requirements defined under the Affordable Care Act section of this policy. They are not eligible upon hire.
- Other County policies will dictate eligibility for other benefits.

If an employee's schedule changes, and hours worked correspond with a different employment status, they may be reclassified. The Salary Order and budget will be taken into consideration for reclassification.

### **SEASONAL**

A seasonal employee is an employee for whom the County cannot determine the average amount of hours that the employee will work in a position within a specific time frame. Seasonal employees may report to work on an as needed basis or specific seasons within the department. An example of seasonal employees may include, but is not limited to, election workers. The elected/appointed official or department head must define and document the season, in which the employee is being hired for. Seasonal employees are eligible for:

- County health insurance, if the employee meets the eligibility requirements defined under the Affordable Care Act section of this policy. They are not eligible upon hire.
- Other County policies will dictate eligibility for other benefits.

### **TEMPORARY**

A temporary employee is an employee whom the County cannot determine the average amount of hours that the employee will work in a position that is expected to last for a specific period of time or until a specific project is completed, but no longer than twelve (12) months. If the work project goes beyond twelve (12) months, the employee may be reclassified. Temporary employees are eligible for:

- County health insurance, if the employee meets the eligibility requirements defined under the Affordable Care Act section of this policy. They are not eligible upon hire.
- Other County policies will dictate eligibility for other benefits.

(Amended by Commissioners' Court 10/01/2023)

# **SECTION B: PAY PRACTICES**

## **EMPLOYEE CLASSIFICATION**

In October 2023 the Commissioners Court replaced a static and antiquated “Step” scheme of employee pay with a new system that attempts to reward exceptional employee performance and recognizes employee commitment to career development with the county. De Witt County employees are classified by job categories according to the daily tasks they are required to perform. The job description is used to identify the proper category for payroll purposes.

(Amended by Commissioners’ Court 10/01/2023)

## **PAY SCALE**

The supervising department head or the elected/appointed official determines the rate of pay for individual employees they supervise. The hourly wage of an individual employee is set within a range of pay established by the Commissioners Court. The lower end of the range represents a suggested entry-level wage. The higher end of the range is a cap on wages for the job category. Highly credentialed and experienced employees whose skill set is complimentary to the job classification and adds value to the performance of the job to which they are assigned can be considered for an hourly wage above the entry level. Documentation of training certificates and annual performance evaluations are required for consideration for a wage increases. Pay raises and/or Cost of Living Adjustments are considered during the annual budget workshops of the Commissioners Court. The current Pay Scale is posted in the Employees’ Self-Service Portal.

(Amended by Commissioners’ Court 10/01/2023)

## **LONGEVITY RECOGNITION PAYMENTS**

DeWitt County recognizes Regular Full-Time employees for their continuous years of dedicated service. Longevity Recognition Payments of \$100 will be multiplied by total continuous years of service with the county as of September 30 following eligibility. The eligibility date for a Longevity Recognition Payment is the first anniversary of the hiring date as a Regular Full-Time employee of the county. One year equals 12 calendar months. Longevity payments are paid to employees in a lump sum in the first pay period in December following eligibility. Longevity Pay is not an accrued benefit and is forfeited if the employee is severed from employment before the first pay period in December. Severed employees who are later re-employed by the county are not eligible for missed payments and will re-enter the longevity system as a newly-hired employee. The Commissioners Court set the rate at \$100 per year of continuous employment with the county on September 30 of the calendar year. An employee who is on Unpaid Leave Status remains eligible for his/her Longevity Recognition Payment if classified as employed on the first payroll date in December.

County employees receiving a longevity pay supplement of any kind from another state agency are not eligible for the DeWitt County Longevity Payment. DeWitt County elected officials are not eligible for Longevity Recognition Payments.

(Amended by Commissioners' Court 10/01/2023)

## **PAYROLL PROCESSING**

### **DEFINITIONS**

**Pay Period-** The pay period for the County shall be every 2 weeks beginning on Saturday and ending on Friday. The County pays its employees biweekly, every other Friday, in accordance with a predetermined schedule. If a payday falls on a holiday, paychecks will be issued on the last workday immediately preceding the holiday or weekend.

**Tyler Incode Employee Self Service (ESS Portal)-** electronic system used by the County to track timekeeping, pay history, PTO Balance, and W-2 History.

**Fair Labor Standards Act (FLSA) -** establishes minimum wage, overtime pay, recordkeeping, and youth employment standards.

**Exempt-** employees exempt from FLSA and are not eligible for overtime pay.

**Non-exempt-** employees covered by the FLSA and must receive overtime pay for hours worked over 40 in a workweek at a rate of one and a half times regular pay. Law Enforcement employees are covered under the FLSA 29 U.S.C. 207(k) and must receive overtime pay for hours worked over 86 in a 14 day work period at a rate of one and a half times regular pay.

**Benefit hours-** leave hours earned by employee, such as, personal time off (PTO) and holidays.

**Off-the-clock-** means work performed but not reported on the employee's time card.

### **TIME ENTRY**

Each employee is required to submit a time sheet with the exception of exempt employees, see below "Time Sheet Exempt" for circumstance in which they would need to complete a time sheet. All time sheets must be submitted to the Treasurer's Office on the day and time designated. Employees must submit timesheets by the Saturday of pay week at 11:59 P.M. Approvers must approve time sheets by the Monday of pay week at 9:00 AM.

Employees must request leave using the ESS Portal or using the department's system for requesting time off, in writing. Absences must be recorded on the time sheet and be charged to appropriate benefit hours. If benefit hours are not available, then any absence will be unpaid.

Employees are prohibited from performing any "off the clock" work. Employees may be required to take scheduled lunch breaks. Lunch breaks may be altered occasionally, with the

supervisor's approval. Employee's time sheets will be scrutinized by the supervisor and verified as correct by electronically submitting to the Treasurer's Office.

**Falsifying a time sheet, a government record, is a punishable offense under the Texas Penal Code, Section 37.10 (Tampering with Government 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). Falsification of a time sheet will also result in discipline up to and including immediate termination of employment.**

**TIME SHEETS NON-EXEMPT**

The following points must be considered when filling out a time sheet by a non-exempt (covered by FLSA) employee:

- It is a good practice for employees to track hours each workday. Each employee must submit their own time sheet stating that it is correct. This is done by electronically submitting the timesheet to their supervisor.
- Employees are not permitted to begin work before their normal starting time or to continue work after their normal quitting time without the prior approval of their supervisor.

**TIME SHEETS EXEMPT**

The following rules apply to time sheets for exempt (not covered by FLSA) employees:

- Exempt employees must use PTO for a full day absence. Employees are required to account for leave time used by submitting their own time sheet stating that it is correct. This is done by electronically submitting the timesheet to their supervisor.
- For pay periods in which no leave time is used, an electronic submission of time worked is not required.

**FAIR LABOR STANDARDS ACT (FLSA)  
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 Treasurer's Office's attention, DeWitt County will promptly make any corrections necessary. Employees should review their pay stub when they receive it to make sure it is correct. If they believe a mistake has occurred or if they have any questions, please use the reporting procedure outlined below.

If employees have questions about deductions from their pay, they should immediately contact their supervisor. If they believe they have been subject to any improper deductions or their pay does not accurately reflect their hours worked, they should immediately report the matter to the Treasurer's Office. If they are unsure of who to contact or if they have not received a satisfactory response within five business days after reporting the incident, they should 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 may result in disciplinary action, up to and including termination.

Employees who are classified as non-exempt employees must maintain an accurate record of the total hours they work each day. It is the responsibility of each employee to verify that their time entry is correct. Employee's time sheets must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and lunch breaks. Employees should not submit their timesheet if it is not accurate. When employees receive each pay check, they should verify immediately that they were paid correctly for all regular and overtime hours worked each work week.

Non-exempt employees, unless authorized by their supervisor, should not work any hours that are not authorized. Employees should not start work early, finish work late, work during a lunch break, or perform any other extra or overtime work unless they are authorized to do so. That time worked is to be recorded on the employee's timesheet. Employees are prohibited from performing any "off-the-clock" work. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. If anyone directs an employee to work without documenting their time worked, they must tell the Treasurer's Office.

If an employee is classified as an exempt salaried employee, they will receive compensation which is intended to compensate them for all hours worked for the County. This compensation will be established at the time of hire or when the employee becomes classified as an exempt employee. While it may be subject to review and modification from time to time, the compensation will be a pre-determined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

For exempt employees, compensation may also be reduced for certain types of deductions such as their portion of health, dental or vision; state, federal or local taxes, social security, retirement; or, contributions to a voluntary deduction plan. In any workweek in which an employee performed any work, their wages may be reduced for any of the following reasons:

- 1) absence from work for 1 or more full days for personal reasons, other than sickness or disability
- 2) full day disciplinary leave for infractions of our written policies and procedures
- 3) full day for violating safety rules of a major significance
- 4) Family and Medical Leave or Military Leave absences
- 5) to offset amounts received as payment for military pay; or
- 6) the first or last week of employment in the event they work less than a full week.

For exempt employees, in any workweek in which they perform any work, compensation will not be reduced for any of the following reasons:

- 1) partial day absences for personal reasons, sickness or disability
- 2) absences because of the County's operating requirements
- 3) absences for jury duty, attendance as a witness, or military leave in any week in which employees have performed any work; or
- 4) any other deductions prohibited by state or federal law.

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

## **WAGE OVERPAYMENT/UNDERPAYMENT**

DeWitt County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled paydays.

In the event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Treasurer's Office so that corrections can be made as quickly as possible. If the employee has been underpaid, DeWitt County will pay the employee the difference on the next scheduled payroll. If the employee has been paid in excess of what he or she has earned, the employee will need to return the overpayment to DeWitt County as soon as possible. No employee is entitled to retain any pay in excess of the amount they have earned according to the agreed-upon rate of pay. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid. Each employee will be expected to sign a wage deduction authorization agreement authorizing such a deduction.

## **INTERNAL REVENUE SERVICE (IRS) FRINGE BENEFITS**

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

## **PAY ADVANCES**

Advances in pay will not be made to any employee for any reason.

## **DIRECT DEPOSIT**

Employees are to comply with the National Automated Clearing House Association rules and regulations and the County's rules about electronic transfers. The Electronic Fund Transfer Act (EFTA), also known as Federal Regulation E, permits employers to require direct deposit of wages, as long as the employee may choose the financial institution that will accept the direct deposit. As a security measure, DeWitt County prohibits the use of an account in which the employee is not an owner. Direct Deposit information may be changed at any time on the Employee Self Service Portal (ESS). If there is a payroll in process, the change will not be effective until the following pay period. Employees can access their bi-weekly pay information through the DeWitt County Employee Self-Service portal (ESS).

The County of DeWitt is not responsible for any loss due to inaccurate information provided by the employee or failure of the employee to confirm deposit of funds. Additionally, the County is not responsible for loss due to the actions or inaction of the employee's financial institution(s).

The County of DeWitt has implemented security measures to protect employee direct deposit information from fraud and unauthorized access. Employees must be vigilant in protecting their

online credentials (i.e., ESS ID and password) from theft through phishing, social engineering or other means. The County of DeWitt is not responsible for theft or loss of pay resulting from the employee intentionally or unintentionally sharing online credentials, confidential information, or sensitive personal information.

(Amended by Commissioners' Court 06/09/2022)

## **COMPENSATION**

DeWitt County Commissioners' Court annually sets the maximum compensation for each employee in accordance with Texas State Law. County complies with the Fair Labor Standards Acts as outlined in the Fair Labor Standards Safe Harbor policy.

All non-exempt County employees shall be paid an hourly rate, including part-time employees. Exempt employees are paid a salary based on an hourly rate. Elected/appointed officials are paid a salary based on a daily rate. Temporary employees shall be paid hourly and at least at the minimum wage established by the Fair Labor Standards Act, as amended.

Salaries are set according to the current Salary Order adopted by the Commissioner's Court and kept in compliance with the County Budget. Employees' rates are outlined on the DeWitt County's current Pay Schedule.

## **OVERTIME COMPENSATION**

Overtime, as defined by this policy, shall apply to all employees eligible for overtime compensation under the FLSA, except for law enforcement. (See Law Enforcement Overtime below)  
Hours worked shall include all time actually spent in the service of the County as defined in the Fair Labor Standards Act (FLSA) and its regulations. The elected/appointed official or department head will define the days and hours the employee is to work.

Overtime must be approved by the elected/appointed official or department head prior to being worked by the employee, except in emergency situations. Overtime shall include all time actually worked for the County in excess of 40 hours in any workweek. Paid leave shall not be counted in determining if overtime has been worked in any work week.

Overtime compensation shall be paid out at one and one-half (1 ½) of their regular rate of pay. Employees may be called upon to work on their day off and for more hours than their regular shift calls for due to an emergency or other requirement as determined by their supervisor.

### **LAW ENFORCEMENT OVERTIME**

Law enforcement employees are covered by the 207(k) exemption under the FLSA. They work shift work within a 14 day period. Law enforcement employees will be compensated biweekly for 86 hours. Employees will be paid their full bi-weekly compensation if they report at least 80 hours during a work period. Overtime will not be earned in any work period until the number of actual hours worked exceeds 86.



## **OTHER ISSUES**

Any issues on overtime compensation not addressed in this policy shall at least meet the minimum requirements of the Fair Labor Standards Act and the regulations issued by the Department of Labor to administer that act.

(Amended by Commissioners' Court 11/14/2022)

## **SHERIFF'S DEPUTY RECRUITMENT INCENTIVE**

DeWitt County Commissioners Court approved a recruitment incentive 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 one (1) continuous year before the incentive will be paid. The incentive will be included on the first payroll check after completion of one (1) year of service as a DeWitt County sheriff's deputy. The employee must be defined as a regular, full-time employee, and may only receive the sheriff's deputy recruitment incentive once. Deputies who have received the recruitment incentive once, and are subsequently severed, whether voluntarily or involuntarily, are not eligible for the incentive if rehired at a later date. The incentive may be continued or discontinued in the future by action of the Commissioner's Court. Deputies recruited while the incentive is in effect will be paid according to the above terms even if the program is discontinued by the commissioner's court in a subsequent budget year.

(Amended by Commissioners' Court 10/01/2023)

## **EMERGENCY PAY**

This Policy will be in effect whenever the County Judge, or designee, declares that emergency conditions warrant either preparation for, or reaction to a potentially disastrous event. Each emergency is unique and while this policy is intended for overall guidance, the County Judge reserves the right to evaluate this policy and issue alternative procedures according to the statutes or the State of Texas and/or Federal Authority.

DeWitt County will provide paid leave for all non-essential and essential employees in County declared emergencies including, but not limited to: hurricanes, tornadoes, floods, and other Acts of God; nuclear, chemical and biological emergencies, terrorist attack, or any other emergency declared by the County not mentioned herein. Nothing in the policy shall be construed as changing the "at-will" or exempt/non-exempt status of any person employed by DeWitt County.

In the event that an emergency closing is ordered by the County Judge, or designee, the closing shall be clearly posted on the DeWitt County website and all elected/appointed officials/department heads shall be notified by the County Judge, or designee.

## **REGULAR EMPLOYEES (FULL-TIME & PART-TIME)**

Regular employees will be paid their normal hourly rate for their regularly scheduled hours, and the day(s) will be recorded as Emergency Pay. This time is not considered time worked and will not be used to determine eligibility for overtime.

**Essential employees-** are those who are required to work performing necessary tasks during an emergency. Such personnel may include corrections officers, deputy sheriffs, road and bridge crews, detention officers, emergency management personnel, maintenance personnel, personnel designated by elected/appointed officials or department heads for their respective departments. All employees should remain in contact with their elected/appointed official or department head for further instructions.

### **ESSENTIAL EMPLOYEE COMPENSATION**

Along with the Emergency Pay, essential employees will receive compensation for hours physically worked during the County closure. Employees who physically work up to 40 hours per week, for the duration of the closure, will be compensated at their normal hourly rate. All hours worked in excess of 40 hours, will be paid at their overtime rate of one and one-half (1 ½) times their regular rate.

### **LAW ENFORCEMENT**

Along with the Emergency Pay, law enforcement will receive compensation for hours physically worked during the County closure. Employees who physically work up to 86 hours in the 14 day period, for the duration of the closure, will be compensated at their normal hourly rate. All hours worked in excess of 86 hours, will be paid at the overtime rate of one and one-half times their regular rate.

Any employee who is off or scheduled to be off on Personal Time Off (PTO), FMLA, or leave without pay during a period of disaster/emergency closure shall not be required to report said time as such.

If an emergency is not declared by the County Judge or designee, the elected/appointed official may choose to close or delay opening of their office due to an emergency or inclement weather. The employee may be required to use PTO hours. If all PTO is exhausted the employee may be unpaid. However, each elected/appointed official controls the working hours of their employees, even in an emergency situation, and employees may be granted Administrative Leave. (See Administrative Leave)

## **ADMINISTRATIVE LEAVE**

An employee may be granted Administrative Leave when it is recommended by the elected/appointed official. The elected/appointed official shall notify the County Treasurer's Office in writing:

- The name(s) of employees granted leave
- The reason for the leave; and
- The day(s) and times for which Administrative Leave is being granted.

At no time will hours granted for Administrative Leave be counted towards hours worked for the purpose of calculating overtime pay.

## **WORKING REMOTELY**

Employees are allowed to work remotely only if their job duties permit it. For example, people who are obliged to come in direct physical contact with customers are not eligible to work remotely unless the elected/appointed official or department head can accommodate job duties for working remotely. With the approval of the elected/appointed official or department head the employee may work remotely temporary or on an occasional basis. Reasons for working remotely may include but are not limited to: parenting, bad weather, emergencies, medical reasons or work-life balance.

Working remotely does not affect employees' employment terms. Working remotely does not affect compensation and/or benefits and should be tracked as regular hours worked.

Any employee working remotely may be liable for County property that is stolen, lost and/or damaged. (See Information Technology Resources.)

## **PAYROLL DEDUCTIONS**

### **REQUIRED DEDUCTIONS**

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

### **RETIREMENT**

Employees eligible for membership in the Texas County and District Retirement System (TCDRS) shall have their contributions to that system deducted from each paycheck.

### **VOLUNTARY DEDUCTIONS**

Any voluntary deduction authorized by the Commissioners' Court and approved by the employee shall be deducted from the employee's paycheck. No voluntary deduction shall be made from an employee's paycheck unless the employee and/or representative turns in a written authorization for the deduction to the County Treasurer's office.

## **WORK SCHEDULE AND WORKWEEK**

### **WORK SCHEDULE**

The normal hours of operation for most department in the County is from 8:00 a.m. until 5:00 p.m., Monday through Friday.

### **EXCEPTIONS**

In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule, or they may be subject to call back in case of emergency or special need.

The need for schedules that vary from the normal schedule shall be determined by each elected/appointed official or department head.

### **WORKDAY**

The workday for law enforcement employees and dispatchers shall begin at the start of their shift and ending 24 consecutive hours later. For purposes of time entry the workday for all other County employees shall begin at 12:00 a.m. each day and end 24 consecutive hours later.

## **WORKWEEK**

For purposes of record keeping and to determine overtime in compliance with the Fair Labor Standards Act (FLSA), the workweek for the County shall begin at 12:00 a.m. on each Saturday and end 7 consecutive work days (168 hours) on each Friday at 11:59 p.m. The work period for law enforcement is 14 days; therefore, an employee who reports to work on the last day of the pay period shall count all shift hours for that day.

## **DEMOTIONS AND TERMINATIONS**

A demotion is the movement of an employee from one position to another with a decreased responsibility or complexity of job duties.

An employee will retain their current step, but will be placed into a lower paid category within the department. An employee who is demoted will retain the same effective employment date and all accrued benefits.

An employee's position with the County is a public trust. An employee can be demoted or terminated from their job for a variety of reasons. Some of the more critical are:

- Poor or incompetent performance
- Insubordination
- Deliberate or negligent abuse of County property
- Abuse of benefits
- Unauthorized use or disclosure of official information
- Excessive or unauthorized absences
- Conduct unbecoming to a public servant, either on or off duty, which adversely reflects on the County
- Behavior inconsistent with the policies and/or procedures set forth and established by DeWitt County
- Falsification of documents or records including timesheets
- Disruptive behavior which impairs the performance of others
- Theft of property belonging to the County or fellow employees
- Harassment, sexual harassment or discrimination
- Violating the drug and alcohol policy
- Use of profanity
- Willful discourtesy to a citizen in the line of duty
- Unauthorized or illegal use of County equipment or property
- Gross or repeated neglect of duty
- Violence or threats of violence
- Safety violations and horseplay

The above mentioned reasons for disciplinary procedures are only guidelines, are not all inclusive, and are not intended to apply to every situation. These guidelines are not meant to change, and do not change, the employment at-will relationship.

Any employee may be terminated at any time when, in the judgment of the elected/appointed official or department head, the quality of the employee's work or conduct is not such as to merit continuation in service to the County, or for any legal reason.

(Amended by Commissioners' Court 07/25/2022)

# SEPARATIONS

## **DEFINITION**

A separation shall be defined as any situation in which the employer/employee relationship between the County and a County employee ends. **The effective date of separation shall be the last day physically worked or the last day of approved leave taken prior to separation.**

## **TYPES OF SEPARATION**

All separations from the County shall be designated as one of the following types:

- Resignation
- Retirement
- Dismissal
- Reduction in force (layoff)
- Death
- Temporary Employment

## **RESIGNATION**

A resignation shall be classified as any situation in which an employee voluntarily leaves their 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 their supervisor and then turned over to the County Treasurer's office.

## **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. Employees who are retiring should submit a written notice of retirement to their supervisor and then turned over to the County Treasurer's office. An employee who is retiring should notify their supervisor at least 30 days prior to the retirement date to prevent a delay in retirement benefits.

## **DISMISSAL**

A dismissal shall be any involuntary separation of employment that does not fall into one of the other categories of separation, including when an elected official is not elected to run a consecutive term. DeWitt County is an "at will" employer and an elected/appointed official or department head may dismiss an employee at any time for any legal reason or no reason, with or without notice.

## **REDUCTION IN FORCE**

An employee will be separated due to a reduction in force when:

- Their position is abolished;
- When there is a lack of funds to support the position; or
- When there is a lack of work to justify the position.

## **DEATH**

A separation by death will occur when an individual dies while currently employed by the County. The employee's designated beneficiary or estate will receive all earned pay and payable benefits.

## **TEMPORARY EMPLOYMENT**

An employee is separated from employment because the temporary position they were originally hired to do has ended.

## **NOTIFICATIONS**

As soon as a supervisor becomes aware of the separation from employment, or the intent to separate from employment, the supervisor is responsible for immediately notifying the Treasurer's Office. The Treasurer's Office will mail all separated employees necessary exit documentation.

(Amended by Commissioners' Court 06/09/2022)

## **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 warnings, leave 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.

## **INVESTIGATIVE/DISCIPLINARY LEAVE**

### **INVESTIGATIVE PAID LEAVE**

Investigative paid leave is the temporary release from duty of a County employee *with pay* to permit investigation of serious infractions of County and/or departmental rules or policies, including but not limited to being accused of discrimination or harassment. Upon completion of the investigation the employee may be returned to work without penalty, placed on disciplinary unpaid leave, terminated or may be subject to a more moderate disciplinary action as deemed appropriate by the elected/appointed official or department head.

### **DISCIPLINARY UNPAID LEAVE**

Disciplinary unpaid leave is the temporary release from duty of a County employee *without pay* and is applicable when the responsible elected/appointed official or department head determines that a violation(s) or repetition of violation(s) of County and/or departmental rules and policies are serious enough to warrant unpaid leave.

## **DOCUMENTATION REQUIRED**

Written notice of investigative and disciplinary unpaid leave shall be given to the employee with a copy in the personnel file or the investigative file, whichever is appropriate. The notice shall include the following:

- Reason for the investigative or disciplinary leave.
- Inclusive dates of leave duration.
- Advice to employee that failure to return to work on the first scheduled workday following the leave will result in immediate termination.

An investigative or disciplinary leave given to an exempt employee must be for full work days only. The duration of leave is at the discretion of the elected/appointed official or department head.

During the investigative paid leave or disciplinary unpaid leave the employee will be prohibited from using their Personal Time Off.

**The Treasurer's Office should be updated weekly on the status of any investigative paid leave and/or disciplinary unpaid leave.**

## **TRANSFERS**

Employees hired into positions within other County departments will be placed in the step corresponding with their experience and education. An employee will receive the compensation for the new position for which their qualifications justify, and that is within the department's annual budget.

An employee who makes a transfer will retain the same effective employment date and all accrued benefits; however, the effective date for step increases for the new position will be the date of the transfer. All transfers must be handled in accordance with the budget and salary order adopted by Commissioners' Court.

(Amended by Commissioners' Court 07/25/2022)

## **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 pay. Elected/appointed officials or department heads may promote an employee in their department to a vacant position.

An employee will retain their current step, but will be placed into a higher paid category within the department. An employee who is promoted will retain the same effective employment date and all accrued benefits. All promotions must be handled in accordance with the budget and salary order adopted by Commissioners' Court.

(Amended by Commissioners' Court 07/25/2022)

# **SECTION C: EMPLOYEE BENEFITS**

## **MEDICAL INSURANCE**

DeWitt County provides health insurance for all full-time employees under the County's group insurance plan. The Commissioners' Court determines the amount of health insurance premium that the County assumes for the employee portion. Employees who work an average of 30 or more hours a week in the Initial Measurement Period or Standard Measurement Period will be eligible for medical insurance. Employees who work an average of less than 30 hours a week in the Initial Measurement Period or Standard Measurement Period will not be eligible for medical insurance.

An employee's dependents may also be insured under the County's group insurance plan. Employees must pay the additional premium for coverage of dependents through payroll deduction. Contact the Treasurer's Office for rate and benefit information.

### **INITIAL MEASUREMENT PERIOD**

The defined Initial Measurement Period, for determining eligibility for medical insurance, for County employees, who work on average 30 or more hours a week, is from the employee's date of hire to the employee's 1<sup>st</sup> anniversary date. For eligible employees, coverage will be effective the 1<sup>st</sup> of the month after 60 days following the 1<sup>st</sup> anniversary date. The Initial Measurement Period is only used to determine eligibility for medical insurance, not for other insurance or voluntary deductions.

### **STANDARD MEASUREMENT PERIOD**

The defined Standard Measurement Period, for determining eligibility for medical insurance, for County employees, who work on average 30 or more hours a week, is from the first pay period of August to the last pay period in July of each fiscal year. For eligible employees, coverage will be effective on October 1<sup>st</sup>. The measurement period is only used to determine eligibility for medical insurance, not for other insurance or voluntary deductions.

(Amended by Commissioners' Court 02/13/2023)

## **OTHER INSURANCE**

DeWitt County also offers dental and vision insurance through payroll deductions for all full-time employees and their dependents. The employee is responsible for all premiums.

### **COBRA**

Any employee who has group insurance coverage at the time of termination has conversion privileges for medical, dental, and vision insurance (COBRA). The employee can continue coverage after leaving employment by assuming full payment of premiums. The conversion privileges also apply to dependents that are covered at the time of the employee's termination.

To enroll, or for further information, employees may contact the Treasurer's Office.



**IMPORTANT NOTICE TO EMPLOYEES AND DEPENDENTS OF CONTINUATION OPTION**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) passed by the 99th Congress provides that when participants (employees and dependents) lose their eligibility for group coverage because of any of the events listed below, they may elect to continue group coverage. The continued coverage can remain in effect for a maximum period of either 18, 24, or 36 months depending on the reason that eligibility terminated.

**EVENTS QUALIFYING FOR 18-MONTH CONTINUATION:**

- Reduction of employee work hours;
- Voluntary termination of employment;
- Involuntary termination of employment (except termination for gross misconduct); or
- Retirement

Note: The 18 months may be extended to up to 29 months when any participant is determined by the Social Security Administration to be disabled at any time during the first 60 days of COBRA coverage and notice of such determination is provided both within 60 days of the determination and prior to termination of continuation coverage.

**EVENTS QUALIFYING FOR 24-MONTH CONTINUATION:**

- Voluntary leave to perform military service;
- Involuntary leave to perform military service;
- Any other reasons covered under Uniformed Services Employment and Reemployment Rights Act (USEERRA)

**EVENTS QUALIFYING FOR 36-MONTH CONTINUATION FOR DEPENDENTS ARE:**

- Death of the employee; or
- Divorce or legal separation of the employee; or
- Medicare eligible employee; or
- Children who lose coverage due to eligibility provisions (for example: marriage)

It is the former employee's responsibility to notify the Treasurer's Office within 60 days of when a qualifying event has occurred. Information will be given concerning COBRA rights, cost and forms for signing up. The County has the right to terminate COBRA coverage if premiums are not paid by the deadline determined by the Treasurer's office.

**VOLUNTARY DEDUCTIONS**

DeWitt County also offers other voluntary deductions through payroll for all full-time employees and their dependents. The employee is responsible for all premiums.

**RETIREMENT**

Employees who regularly work for the County, regardless of the number of hours worked per year, must become members of the Texas County and District Retirement System (TCDRS).

Employee contribution to TCDRS is determined annually by Commissioners' Court. The County contributes an amount determined each year and at least equal to the employees

contribution. Upon completion of 8 years of service, an employee may have a vested interest in the retirement system.

An employee may not borrow against their retirement for any reason. They may only withdraw their money upon retirement or termination of employment with the County.

Employees are eligible for retirement benefits if they have:

- At least 8 years of credited service at age 60 or older;
- A combined age and total service (each rounded down to whole years) of 75 or more; or
- Accumulated thirty 30 years of credited service

If an employee terminates employment with the County, the employee may request to withdrawal their TCDRS funds. The employee will then not be entitled to the County's portion contributed to the system on their behalf, regardless of being vested.

For additional information, refer to [www.tcdrs.org](http://www.tcdrs.org) or contact the Treasurer's Office.

## **GROUP TERM LIFE**

TCDRS provides Group Term Life coverage to eligible DeWitt County employees. Eligible employee's beneficiaries will receive a one-time payment of the employee's yearly salary or wages if the employee passes away while still employed.

TCDRS also provides Group Term Life to retirees. This coverage provides Retiree's beneficiaries a \$5,000 life insurance benefit.

## **SURVIVOR BENEFIT**

TCDRS provides survivor benefits to eligible DeWitt County employees. The survivor benefit monthly payment is made up of an employee's deposits and interest, as well as the employer matching. If an employee has four or more years of TCDRS service, the employee's beneficiary has the option of receiving a lifetime monthly payment from the employee's account, if the employee passes away before they retire.

## **PERSONAL TIME OFF (PTO)**

### **PURPOSE**

DeWitt County recognizes that employees have diverse needs for time off from work and, as such, DeWitt County has established this personal time off (PTO) policy. The benefits of PTO are that it promotes a flexible approach to time off by combining vacation, sick, and excused leave. Employees are accountable and responsible for managing their own PTO hours to allow for adequate reserves if there is a need to cover vacation, illness or disability, appointments, emergencies, or other situations that require time off from work.

### **ELIGIBILITY**

PTO is accrued upon hire, rehire or transfer to a full-time position.

**AVAILABILITY**

PTO accruals are available for use in the pay period in which they are accrued.

**ACCRUAL AND PAYMENT OF PTO**

Years of continuous service in a full-time position determines the rate at which the employee will accrue PTO. PTO does not accrue if an employee is on an unpaid leave of absence for an entire pay period. Employees become eligible for the higher accrual rate at the beginning of the pay period following their most current full-time anniversary date.

**ACCRUAL RATES**

<b>Continuous Years of Service</b>	<b>Accrual Hours Per Pay Period</b>	<b>*Hours Accrued Annually</b>	<b>**Maximum Hours &amp; Balance</b>
<b>less than 1 year</b>	<b>6.25</b>	<b>162.50</b>	<b>162.50</b>
<b>1-9 years</b>	<b>9.25</b>	<b>240.50</b>	<b>480</b>
<b>10 years or more</b>	<b>11</b>	<b>286</b>	<b>480</b>

\*Annual PTO accruals are based on 26 pay periods/year.

\*\*No PTO hours will accrue beyond the maximum balance listed.

**USE AND SCHEDULING OF PTO**

Employees are required to use available PTO when taking time off from work before going unpaid, unless approval is not granted. Employees, including exempt employees, with a forty (40) hours per week schedule, cannot use PTO if the combined physically worked hours and the holiday hours, for that week, are equal to or greater than forty (40). Deputies and jailers cannot use PTO if the combined physically worked hours and the holiday hours, for the entire pay period, are equal to or greater than eighty (80). PTO may be taken in increments of as low as one-fourth (0.25) of an hour.

Whenever possible, PTO must be scheduled in advance. PTO is subject to supervisory approval, department staffing needs and established departmental procedures. Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled absences adversely affects the operation of the department. The supervisor may request that the employee provide a statement from a health care provider concerning the justification for an unscheduled absence.

When PTO is used, an employee is required to use PTO hours according to their regular work schedule. PTO is paid at the employee’s straight time rate, and is not part of any overtime calculation. An employee cannot track extra PTO time within a pay period to receive extra compensation. For example, if an employee has worked thirty-three (33) hours (in a forty (40) hours per week schedule), and takes off one day, only seven (7) hours of PTO would need to be tracked to equal forty (40) hours.

Employees may not borrow against their PTO banks; therefore, no advanced leave will be granted.

**PTO & MEDICAL**

Where PTO is to be used for medical appointments, including events covered under FMLA, an employee shall be required to notify their supervisor of the intent to use PTO, as soon as the employee knows of the appointment. Employees are encouraged to schedule their

appointments as early as possible in the day or as late as possible in the afternoon to minimize business disruption.

Where use of medical leave is not known in advance, an employee will notify their supervisor of the intent to use sick leave as determined by the interdepartmental policy. If the employee feels that the situation will cause the employee to miss more than one (1) day of work, the employee should notify their supervisor of the anticipated length of absence.

**DOCUMENTATION**

If an employee is out for three (3) or more consecutive days due to medical reasons, the supervisor may require a physician’s statement or some other acceptable documentation of injury or illness. A supervisor may also require documentation at any time they have reason to believe the employee is not sick and/or has a pattern of abusing benefit hours.

Employees will track PTO within the ESS Portal by selecting “MEDICAL PTO” or “NON-MEDICAL PTO.” This is used to help determine if any employee shall be placed on the Family and Medical Leave Act (FMLA). (See Family and Medical Leave Act (FMLA))

**PAYOUT UPON SEPARATION**

Full-time employees who have completed one (1) year of continuous service are eligible for a payout from their PTO bank, not to exceed the maximums shown below.

<b>Continuous Years of Service</b>	<b>PTO Hours</b>
<b>1 - 9 years</b>	<b>80 (Maximum)</b>
<b>10 years or more</b>	<b>120 (Maximum)</b>

A full-time employee who does not complete one (1) year of continuous service will not receive a payout. The continuous years of service will be calculated from the employee’s full-time hire date.

(Amended by Commissioners’ Court 10/01/2023)

**HOLIDAYS**

The Commissioners Court will establish the observed holidays for the next year at the end of each calendar year. Only regular, full-time employees are eligible to be paid for these holidays. The following days are typically observed as official holidays for all County employees:

- New Year’s Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans’ Day
- Thanksgiving (Thursday and Friday following)
- Christmas (exact days set by court each year)
- Martin Luther King, Jr. Day
- Presidents’ Day

*\*Declared Holidays may be observed on the actual calendar day(s) or on any other day(s) determined by Commissioners’ Court.*

- Each holiday is equivalent to eight hours of regular pay for all eligible County employees.
- Full-time employees are eligible for paid holiday hours while employed.
- While on leave (without pay), an employee may not receive pay for Holidays.
- Holidays shall be tracked on the date determined by Commissioner’s Court.
- At no time will hours awarded for holidays be counted towards hours worked for the purpose of calculating overtime pay.
- The official list will be available to County employees through their ESS Portal.

## **PROHIBITION OF STACKING BENEFIT HOURS**

Regular full-time employees cannot use PTO or any other benefit hours if the hours physically worked are equal to or greater than 40 hours for the week. On pay periods including a holiday, if the hours physically worked and the paid holiday hours are equal to or greater than 40 hours for the week, the employee cannot use PTO or any other benefit hours.

Law enforcement employees, who fall under FLSA 29 U.S.C. 207(k), cannot use PTO or any other benefit hours if the hours physically worked are equal to or greater than 80 hours for the pay period. On pay periods including a holiday, if the hours physically worked and the paid holiday hours are equal to or greater than 80 hours for the pay period, the employee cannot use PTO or any other benefit hours.

Elected/appointed officials or department heads, and supervisors, are prohibited from approving employee time sheets that have the effect of “stacking” benefits on top of hours worked and vice-versa.

The County is prohibited from paying employees for “stacked” time.

## **PAID QUARANTINE LEAVE (STATE-MANDATED)**

Pursuant to, and in compliance with, the provisions of House Bill 2073, which was enacted into law by the 87<sup>th</sup> Texas Legislature on June 15, 2021, DeWitt County adopts the following personnel policy creating a benefit for Paid Quarantine Leave for firefighters, peace officers, detention officers, and emergency medical technicians employed by DeWitt County, where the quarantine is ordered by a supervisor or the health authority due to a possible or known exposure to a communicable disease while on duty.

Terms applicable to Paid Quarantine Leave for firefighters, peace officers, detention officers, and emergency medical technicians are defined by the statute as follows:

1. **“Detention officer”** means an individual appointed or employed by a political subdivision as a county jailer or other individual responsible for the care and custody of individuals incarcerated in a county or municipal jail.
2. **“Emergency medical technician”** means an individual who is:
  - a) certified as an emergency medical technician under Chapter 773, Health and Safety Code; and

- b) employed by a political subdivision.
- 3. **“Firefighter”** means a paid employee of a municipal fire department or emergency services district who:
  - a) Holds a position that requires substantial knowledge of firefighting;
  - b) has met the requirements for certification by the Texas Commission on Fire Protection under Chapter 419, Government Code; and
  - c) performs a function listed in Section 143.003 (4))A).
- 4. **“Health authority”** has the meaning assigned by Section 121.021, Health and Safety Code, to wit: “A health authority is a physician appointed under the provisions of this chapter to administer state and local laws relating to public health within the appointing body's jurisdiction.” [The health authority for DeWitt County is the medical director of the Victoria City-County Health Department and designated as such through an Interlocal Agreement with the Cuero-DeWitt County Health Department.]
- 5. **“Peace officer”** means an individual described by Article 2.12, Code of Criminal Procedure, who is elected for, employed by, or appointed by a political subdivision.
- 6. **“Communicable disease”** means an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.

In obedience to the law, DeWitt County Commissioners’ Court hereby adopts the following policy:

- 1. An eligible employee will continue to be eligible for all employment benefits and compensation, including leave accrual, pension benefits, health benefit plan benefits for the duration of the leave; and
- 2. An eligible employee is eligible for reimbursement of reasonable costs related to the quarantine, including lodging, medical, and transportation; and
- 3. Eligibility will be contingent upon and subject to the receipt of a written order of, and by:
  - 1) the person’s supervisor, or 2) the political subdivision’s health authority.
- 4. An eligible, county-employed, firefighter’s, peace officer’s, detention officer’s, or emergency medical technician’s sick leave balance, vacation leave balance, holiday leave balance, or other paid leave balance may not be reduced in connection with Paid Quarantine Leave taken in accordance with a policy adopted pursuant to Chapter 180.008 of the Local Government Code.
- 5. Off duty exposures will not be covered under this policy.

6. Eligible employees will be placed on FMLA and a medical certification or doctor's note will be required for the Paid Quarantine Leave to take effect.
7. Reimbursement of eligible expenses for eligible employees shall be presented to the county auditor, and must include documented proof of the expense(s) the employee incurred while on Paid Quarantine Leave; and on a form designed for such purpose.
8. The effective date of this policy coincides with the date of enactment of the statute.

## **MENTAL HEALTH LEAVE (STATE-MANDATED)**

Pursuant to and in compliance with, the provisions of Senate Bill 1359 and House Bill 1486, DeWitt County adopts the following personnel policy creating a benefit for Mental Health Leave for peace officers and telecommunicators employed by DeWitt County. Terms applicable to Mental Health Leave are defined as follows:

**1. "Traumatic event"** – an event which occurs in the peace officer(s) or telecommunicator(s) scope of employment when involved in the response to, or investigation of, an event that causes them to experience unusually strong emotional reactions or feelings which have the potential to interfere with their ability to function during or after the incident. Traumatic events may include, but are not limited to, the following:

- Major disasters which may include response to weather related events involving multiple casualties; or explosions with multiple casualties; or search and recovery missions involving multiple casualties;
- Incidents involving multiple casualties which may include shootings or traffic accidents;
- Line of duty death or suicide of a department member;
- Death of a child resulting from violence or neglect;
- Officer(s) involved shooting of a person.

**2. "Mental health leave"** – leave with pay granted in response to a traumatic event that occurred in the scope of the peace officer's or telecommunicator's employment.

**3. "Mental Health Professional"** – a licensed social or mental health worker, counselor, psychotherapist, psychologist or psychiatrist.

### **REQUESTING MENTAL HEALTH LEAVE**

An officer or telecommunicator directly involved in a traumatic event may request the use of Mental Health Leave. The request shall be made in writing through the chain of command. The request shall be treated as a priority matter and a decision on the granting of the leave shall be made no later than 24 hours following the submission of the request. The request shall be granted unless the chain of command can articulate specific compelling reasons to deny granting the leave.

A supervisor or coworker who becomes aware of behavioral changes in an officer or telecommunicator directly involved in a traumatic event should suggest to the officer or telecommunicator that they seek mental health leave and the assistance of a mental health professional. If a supervisor or coworker believes that the officer or telecommunicator could be a danger to themselves or others, the concern shall be made in writing through the chain of command.

### **CONFIDENTIALITY OF REQUEST**

Any request for mental health leave shall be treated as strictly confidential by all parties involved and shall not be discussed or disclosed outside the officer's or telecommunicator's immediate chain of command, and only as necessary to facilitate the use of the leave. Any officer, telecommunicator or supervisor who becomes aware of behavioral changes and suggests they seek mental health leave shall not discuss that matter with any third party. Any breach of this confidentiality shall be grounds for discipline up to, and including, termination.

Confidentiality may be waived by the officer or telecommunicator seeking mental health leave. Confidentiality may be waived under circumstances which indicate the officer or telecommunicator is a danger to themselves or others and department personnel must confer with mental health professionals.

### **DURATION OF MENTAL HEALTH LEAVE**

An officer or telecommunicator directly involved in a traumatic event may request up to three working days of mental health leave. Extensions of mental health leave may be available under certain circumstances. Any request for an extension shall be accompanied by documentation from a mental health professional who is counseling the officer. The request may extend the leave by three working days. Each officer or telecommunicator may request no more than two extensions, each supported by sufficient documentation by the mental health professional.

The Sheriff shall grant the extension(s) upon the receipt of sufficient documentation explaining the need for the extension(s). Eligible employees will be placed on FMLA and a medical certification or doctor's note will be required.

### **MENTAL HEALTH SERVICES AVAILABLE TO THE OFFICER OR TELECOMMUNICATOR**

Texas Association of Counties Health and Employee Benefits Pool (TAC HEBP) offers an Employee Assistance Program (EAP) through Alliance Work Partners (AWP). Information can be found within your TAC HEBP Resource Guide or by visiting [awpnow.com](http://awpnow.com). For more information, please contact the Human Resource Department.



TAC HEBP also offers virtual visits including Behavioral Health through MDLIVE. Information can be found within your TAC HEBP Resource Guide or by visiting [MDLIVE.com/BCBSTX](https://MDLIVE.com/BCBSTX). For more information, please contact the Human Resource Department.

(Amended by Commissioners' Court 06/10/2024)

## **COURT RELATED LEAVE**

Employees of the County who are called for jury duty shall receive their regular pay for the period they are called for jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury. This time is not considered time worked and will not be used to determine eligibility for overtime.

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

Any fees paid for jury service may be kept by the employee. Employees who are subpoenaed or ordered to attend court to appear as a witness or to testify in some official capacity on behalf of the County, shall be entitled to leave with pay for such period as their court attendance may be required. If an employee is absent from work to appear in private litigation in which they are a principal party, the time shall be charged to PTO, or leave without pay.

## **MILITARY LEAVE**

County employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to 15 days off per federal fiscal year (October 1 – September 30) with pay to attend authorized training sessions and exercises. The 15 day paid military leave shall apply to the federal fiscal year (October 1 – September 30) and any unused balance at the end of the year shall not be carried forward into the next federal fiscal year.

Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods that fall within the employee's normal work schedule. If the employee must attend Reserve or National Guard Training sessions or exercises in excess of the 15 day maximum, the employee shall use their PTO leave. If all PTO leave is exhausted the employee will go without pay.

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

An employee going on military leave shall provide their supervisor with a set of orders within 2 business days after receiving them. The supervisor should then forward a copy to the Treasurer's Office.

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

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.

While on military leave, the County shall continue to pay the employee's medical insurance premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave with pay. While on leave without pay, the employee shall be required to pay for premiums by the deadline determined by the Treasurer's office, or the coverage shall be discontinued.

Once an employee's military service exceeds 30 days, they may choose to continue coverage by assuming full payment of premiums through COBRA. (See COBRA) If an employee returns from military leave within the time frame in effect, in accordance with state and federal regulations, insurance may be reinstated without a waiting period.

(Amended by Commissioners' Court 02/13/2023)

## **FAMILY AND MEDICAL LEAVE ACT (FMLA)**

### **DEFINITIONS**

**Immediate Family-** the employee's spouse, child, parent, parent of spouse, or other person living in the employee's home who is a dependent in the employee's home, or who is dependent on the employee for care.

**Dependent-** an individual eligible to be deductible on a County employee's federal income tax return.

### **ELIGIBILITY**

To be eligible for benefits under this policy, the County must employ 50 or more employees excluding

Elected officials and an employee must:

- Have worked for DeWitt County at least 12 months (it is not required that these 12 months be consecutive); and
- Have worked at least 1250 hours during the previous 12 months.

### **QUALIFYING EVENTS**

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

- the birth of a child and in order to care for that child;
- the placement of a child in the employee's home for adoption or foster care;

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

### **SERIOUS HEALTH CONDITION**

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

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

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- a period of incapacity of more than 3 consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
  - a) Treatment two or more times within 30 days of incapacity; or
  - b) Treatment by a health care provider on at least one occasion within first 7 days of incapacity that results in a regimen of continuing treatment by a health care provider.
- Any period of incapacity due to pregnancy or pre-natal care.
- Any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time.
- Any period of incapacity that is permanent or long term due to a condition for which treatment is not effective.
- Any period of incapacity or absence to receive multiple treatments by a health care provider.

## **LEAVE CALCULATION**

An employee may use up to 12 weeks leave per 12-month period under this policy. DeWitt County sets the 12-month period used under this policy as a “rolling” 12-month period measured backward from the date an employee uses FMLA leave.

## **PAID AND UNPAID LEAVE**

If any employee has any available PTO leave, it must be used concurrently with any available FMLA leave, provided the employee’s absence is covered by the County’s PTO policy. Accrued PTO leave taken for the purposes of FMLA for the employee or employee’s immediate family will follow the guidelines set out in the PTO policy. If an employee exhausts accrued PTO leave, an employee on FMLA will be unpaid, but their FMLA balance will still be depleted. FMLA leave will also run concurrently with any time off from work covered by workers’ compensation or Paid Quarantine Leave.

## **INTERMITTENT LEAVE**

An employee will take FMLA leave because of a serious health condition, intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If an employee’s intermittent leave is unpaid, the County will reduce the employee’s pay based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the County may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

Unless approved in advance in writing by the County, an employee may not take intermittent leave to care for the employee’s own child during the first year following birth, or to care for a child placed with the employee for foster care or adoption.

## **LEAVE AMOUNT**

Up to twelve (12) weeks leave per twelve (12) month period may be used under this policy. The County will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy.

All leave taken under this policy during the prior twelve (12) month period shall be subtracted from the employee’s twelve (12) week leave eligibility and the balance is the leave the employee is entitled to take at that time.

Eligible spouses who both work for the County, are limited to combined total of twelve (12) workweeks of leave in single twelve (12) month period for:

- the birth of a son or daughter and bonding with the newborn child
- the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child, and
- the care of a parent with a serious health condition.

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single twelve (12) month period:

- the single twelve (12) month period begins on the first day the eligible employee takes FMLA to care for covered service member and ends twelve (12) months after that date;
- if an eligible employee does not take all of their 26 workweeks during this twelve (12) month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member is forfeited;
- this leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same covered service member with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single twelve (12) month period.

Eligible spouses who both work for the County are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness (commonly referred to as “military caregiver leave”) if each spouse is a parent, spouse, son or daughter, or next of kin of the service member. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.

#### **SUBSTITUTION OF PAID LEAVE**

DeWitt County requires substitution of paid leave for all FMLA. An employee must follow the PTO policy guidelines. The balance of FMLA is unpaid leave. FMLA runs concurrently with all substituted paid leave, including Worker’s Compensation leave, Paid Quarantine Leave & Mental Health Leave.

#### **INSURANCE**

While on leave under this policy, the County shall continue to pay the employee’s medical insurance premium at the same rate as if the employee had been actively at work.

The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave with pay. While on leave without pay, the employee shall be required to pay for premiums by the deadline determined by the Treasurer’s office, or the coverage shall be discontinued.

#### **EXHAUSTION OF FMLA LEAVE**

If an elected/appointed official approves for an employee to be out for longer than the 12 weeks outlined under FMLA, the employee may be placed on COBRA, and be responsible for making payments to the County for their portion of insurance until they have returned to a full or light duty status. (See COBRA)

#### **RETURN FROM FMLA LEAVE**

Upon return from FMLA leave, an employee will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

## **NOTICE**

If the need to use FMLA leave is foreseeable, the employee must give the County at least 30-days' prior notice of the need to take leave. If 30-days' notice is not possible, the employee must give notice as soon as practicable (within one or two business days of learning of the need for leave except in extraordinary circumstances). An employee's failure to provide adequate notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to the Treasurer's Office. When submitting a request for leave, an employee must provide sufficient information to allow the County to determine if the leave qualifies as FMLA leave, including information on the anticipated start date for the leave and the duration of the leave.

The employee may be required to provide information documenting that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a health care provider; or the circumstances supporting the need for military family leave. An employee also must inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

## **CERTIFICATION**

Employees will be required to provide a certification and periodic recertification supporting the need for leave. If an employee requests leave under this policy, the County will notify the employee if medical certification is required and when it is due. Failure to timely provide requested medical certification (if required) may result in denial of leave until certification is provided.

(Amended by Commissioners' Court 02/13/2023)

## **Military Family Leave Act (MFLA)**

Under the MFL, there are 3 types of leave available:

- a qualifying exigency leave;
- leave to care for a covered service member; or
- leave to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve, or National Guard).

## **QUALIFYING EXIGENCY LEAVE**

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

Qualifying exigencies may include:

- short-notice deployment (up to 7 days of leave);

- attending certain military events and related activities;
- arranging for alternative childcare;
- addressing certain financial and legal arrangements;
- periods of rest and recuperation for the covered military member (up to 15 days of leave);
- attending certain counseling sessions;
- attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active duty status);
- other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the County and the employee;
- attending family support or assistance programs and informational briefings;
- acting as the covered military member's representative before a governmental agency; and
- addressing issues that arise from the death of a covered military member while on active duty status in a foreign country.

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 to leave.

### **MILITARY CAREGIVER LEAVE**

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

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

An eligible employee may take up to 26 weeks of leave to care for a veteran (Regular, Reserve, or National Guard) who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

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

An eligible employee may begin taking military caregiver leave up to 5 years after their family member was discharged or released from the military. The eligible employee's first date of leave must be within the 5 year period; however, the employee may continue to take such leave throughout the single 12-month period that is applicable to military caregiver leave, even if the leave extends beyond the 5 year period.

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

### **INTERMITTENT LEAVE**

An employee will take MFL leave for a qualifying exigency or serious health condition intermittently (in separate blocks of time due to a single health condition) or on a reduced-schedule leave (reducing the usual number of hours worked per workweek or workday) if medically necessary. If an employee's intermittent leave is unpaid, the County will reduce the employee's salary based on the amount of time actually worked. In addition, while an employee is on an intermittent or reduced-schedule leave, the County may temporarily transfer the employee to an available alternative position that better accommodates the recurring leave and which has equivalent pay and benefits.

### **EXHAUSTION OF MFLA LEAVE**

If an elected/appointed official approves for an employee to be out for longer than the 12 weeks or 26 weeks outlined under MFLA, the employee may be placed on COBRA, and be responsible for making payments to the County for their portion of insurance until they have returned to a full or light duty status. (See COBRA)

### **LEAVE AMOUNT**

Up to twelve (12) weeks leave per twelve (12) month period may be used under this policy. The County will measure the twelve (12) month period as a rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy.

All leave taken under this policy during the prior twelve (12) month period shall be subtracted from the employee's twelve (12) week leave eligibility and the balance is the leave the employee is entitled to take at that time.

Eligible spouses who both work for the County, are limited to combined total of twelve (12) workweeks of leave in single twelve (12) month period for:

- the birth of a son or daughter and bonding with the newborn child
- the placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child, and
- the care of a parent with a serious health condition.

An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member with a serious injury or illness during a single twelve (12) month period:

- the single twelve (12) month period begins on the first day the eligible employee takes FMLA to care for covered service member and ends twelve (12) months after that date;
- if an eligible employee does not take all of their 26 workweeks during this twelve (12) month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service member is forfeited;



- this leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same covered service member with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single twelve (12) month period.

Eligible spouses who both work for the County are also limited to a combined total of 26 workweeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness (commonly referred to as “military caregiver leave”) if each spouse is a parent, spouse, son or daughter, or next of kin of the service member. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for leave listed above.

### **SUBSTITUTION OF PAID LEAVE**

DeWitt County requires substitution of paid leave for all FMLA or MFL events. An employee must follow the PTO policy guidelines. The balance of FMLA is unpaid leave. FMLA and MFL run concurrently with all substituted paid leave, including Worker’s Compensation leave & Paid Quarantine Leave.

### **INSURANCE**

While on leave under this policy, the County shall continue to pay the employee’s medical insurance premium at the same rate as if the employee had been actively at work.

The employee shall be required to pay for dependent coverage, and for any other insurance coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave with pay. While on leave without pay, the employee shall be required to pay for premiums by the deadline determined by the Treasurer’s office, or the coverage shall be discontinued.

### **RETURN FROM FMLA LEAVE**

Upon return from FMLA leave, an employee will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

### **NOTICE**

If the need to use FMLA leave is foreseeable, the employee must give the County at least 30-days’ prior notice of the need to take leave. If 30-days’ notice is not possible, the employee must give notice as soon as practicable (within one or two business days of learning of the need for leave except in extraordinary circumstances). An employee’s failure to provide adequate notice may be grounds for delaying the start of the FMLA leave.

Whenever possible, requests for FMLA leave should be submitted to the Treasurer’s Office.

When submitting a request for leave, an employee must provide sufficient information to allow the County to determine if the leave qualifies as FMLA leave, including information on the anticipated start date for the leave and the duration of the leave.

The employee may be required to provide information documenting that the employee is unable to perform job functions; that a family member is unable to perform daily activities; that the employee or family member needs hospitalization or continuing treatment by a health care provider; or the circumstances supporting the need for military family leave. An employee also

must inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified.

### **CERTIFICATION**

Employees will be required to provide a certification and periodic recertification supporting the need for leave. If an employee requests leave under this policy, the County will notify the employee if medical certification is required and when it is due. Failure to timely provide requested medical certification (if required) may result in denial of leave until certification is provided.

When an employee requests leave, DeWitt County will inform the employee whether the reasons for the leave request are eligible under the FMLA or MFL (FMLA form WH-381). If the employee is eligible, the employee will be given a written notice that includes details on any additional information he or she will be required to provide (FMLA form WH-381). If the employee is not eligible, the County will provide the employee with a written notice indicating the reason for ineligibility. If leave will be designated as FMLA or MFL, the County will inform the employee in writing (FMLA form WH-382) and provide information on the amount of leave that will be counted against the employee's 12- or 26-week entitlement. The County will also inform the employee when a fitness for duty letter will be required. When a fitness for duty letter is required, the County will attach a list of the employee's essential job functions to the FMLA form WH-382.

If the employee is requesting leave because of the employee's own or a covered relation's serious health condition, the employee and the treating health care provider *must* provide appropriate medical certification. An employee may inquire about the necessary medical certification forms at the Treasurer's Office.

The County, at its sole expense, may require an examination by a second health care provider designated by the County, if it reasonably questions the medical certification provided by the employee. If the medical certification provided by the health care provider hired by the County conflicts with the medical certification submitted by the employee, the County, at its sole expense, may require a third, mutually agreeable, health care provider to conduct an examination and provide a medical certification, which will be final and binding on both the County and the employee.

The County may require subsequent medical recertification related to an employee's ongoing FMLA leave. An employee's failure to provide requested certification within 15 days after the employee receives the County's request, except in extraordinary circumstances, may result in the delay of further leave until certification is provided.

If an employee takes leave because of the employee's own serious health condition or to care for a covered family member, the employee must contact the County each month regarding the status of the condition and their intention to return to work. In addition, the employee must give notice as soon as practicable (within two business days, if feasible) if the dates of the leave change, are extended, or were unknown initially.

### **ENFORCEMENT**

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

### **OTHER BENEFITS**

While on leave without pay under this policy, an employee shall not earn PTO, be eligible for holidays, or earn other benefits afforded to employees actively at work, including step increases, except for those stated in this policy.

### **OTHER EMPLOYMENT**

Under no circumstances may an employee on FMLA leave, sick, leave, disability leave, or worker's compensation leave engage in outside employment by a third party or self-employment.

### **OTHER ISSUES**

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

(Amended by Commissioners' Court 02/13/2023)

## **WORKERS' COMPENSATION**

All DeWitt County employees are covered by workers' compensation insurance while on duty for the County. Workers' Compensation insurance pays for medical bills resulting from a covered injury or illness an employee incurs while carrying out the duties of their job. Workers' Compensation also pays for Temporary Income Benefits (TIBS) for time lost from work in excess of seven (7) calendar days as the result of eligible work related injuries or illnesses.

An employee who has an on the job injury must notify the supervisor as soon as possible, but no later than one (1) working day following the injury. A First Report of Injury must be completed by the employee or supervisor and turned in to the Treasurer's office as soon as possible. **If the injury is not reported in a timely manner it could result in the denial of workers' compensation benefits.**

Medical treatment for DeWitt County employees will be provided by Health Care professionals who are contracted with the Political Subdivision Workers' Compensation Alliance. If the employee chooses to receive care from a doctor that is not contracted with the Political Subdivision Workers' Compensation Alliance, the employee may be responsible for all medical costs.

DeWitt County will compensate employees 100% for absences within the first 7 calendar days due to a work related injury, however, if Workers' Compensation denies the claim, then the

County will deduct absences covered within the first 7 calendar days from the employee's PTO balance. If no PTO balance exists, the employee may have to reimburse the County.

On the 8<sup>th</sup> calendar day, employees receive TIBS from Workers' Compensation of approximately 70% of their average weekly wage. No deductions are permitted to be pulled from this amount, including retirement contributions. While an employee is on TIBS, the County will cease all compensation, PTO will not accrue and holiday hours will not be awarded. Law enforcement employees, receive 100% salary continuation while on workers' compensation per Labor Code, Article 3, Section 52 of the Texas Constitution.

If the injured employee is unable to work, has presented a doctor's excuse, and will be off longer than 3 consecutive days, they will be automatically placed on FMLA concurrently with Workers' Compensation. FMLA is 12 weeks and will be calculated on a rolling calendar year. (See County's FMLA policy for further details) While out on workers' compensation and covered by FMLA, the County will continue paying for the employee's health insurance premium, but the employee is responsible for paying for any other deductions, supplemental policies, and any dependent coverage they may have. Once the FMLA period has expired, the employee will be sent a COBRA notice and will be required to pay for their own health insurance premium.

All injured employees receiving salary continuation or workers' compensation income benefits shall be required to personally check in with the designated supervisor and the Treasurer's Office and provide all medical notes and updates received from the doctor.

DeWitt County will make every effort to bring the injured employee back to work as soon as reasonably possible. DeWitt County has a return to work policy in place and, in order to meet any light-duty restrictions determined by the health care provider, it may be necessary to offer an employee an assignment for a short term and temporary basis to meet the restrictions provided by the doctor. If a position is found that will meet all the restrictions, the employee will be given a bona fide offer of employment; if the employee refuses to return to work, workers' compensation benefits may be affected and the employee may be terminated.

(Amended by Commissioners' Court 11/14/2022)

## **RETURN TO WORK PROGRAM**

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

An employee on leave due to a work related injury or illness can return to work only when DeWitt County receives a medical release from the treating doctor. **The use of form DWC073, provided by the Texas Department of Insurance, from the treating doctor, is preferred.**

It is a violation of County policy for a worker on workers compensation that receives workers compensation benefits of any kind to be employed with a third party on a full-time or part-time basis. Such an action may be grounds for immediate termination.

**Return to work options:**

- **Full Duty** – employee can return to prior position, with doctor release stating that the injured employee can perform all job functions without restrictions.
- **Light Duty**- employee not able to return to their prior position and perform the regular duties of that job, but can return with certain restrictions. DeWitt County will try to accommodate light duty when possible but **cannot guarantee** the availability of light duty.

Light duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light duty may be initially offered, through a written bona fide offer, for a period of 6 weeks and then will be reviewed and evaluated by the supervisor based, in part, on the recommendation of the physician. If an employee has remaining FMLA time, and the County has accommodated the employee as stated above, the employee may be removed from duty until a full duty release is received, or until FMLA has been exhausted.

In the event that an employee refuses to return to regular or light duty work in response to a written, bona fide offer of employment by DeWitt County, the employee may be separated from employment with DeWitt County subject to FMLA qualification, and their position may be filled permanently.

A written, bona fide offer of employment must clearly state:

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

**Medical Information**

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

**Coordination with FMLA**

Nothing in this policy should be construed as denying employees their rights under the Family Medical Leave Act (FMLA) or any other federal or state law.

It is DeWitt County’s policy to designate an employee’s leave due to a work related injury or illness as FMLA, if eligible. DeWitt County counts the period of any employee’s light duty assignment toward the employee’s FMLA entitlement.

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

# **SECTION D: WORK RULES AND EMPLOYEE RESPONSIBILITIES**

## **POLITICAL ACTIVITY**

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

County employees shall not:

- Use their official authority or influence to interfere with or affect the result of any election or nomination for office;
- Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for a political reason; or
- Use any equipment, property or material owned by the County for political activity or engage in political activity while on duty for the County.
- Use the County's internal mail system for distribution of political advertising.

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.

(Amended by Commissioners' Court 04/11/2022)

## **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:

- 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;
- 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;
- Accepting outside employment, compensation, gifts, or favors that might reasonably tend to impair independence of judgment in performance of duties for the County;
- Making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and their duties for the County; or

- 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.
- 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.

## **GRIEVANCES**

Any employee having a grievance related to their job should prepare a written statement giving the details of the grievance and stating the specific remedial action requested, and then discuss the grievance with their immediate, approved, decision-making, supervisor or department head within five business days of the action causing the grievance. If the grievance is not filed with the employee's supervisor within the five business days specified, the employees waives their rights to the process.

If the discussion with the supervisor or department head does not resolve the grievance, and, if the supervisor or 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 official within five business days from the discussion with the supervisor.

The elected/appointed official or department head should notify and forward a copy of the grievance to the treasurer's office, as soon as possible, when a grievance is filed.

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

No adverse action or retaliation shall be taken against any employee for exercising their right to file a grievance.

## **WHISTLEBLOWER ACT**

An employee may, in good faith, report an alleged violation of a DeWitt County Policy or federal or state law to their supervisor, elected/appointed official or department head, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the Treasurer's Office and the County Attorney. The County will investigate the reported activity.

An official, supervisor, department head, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy. An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.

An employee who, in good faith, believes he or she is being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact the Treasurer's Office and the County Attorney.

An employee with a question regarding this policy should contact the Treasurer's Office.

## **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.

## **BREAKS**

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

DeWitt County will provide reasonable accommodations by allowing a nursing mother paid breaks to express breast milk. The nursing mother will be allowed whatever time is needed to express breast milk and will not be discriminated against. DeWitt County does not allow any retaliation against a nursing mother for asking for this break. The County will provide the nursing mother with a private location, other than a bathroom. The location will be shielded from view, free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis.

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



## **CRIMINAL ACTIVITY**

County employees are public servants and, as such, will be held to a higher standard of ethics. This policy applies to all employees of DeWitt County regardless of rank or position and shall include full-time, part-time and temporary employees.

Any DeWitt County employee who is arrested or convicted for a misdemeanor or felony must notify their elected/appointed official or department head of such arrest (including pleas of guilty and nolo contendere) no later than 3 calendar days after the arrest or conviction.

The arrest or conviction of a DeWitt County employee, whether on or off County time, may result in corrective action. Corrective action depends upon a review of all factors involved including whether or not the employee's action was work-related, the nature and severity of the act or any resultant circumstances that adversely affect the employee's attendance.

Corrective action, such as Investigative Leave, up to and including termination may be taken if the conduct for which the employee was arrested or convicted:

- is relevant and makes the individual unfit for the position; or
- may impact the health or safety of the public or other County employees.

An employee's failure to report an arrest or conviction (for a misdemeanor or felony) within the specified time period may result in immediate termination.

## **MOTOR VEHICLE RECORD (MVR) 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 only to employees who obtain a Commercial Driver's License (CDL), and are in a position to drive a County commercial motor vehicle.

### **CONSENT**

A general consent for MVR and driving eligibility/status must be obtained from the state for each employed driver, or any employee, prior to operating a County owned vehicle. The employees' consent will remain in effect for the entirety of their employ.

### **RULES AND PROCEDURES**

Employment/continued 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.

The MVR will be obtained from the state on an annual basis and from time to time at the official's discretion and re-evaluated according to these standards.

If an employee is in a position that does not normally involve driving a County vehicle, an MVR will be obtained prior to an employee driving a County owned vehicle and will be valid for up to one year.

The MVR evaluation will be based on the following criteria:

- The maximum number of moving violations and/or accidents allowed in a three (3) year period will be three (3).

Examples:

- a) 3 speeding
- b) 1 speeding, 2 accidents
- c) 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 the employee was "at fault", burden of proof is upon applicant or employee to show proof.

- No major moving violations will be allowed. Any one major moving violations may result in removal from driving positions and make applicants ineligible for a driving position.

Examples:

- a) Driving While Intoxicated
- b) Hit and Run
- c) Any felony or manslaughter involving the use of a motor vehicle.

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.

If a driver is removed from driving because of a failure to meet these County standards, the driver's employment may be terminated.

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 months.

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.

## **USE OF COUNTY PROPERTY**

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.

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**

All drivers must:

- Maintain a clean driving record;
- Be insurable at any time they are performing driving duties;
- Have a valid driver's license at any time they are performing driving duties;

Any driver that has a suspended or revoked driver's license may be taken off driving duties. If the driver becomes uninsurable, as determined by the MVR check, the driver agrees to be reassigned to other duties, or may be terminated from employment.

If the driver is reassigned due to insurability, lack of a clean driving record, or lack of a valid driver's license, they agree to accept whatever alternative assignments the company may give them. There may be a reduction in pay resulting from the reassignment.

Any employees performing driving duties will agree to report any accidents in which they are involved as a driver or any violations of any motor vehicle laws for which they are cited by a law enforcement authority. Such reports to the County shall be made immediately or as soon as possible following the event. Failure to promptly report accidents or motor vehicle law violations will result in disciplinary action, up to and including termination.

Any driver involved in an accident or cited by a law enforcement official for violating a motor vehicle law must turn over any documentation relating to such incident as soon as possible to the employer, and must cooperate with the employer in verifying the information with other parties involved and with law enforcement authorities.

## **LICENSES AND CERTIFICATIONS**

DeWitt County has many positions that require licenses and certifications. It is the responsibility of each employee to maintain all required licenses and certifications. If an employee is unable to renew or loses a license or certification, they must immediately notify their supervisor. If this license is a requirement for the position, the employee may be demoted, transferred or terminated.

Under no circumstances will the employee be allowed to continue in the position where a license or certification is required if failure to have such license or certification is illegal under either Federal or State Law.

## **TOBACCO FREE WORKPLACE**

DeWitt County endeavors to provide a healthy environment. Therefore, any form of tobacco consumed in County buildings is strictly prohibited. E-cigarettes and/or vaping should not be used where tobacco smoking is not allowed.

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

**Under the Influence** shall be defined as having a blood alcohol concentration of 0.000 or more or failing a drug test.

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

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

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

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

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

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

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

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

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

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

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

Any employee who violates this policy and/or is under the influence, as described above, shall be subject to disciplinary measures up to and including termination.

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

DeWitt County will drug test employees who are not CDL license holders under the following conditions:

**Pre-employment drug testing-**

DeWitt County has pre-employment drug testing for departments that are required by law, which must be passed, before an employee starts their first day of work. All offers of employment are conditional upon passing a drug and alcohol test.

### **Suspicion-Based Testing-**

Reasonable Suspicion– If an employee is having work performance problems or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of this drug and alcohol policy, where immediate action is necessary, the elected/appointed official or department head will require that employee to do a drug and alcohol test.

Elected/appointed official or department head must take action if they have reason to believe that the substance abuse is affecting their employee's job performance or behavior. The following steps will be taken:

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

**Post-Accident Testing** – shall be conducted as follows:

(All employees directly involved in an on-the-job accident or incident resulting in property damage and/or medical treatment, that does not match a situation in the table below, may be tested for drugs and alcohol under the suspicion-based testing procedure above, if applicable.)

TYPE OF ACCIDENT	CITATION ISSUED TO	TEST MUST BE
HUMAN FATALITY	YES	YES
	NO	YES
BODILY INJURY WITH IMMEDIATE MEDICAL TREATMENT AWAY FROM THE SCENE	YES	YES
	NO	NO
DISABLING DAMAGE TO ANY MOTOR VEHICLE REQUIRING TOW AWAY	YES	YES
	NO	NO

Testing Procedures –

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

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

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

**DRUG AND ALCOHOL - CDL EMPLOYEES**

Commercial Driver’s Licenses (CDL) are an extremely valuable resource for DeWitt County's business. Their health and safety is a serious County concern. Drug or alcohol use may pose a

serious threat to driver health and safety. It is, therefore, the policy of the County to prohibit CDL employees from being under the influence of or using illegal drugs or alcohol during working hours.

The Federal Motor Carrier Safety Administration (“FMCSA”) has issued regulations, which require the County to implement a controlled substance and alcohol testing program. The County will comply with these regulations. All CDL drivers are advised, that remaining drug-free and medically qualified to drive, are conditions of continued employment with the County.

Specifically, it is the policy of DeWitt County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) or alcohol by any CDL driver while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. Mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirements. DeWitt County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

**A complete policy relating to drug and alcohol testing for CDL employees, “DeWitt County CDL Drug and Alcohol Testing Policy and Procedures”, may be requested from the County Treasurer’s Office.**

## **OUTSIDE EMPLOYMENT**

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

## **WEATHER CLOSINGS AND EMERGENCIES**

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

In the event of an emergency closing or delay of the County, employees should check with their elected/appointed official or department head to receive guidance on any closings or delays. Information about closings will also be posted on [www.co.dewitt.tx.us](http://www.co.dewitt.tx.us).

For information regarding compensation please see Emergency Pay.



## **EMPLOYEE SAFETY**

The County Judge and County Commissioners' are concerned with the safety of employees and the public. Injuries cause suffering and financial loss to employees, their families, the public, and cause a drain on the County tax dollars which are needed to provide essential services.

The Commissioners' Court will make every effort to reduce the frequency of on the job injuries. As a minimum, the Commissioners' Court supports compliance with all safety ordinances, regulations and laws. Improvement is always possible and additional recommendations are welcomed and encouraged.

It is the intent of this County for its employees to perform the work assigned in a safe manner; therefore, each employee has a responsibility to the County. These responsibilities include but are not limited to:

- advising the supervisor when the employee does not know how to perform the work assigned;
- never to endangering other employees;
- reporting all unsafe conditions and injuries to the supervisor;
- operating only machines or equipment that the employee has been trained and authorized to operate; and
- following all safety policies established by the County.

Supervisors have the responsibility to:

- assign work to employees who are qualified through training or work experience;
- train the employee to perform the work correctly and safely;
- never require employees to perform duties in an unsafe manner or environment; and
- follow County safety policies within the department.

If an accident does occur, an employee's supervisor must be contacted immediately. The details must be given concerning any accident or injury which occurs while an employee is on duty or on county property. The accident or injury must be reported no matter how slight the injury may be. Damages to county vehicles must be reported in a timely manner to the County Auditor.

Employees are required to follow all safety policies of the County. Failure to adhere to the County safety policies may subject the employee to disciplinary action, up to and including termination.

## **HARASSMENT**

DeWitt County is committed to a workplace free of harassment. Harassment includes unlawful and unwelcome words, acts or displays based on race, color, religion, national origin, sex (including pregnancy, gender identity, and sexual orientation), age, genetic information, veteran status, or disability.

Such conduct becomes harassment when:

- The submission to the conduct is made a condition of employment;

- The submission to, or rejection of, the conduct is used as the basis for an employment decision; or
- The conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.

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

Employees who feel they have been harassed should immediately report the situation to their elected/appointed official or department head. If, for any reason, the employee feels that reporting the harassment to the elected/appointed official or department head may not be the best course of action, the report should be made to the Treasurer's Office and/or County Attorney.

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

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

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

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

## **SEXUAL HARASSMENT**

It shall be the policy of DeWitt County to provide a work place free from sexual harassment of which the County becomes aware. Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment.

Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of sexual nature. This may include slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where:

- The submission to such conduct is either an expressed or implied condition of employment;
- The submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or

- The conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.

Employees who feel they have been harassed should immediately report the situation to their elected/appointed official or department head. If, for any reason, the employee feels that reporting the harassment to the elected/appointed official or department head may not be the best course of action, the report should be made to the Treasurer's Office and/or County Attorney.

All claims of sexual harassment shall be taken seriously and investigated. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality. The elected/appointed official or department head to whom a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.

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

Retaliation against an employee who reports sexual harassment or who cooperates in the investigation, is prohibited by laws as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to their elected/appointed official or department head. If, for any reason, the employee feels that reporting the retaliation to the elected/appointed official or department head may not be the best course of action, the report should be made to the Treasurer's Office and/or County Attorney.

## **WORKPLACE VIOLENCE**

DeWitt County will not tolerate workplace violence, or the threat of violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the County. It is the intent of this policy to ensure that the County provides a workplace that is free from intimidation, threats, or violent acts. DeWitt County will not tolerate violence committed by or against employees or other individuals while on County premises, County-owned property or County work sites.

Pursuant to Section 46.03(a)(3) of the Texas Penal Code, 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 office of the court, is allowed.

The prohibition or possession of weapons also pertains to county owned vehicles. If an employee believes that a persons is violating this policy, they should immediately report said violation to their immediate supervisor or the sheriff's office. Employees found in violation of this policy may be subject to discipline, up to and including immediate termination of employment.

### **DEFINITIONS**

**Workplace Violence** - includes, but is not limited to, harassment, threats, physical attack, or property damage.

**Threat** - the expression of intent to cause physical or mental harm, regardless of whether the person communicating the threat has the present ability to carry out the threat, and regardless of whether the threat is contingent, conditional, or future.

**Physical Attack** - unwanted or hostile physical contact with another person, such as hitting, fighting, pushing, shoving, or throwing objects.

**Property Damage** - intentional damage to another person's or entity's property.

### **PROHIBITED ACTIONS AND PENALTIES**

It is a violation of this policy to engage in any act of violence in this workplace. In addition to the definitions listed above, other examples of violence may include, but are not limited to:

- Teasing and practical jokes that cause anger or humiliation
- Intimidation or bullying
- Angry outbursts
- Verbal abuse, name-calling, or obscene language
- Threats (verbal, written or motioned)
- Harassment (general, racial, or sexual)
- Theft, vandalism, or sabotage
- Throwing or breaking objects
- Romantic obsessions and stalking; or
- Sexual assault or rape

### **RESPONSIBILITY**

It is the responsibility of every employee to be alert to the possibility of violence in the workplace. Workplace safety is a major concern for all employees; therefore, employees must refrain from acts of violence and seek assistance to resolve personal issues which may lead to acts of violence in the workplace. All employees should be encouraged to openly communicate with each other, and to be aware of any unusual activity that may be an indicator of potential violence. Threats or acts of violence that require immediate or emergency action should be reported to 911.

### **REPORTING THREATS**

Any incident of violent behavior, whether committed by a County employee or an external individual such as a customer, vendor, or citizen, must be reported to departmental management. Employees have a "duty to warn" management of any suspicious workplace activity or situations or incidents that they observe, or that they are aware of, that involve other employees, former employees, or the public. If the individual to be reported is an elected/appointed official or department head, then it should be reported to the County Attorney, Sheriff, and/or the Treasurer's Office. Any employee who violates this policy will be subject to disciplinary action, up to and including termination and/or legal action, as appropriate.

## **EMERGENCY RESPONSE**

In the event of an emergency, each employee should take the necessary emergency response as outlined in the DeWitt County's Emergency Plans. Please contact the DeWitt County Emergency Management Coordinator for more information.

# **INFORMATION TECHNOLOGY (IT)**

## **DEFINITIONS**

**Information Technology resources-** means DeWitt County's voice and data network including all attached devices whether wireless or wired. Some examples are: computers, printers, fax machines, servers, network devices, cell phones, handheld devices.

**Streaming media-** means audio or video content that is compressed and played immediately, rather than being first saved to the hard drive. Some examples include live radio, media content from YouTube, Twitter, Facebook, and new websites.

**Spyware-** means any technology that aids in gathering information about a person or organization in the background without their knowledge or explicit permission.

**Adware-** means any software application in which advertising banners are displayed while the program is running viewed through pop-up windows or through a bar that appears on a computer screen.

**Virus-** means any malicious destructive programming code that replicates by being copied or initiating its copying to another program, computer boot sector or document. Viruses can be transmitted by email attachment, downloaded file, or be present on a diskette or CD.

## **OVERVIEW**

Information Technology resources are the property of DeWitt County and may only be used for legitimate County business purposes. DeWitt County employees are provided access to the information technology resources to assist them in the performance of their jobs. Any employee granted access has a responsibility to use DeWitt County's Information Technology resources and the internet in a professional, lawful and ethical manner. Abuse of Information Technology resources or the internet, may result in disciplinary action, including possible termination, civil and/or criminal action.

## **INTERNET USE LIMITATIONS**

Internet use by employees is authorized by the elected/appointed official or department head. The level of access granted by specific policy may vary from department to department. The role of the IT department is to enforce the policy of each elected/appointed official or department head and Commissioners' Court with respect to internet use and Information Technology resources. Any further action to be taken will be to preserve the confidentiality, integrity, and availability of the County's data when bandwidth or security issues need to be addressed.

## **PROHIBITED ACTIVITIES**

DeWitt County's Information Technology resources may not be used for personal gain or profit. Employees may not represent themselves as someone else, provide information about employees or County data to persons or businesses not authorized to possess that information. Employees may not send or receive data through DeWitt County Information Technology resources that may be considered discriminatory, offensive, obscene, threatening, intimidating, or disruptive to any person.

## **ILLEGAL COPYING**

Users may not illegally copy material protected under copyright law or make that material available to others for copying. Any software downloaded or installed on DeWitt County computers must comply with applicable licenses and copyrights. Users are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material downloaded or copied. Users may not agree to a license or download any material for which a registration fee is charged without first obtaining the express written permission from the elected/appointed official or department head.

## **FRIVOLOUS USE**

Information Technology resources are not unlimited. Network bandwidth and storage capacity have finite limits. County employees connected to the County's data network have a responsibility to conserve these resources. As such, employees must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings, spending excessive amounts of time on the Internet, playing games, engaging in online chat, uploading or downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the Internet.

Employees must exercise good judgment when Internet browsing and accessing email. Many websites, links and especially free downloads such as games and screen savers almost always include adware and spyware and may contain viruses. **Spyware and Adware will reduce the performance of an employee's PC causing pop-ups and unnecessary network traffic. Spyware has the potential to steal an employee's identity. New viruses not yet included in virus definitions can destroy data and damage network resources and servers.**

Unless authorized by the elected/appointed official or department head **do not download anything or access files from any external digital media.**

## **PERSONAL USE**

Occasional limited appropriate personal use of Information Technology resources is permitted if such use does not:

- interfere with the user's or any other employee's job performance;
- have an undue effect on the computer or County's network performance; or
- violate any other policies, provisions, guidelines or standards of this agreement or any other of DeWitt County.

Further, at all times users are responsible for the professional, ethical and lawful use of the computer system. **Personal use of the computer is a privilege that may be revoked at any time.** Personal use of Information Technology resources may be subject to the Public Information Act/Open Records Act requests and may not be private or confidential.

## **WAIVER OF RIGHTS**

Each DeWitt County employee expressly waives any right of privacy in anything they create, store, send or receive using the County's Information Technology resources. Each employee consents to allow DeWitt County access to and review of all materials created, stored, sent or received by them through DeWitt County's Information Technology resources. Such material may be public record and is subject to Public Information Act/Open Records Act requests.

## **MONITORING**

DeWitt County has the right to monitor and log any and all aspects of its Information Technology resources including, but not limited to, Internet sites visited, chat, file downloads, streamed audio or video, and email usage. Unauthorized use will be reported to the elected/appointed official or department head and may result in termination of Internet use pending action by the elected/appointed official or department head.

## **NETWORK AND 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.

## **CYBERSECURITY TRAINING**

Texas House Bill 3834, effective June 14, 2019, requires all elected officials and most local government employees to complete an annual cybersecurity training program that has been certified the Texas Department of Information (DIR). House Bill 1118, effective May 18, 2021 adds a penalty for noncompliance with the training requirement.

DeWitt County uses the Texas Association of Counties' DIR-certified cybersecurity training to achieve compliance with Texas Government Code 2054.5191. All employees with access to a county e-mail must complete the training. Please contact the County Judge's office for more information.

## **SOCIAL MEDIA**

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 professional judgment and take the most prudent action possible. If an employee is uncertain about the appropriateness of a social media posting, they should check with their elected/appointed official or department head.

For purposes of this policy "social media" includes, but is not limited to: forums, blogging and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube or Pinterest. If an employee's posts on social media mentions DeWitt County they should make it clear they are an employee of DeWitt County and their views posted do not represent the views of DeWitt County.

Employees must conduct themselves at the following minimum standards:

- Employees must not mention DeWitt County supervisors, employees, customers or vendors without their express consent.
- Employees must not pick fights. If they see a misrepresentation about DeWitt County, they should respond respectfully with factual information, not inflammatory comments.
- Employees are responsible for what they write or present on social media. They can be sued by other employees, supervisors, customers or vendors, and any individual that views the employee's social media posts as defamatory, pornographic, harassing, libelous or creating a hostile work environment.
- Employees may not use DeWitt County computer equipment for non-work related activities without permission from their elected/appointed official or department head. Social media activities should not interfere with employee duties at work. DeWitt County monitors its computers to ensure compliance with this restriction.
- Employees must comply with copyright laws, and cite or reference sources accurately.



- Employees may not link to DeWitt County’s website or post DeWitt County material on a social media site without written permission from their elected/appointed official or department head.
- 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 obtained through an employee’s position at DeWitt County must be kept confidential and should not be discussed through social media forum.

Violation of this policy may lead to discipline up to and including the immediate termination of employment.

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

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

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

(Amended by Commissioners’ Court 08/14/2023)

**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 Annexes and the DeWitt County Courthouse.

The care and maintenance of the DeWitt County 2021 Annex conference room 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.**

## **FLOORS**

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 through 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 Commissioners' 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 Commissioners' 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 ANNEX CONFERENCE ROOM**

The County Annex Conference Room located within the DeWitt County 2021 Annex 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.

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

### **MEETING ROOM AND GROUNDS POLICY**

- The DeWitt County Judge's Office shall have the responsibility for reservations and room use for the County & District Courtrooms
- The DeWitt County Treasurer's Office shall have the responsibility for reservations in the County 2021 Annex conference room.
- 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 and vaping is not permitted in any DeWitt County owned building. All County property is drug and alcohol free.
- No equipment belonging to an organization using County 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.

# FRAUD

## **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 entry documentation 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 threatened to be disciplined;
- 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.

## **DE WITT COUNTY PURCHASING AND ACCOUNTS PAYABLE POLICY**

### **Introduction**

De Witt County intends to make purchases efficiently with the proper authorizations and budgetary controls. The County Auditor is charged with the responsibility of ensuring 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 De Witt County Budget (expenses do not exceed budgeted appropriations, Local Government Code 111.092).

Each official or department head is authorized to order materials, supplies and services pursuant to the approved and adopted annual County budget. Purchases are for items needed for that budget period. The

De Witt County Purchasing and Accounts Payable Policy disallows purchasing goods and services for personal use and violators are subject to prosecution.

### **Ethics/Conflict of Interest**

De Witt County is committed to the highest level of ethical standards. As stewards and servants of the public, it is imperative that all purchasing practices are in accordance with Federal, State, and local laws.

All employees/Elected Officials must avoid a conflict of interest with any vendor when possible. If an elected official or government officer becomes aware of a conflict of interest with any current or prospective vendor, the official/officer must complete the Form CIS (Conflict Disclosure Statement) and file with the County Clerk (Local Government Code, Chapters 171 and 176). The vendor is also required to complete Form CIQ (Conflict of Interest Questionnaire) when completing the new vendor packet with the County. These forms are found on the De Witt County website.

All public employees must complete their duties impartially to ensure fair competitive access to governmental procurement by responsible vendors. De Witt County prohibits the following actions:

- Showing favoritism for a particular vendor.
- Accepting gratuities or kickbacks from a vendor.
- Accepting gifts, favors, services or anything of value from a vendor or prospective vendor.

Any appearance of favoritism, acceptance of gifts or favors, and similar actions are strictly forbidden. Employees and officials must act in a way that upholds public trust in the integrity of the De Witt County purchasing process.

### **Purchasing Process**

The purchasing process is **not** instantaneous. Time is required to complete the steps required by State law. Prior planning and the timely submission of requisitions are essential to expedite the purchasing process and to ensure the process is orderly and lawful. Accounts are overdue on the 31<sup>st</sup> day after the entity receives the goods, performance completed, or after the entity receives an invoice for the goods or services (Government Code 2251.021). **Any purchase in excess of \$50,000 requires competitive bidding (see Capital Purchases section below).**

Prior to the beginning of each fiscal year, once the County budget is approved/adopted, the Auditor's office will provide the following to each department head:

- A copy of the De Witt County budget.
- A copy of the individualized department budget for each department head.

Each official/department head will sign a Budget Acknowledgement Form (see **Exhibit A**) after receiving the documents above. By signing this form, each official/department head acknowledges:

- The individualized budget they received outlines the financial resources allocated to their department for the specified fiscal year.
- Purchases should be in line with the approved and adopted De Witt County budget.
- For budget amendments, the official/department head must submit a Request for Budget Amendment form (see **Exhibit B**) to the County Auditor's office for processing. **See Budget Policy section below for more information.**

The Auditor's office will present all amendments to the budget to Commissioners Court for approval.

#### A. Preliminary Requirements

Before making any purchases on behalf of De Witt County, a Purchasing Acknowledgement and Authorization form (**See Exhibit C**) must be read, understood, and signed by each employee. The official/department head must forward the completed form to the Auditor's Office.

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 by each employee. The official/department head must forward the completed form to the Auditor's Office.

All new vendors must establish a new account with the De Witt County Auditor's office prior to initial purchase. This includes, but is not limited to, a Vendor Registration Form, Conflict of Interest Questionnaire, and Department of the Treasury Internal Revenue Service Form W-9. All forms are available in the County Auditor's office.

#### B. Requisitions/Purchase Orders

Requisitions are actually the initial request for a Purchase Order. The Requisition's purpose is to place a reservation on the budget to help prevent over-spending on a budgeted item. Once the Requisition is approved and converted to a Purchase Order, the reservation on the budget is released and the budget is encumbered for the total amount of the expense.

Each Department Head, Elected Official or designated authorized individual will have access to an electronic requisition system. Training for the requisition process will be provided to each department.

A requisition is required for **ALL** purchases (Local Government Code 113.901). A requisition must be electronically submitted to the Auditor's Office **prior** to any purchase. After a review of the requisition the County Auditor will either approve or reject the requisition. If approved, the County Auditor will convert the requisition into a Purchase Order. A requisition must contain the following information for proper processing:

- **VENDOR NAME** – Verify the shipping address. If the address is different contact the Auditor's office. New vendors must complete proper paperwork.
- **DEPARTMENT & DATE** – Give the name of the Department and the date of requisition.



- DESCRIPTIONS AND SPECIFICATIONS – Describe the item needed clearly. Provide size, type, grade, etc. Be as descriptive as quote. Departments must also provide detailed and technical specifications when needed. When necessary, write descriptive information on the comments section in the requisition. Please include any cooperative purchasing agency information in this area (BuyBoard, etc.).
- COMMODITY CODE – Select N/A for **ALL** requisitions. Selecting this option will allow you to enter the dollar amount of the purchase in the AMOUNT section.
- ACCOUNT – Identify, according to the County budget, the fund/general ledger account the expense should be charged to.

If the amount of any invoice causes a negative balance in the general ledger account (identified by a pop-up box appearing when entering a requisition), a Request for Budget Amendment form must be completed by the department head and sent to the Auditor’s office before moving forward with the requisition. *This situation should not occur if the department head is tracking account balances with the budget information provided by the County Auditor after approval and adoption of the annual budget.* Payment will not be made without a signed Request for Budget Amendment form, unless arrangements have been made with the County Auditor (**see Exhibit B**).

#### C. Blanket Requisitions/Purchase Orders

County Departments may submit a blanket requisition in order to obtain a specified amount of material (services or supplies) on a continuing basis from a vendor (e.g. office rent, security cameras subscription, repair parts, jail supplies, etc.). Blanket requests may be submitted on a monthly basis or annual basis. **Any blanket requisitions anticipated to equal or exceed \$50,000 during the course of the fiscal year must follow the County Purchasing Act (Local Government Code, Chapter 262) (see Capital Purchases section below).** No blanket requests may exceed budgeted funds for such purchases by the department and are determined/approved on a case-by-case basis.

The following procedure is used for blanket requisitions/purchase orders:

1. The department will submit a blanket requisition through the electronic requisition system. The Auditor’s office will either approve or reject the request.
2. The department will pick up or receive items during the course of the calendar month/fiscal year.
3. The department will retain receipts/delivery tickets/invoices for all items picked up or delivered during the month.
4. At the end of each week the department will submit receipts/delivery tickets/invoices to the Auditor’s office. The Auditor’s office will enter all information received.
5. At the beginning of each month (or year) a new request will be initiated by the department and approved by the County Auditor.

#### D. Commissioners Court

Accounts Payable are presented to Commissioners Court on the second and fourth Monday of each month. Each bill, invoice, or other claim against the County must be submitted quickly to the County Auditor in order to allow sufficient time for the Auditor to review and approve it prior to Commissioners Court. For this reason, the deadline to submit all invoices (to be paid on a specific court date) to the County Auditor's office is the Monday (one week prior) before Commissioners Court by 12 p.m. Please plan accordingly to ensure that all invoices are paid within 31 days after receipt of the goods or services. An invoice may not be allowed or paid until it has been reviewed and approved by the Auditor (Local Government Code 113.064). In addition, the County Auditor may not audit or approve claims unless they were incurred as provided by law (Local Government Code 113.065).

#### E. Capital Purchases

If the requisition is for the purchase of a capital item, \$2,000 or more, it is recommended to obtain two to three quotes before the purchase is made.

Purchases that exceed \$50,000 require: (1) competitive bidding (Local Government Code 262.023), or (2) use of cooperative agreements. The bid requirement does not apply to sole-source items (items available for purchase from only one supplier) (Local Government Code 262.003). Appropriate documentation will be required to verify the item qualifies as sole-source and Commissioners Court approval is required.

Do not use purchasing strategies to avoid competitive bidding. Prohibited purchasing strategies include:

1. Purchasing the component parts of an item that normally would be purchased as a whole (component purchases).
2. Purchasing items in a series of separate purchases that in normal purchasing would be purchased as one item (separate purchases).
3. Purchasing items over a period of time (or from different funding sources) that in normal purchasing would be a one item purchase (sequential purchases).

According to Local Government Code, Section 262.034, "(a) A county officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Section 262.023. An offense under this subsection is a Class B misdemeanor." A Class B misdemeanor is punishable by fine up to \$2,000, up to 180 days in jail, or both.

#### **Bid Procedures**

For items that are bid, the department must provide technical specifications to make sure the purchase meets the need. The Auditor's office will assist the department in completing a bid packet using the technical specifications provided, along with other general terms and specifications. After approval from Commissioners Court, the Auditor's office will post the

Notice to Bidders on the De Witt County website and in the local newspaper in accordance with Local Government Code, Chapter 262.025.

All bids and proposals will be received and date/time stamped by the County Auditor's office. The submitted bids will be opened in the County Auditor's office on the designated date and time specified in the bid notice. The County Auditor will compile all bid information and present to the Commissioners Court to review and award the bid.

As referenced above, bidding requirements include using cooperative purchasing agreements. De Witt County has contracted with the following cooperative purchasing entities: BuyBoard, Texas SmartBuy, NASPO, OMNIA, TIPS, DIR and Sourcewell. The Auditor's office will review and approve (reject) all purchases from these entities.

#### F. Contracts

Only the De Witt County Commissioners Court is authorized to enter into contracts, grants, or other agreements for the County. This includes any new contracts for office leases, storage rentals, utilities, credit card payments, postage, etc. These recurring invoices should be sent directly to the County Auditor's office for processing.

#### G. Emergency Purchases

Emergency purchases are authorized and exempt from the bid requirements if:

- Prompt purchase is required, due to a public calamity, to meet a necessity of the citizens or preserve public property.
- The purchase is necessary to preserve the public health or safety of county residents.
- The purchase is required due to unforeseen damage to public property. In this case, the original invoice will need to be physically approved by the department head and turned into the County Auditor's office for payment.

Claims must be itemized and clearly state items purchased or services rendered. If not clearly stated, the official shall write a description of the item or service on the invoice.

#### H. Year-End Purchasing

Each year the County Auditor's office will notify all departments of the year-end deadline for non-emergency purchases and submitting requisitions. This deadline will be approximately one month prior to the end of the County's fiscal year. Any purchases and requisitions submitted to the Auditor's office after the deadline will be approved on a critical needs basis only. A critical need is an emergency situation or any situation that will disrupt the department. A lack of planning, failure to place an order, or attempting to use remaining budgeted funds does **NOT** qualify as a critical need.

I. Sales Tax

Sales tax will not be paid with county funds except for Hotel/Motel tax. It is the responsibility of the department head to contact the vendor to have sales tax removed, if applicable. A Texas Sales and Use Tax Exemption Certification form can be obtained from the Auditor's office.

J. Disputes with Vendors

Disputes with an invoice (cost, terms, etc.) shall be settled by the official/department head. If an error is identified by the Auditor's office, the department head will be notified and asked to have the error corrected. Once the dispute is resolved, the official/department head will contact the Auditor's office and provide an updated invoice (if applicable).

K. Lame Duck Policy

In accordance with Local Government Code, Section 130.908, any incumbent county or precinct official who is not re-nominated or re-elected to office must receive approval from Commissioners Court for any line-item expenditure over 25% of that line item's budgeted amount.

L. Budget Amendment Policy

Pursuant to Local Government Code Section 111.010, the Commissioners Court may spend county funds only in strict compliance with the budget. The Commissioners Court, by order, may amend the budget to transfer an amount budgeted for one item to another budgeted item without authorizing an emergency expenditure. The Commissioners Court may authorize an emergency expenditure as an amendment to the original budget **ONLY** in the case of grave public necessity to meet an unusual and unforeseen condition that could not have been included in the original budget through the use of reasonably diligent thought and attention. All budget amendments require Commissioners Court review and approval prior to implementation.

In order for the Auditor's office to consider a budget amendment request the department head or elected official must complete the Request for Budget Amendment form (**Exhibit B**) and submit to the Auditor's office **prior** to making a purchase. If this request is not sent prior to submitting a requisition for a purchase the requisition may be rejected by the Auditor's office.

With some budget amendment requests there are restrictions on how the funds are transferred or moved/adjusted. Most of these restrictions are related to specialty funds. The Auditor's office will assist the department head or elected official with navigating the restrictions to ensure all funds are used appropriately.

The Commissioners Court reserves the right, on a case-by-case basis and where legally permissible, to curtail a department's right to make budget amendment requests. For example, if a department appears to be making budget amendment requests for a programmatic change

that was not approved by the Commissioners Court in budget hearings, or if the financial condition of the department and/or County warrants such a curtailment.

With all budget amendments, an updated expenditure report will be sent to the appropriate departments(s) after the amendment is approved/posted.

(Amended by Commissioners' Court 09/23/2024)

## **CREDIT CARD USAGE**

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 withstanding 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 their 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 their 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, they 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 their 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.

# **DE WITT COUNTY REVENUE COLLECTION POLICY**

## **DEPOSIT POLICY**

### **Local Government Code 113.022. Time for Making Deposits**

A county officer or other person who receives money shall deposit the money with the county treasurer on or before the next regular business day after the date on which the money is received. If this deadline cannot be met, the officer or person must deposit the money, without exception, on or before the fifth business day after the day on which the money is received.

## **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**

- a) Money collected by any Official or employee that is owed to the county shall be officially receipted at the time of collection.
- b) All checks and money orders shall be endorsed at the time of collection.
- c) All checks and money orders should have the Payee filled in.
- d) Stale dated (older than six months) or postdated checks are not to be accepted.
- e) When accepting money orders, ensure that you check the "Service Contract" on the back of the order and verify that the money is received within the specified time frame stated in the contract. If it is out of date, the money order is not to be accepted.
- f) Credit Card reports must be reviewed to ensure all payments that are captured are receipted in a timely manner.

### **3. Receipts**

- a) All Receipts shall be in triplicate form, one to keep in office, one for the customer, one for the auditor's office.
- b) Voided receipts must be signed or initialed by two people: the person who is voiding the receipt and the department head or a delegated person authorized to sign. The reason for voiding the receipt must be clearly written on the voided receipt.
- c) Waived receipts, including but not limited to: Time Served/Community Service/Indigent must have the department head/elected official's initials/signature.

### **4. Handwritten Receipts**

- a) Handwritten 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 date collected
- d) Must record the amount collected

- e) Must indicate the payment type
- f) All receipts shall be pre-numbered
- g) Receipts must be initialed/signed by the person receiving the money
- h) In circumstances where handwritten receipts are issued in addition to a computer generated receipt, staff should ensure that the yellow carbon copy of each handwritten receipt accompanies the corresponding computerized receipt to maintain a complete record.

**5. Computer Generated Receipts**

- a) Receipts shall be personalized with the county seal
- b) Receipts shall include the description of the fee, fine, or other money collected
- c) Must record the date collected
- d) Must record the amount collected
- e) Must indicate the payment type
- f) All receipts shall be pre-numbered
- g) Receipts must include the name of the person receiving the money, either electronically printed, initialed, or signed.

**6. Deposit Reports**

**Local Government Code 114.002. County Auditor’s Authority to Determine Time and Manner of Reports Made to the Auditor.**

- 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.*
- 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) All supporting documentation (credit card reports, e-file reports, check stubs, etc.) must be included with the deposit.
- d) Check Requests must be submitted with the deposit for any collected fees that need to be paid out of escrow accounts.
- e) 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. Each department head is responsible for submitting the monthly report to the Auditor’s office by Wednesday of the week prior to the 1st Commissioner’s Court date each 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.

**9. Cash Handling Policy**

- a) Cash must be counted and verified in the presence of the payer. A receipt must be issued immediately for all cash transactions.
- b) Cash should be secured in a locked, secure location (e.g., a safe or locked drawer) until it can be deposited. Access to cash storage areas is restricted to authorized personnel only. Cash must be transported to the deposit location in a secure manner using a locked cash bag.
- c) The clerk's cash drawer must be reconciled daily, following the office’s internal policies and procedures for balancing. This includes verifying that the amount of cash on hand matches the receipts issued and the drawer ends each day at the authorized drawer balance.
- d) If the drawer is out of balance during reconciliation or if there are discrepancies when reconciling a deposit: Follow the office's internal policy and procedures for addressing discrepancies. Contact the Auditor’s office for assistance as needed to resolve the issue and ensure accurate accounting.
- e) It is strictly prohibited to use personal funds to force balance a deposit with cash. Using personal funds to artificially balance a deposit poses serious ethical, legal, and financial risks.

(Amended by Commissioners’ Court 09/23/2024)

**DISPOSITION OF SALVAGE OR SURPLUS PROPERTY**

**DEFINITIONS (LGC 263.151)**

- (1) "Salvage property" means personal property, other than items routinely discarded as waste, that because of use, time, accident, or any other cause is so worn, damaged, or obsolete that it has no value for the purpose for which it was originally intended.
- (2) "Surplus property" means personal property that:
  - a) is not salvage property or items routinely discarded as waste;
  - b) is not currently needed by its owner;
  - c) is not required for the owner's foreseeable needs; and
  - d) possesses some usefulness for the purpose for which it was intended.

**DISPOSITION (LGC 263.152)**

The Commissioners Court may periodically sell the county’s surplus or salvage property by competitive bid or auction.

**REQUEST FOR DISPOSITION OF SURPLUS OR SALVAGE PROPERTY**

To declare a fixed asset as salvage or surplus, the Official/Department Head **MUST** complete the Request for Disposition of Surplus or Salvage Property and submit it to the County Auditor's Office. A copy of the Request for Disposition of Surplus or Salvage Property can be obtained in the Auditor's office. The listing will be submitted to Commissioners' Court for their approval to conduct an online auction. An online auction will only be conducted after approval of the salvage or surplus listing from Commissioners' Court.

County employees will be given the same opportunity afforded to other persons to bid on and purchase surplus properties offered for sale, with the exception of the County Auditor's staff.

### **PROCEDURES TO REQUEST DELETION OR TRANSFER OF FIXED ASSET THAT IS WORN, DAMAGED OR OBSOLETE.**

To transfer or remove an item from your departments fixed asset list that considered worn, damaged or obsolete, the Official/Department Head **MUST** completed the Request for Deletion or Transfer of Fixed Asset Form and submit to the County Auditor's Office. A copy of the Request for Deletion or Transfer of Fixed Asset Form can be obtained in the Auditor's office.

## **TRAVEL EXPENSES**

DeWitt County realizes the benefits that accrue to the County when its employees attend conferences, seminars, and professional training activities. The County will bear expenses incurred by County Officials and employees to attend such activities provided the following procedures are followed, adequate funds are budgeted to cover expenses to be reimbursed along with proper documentation.

Failure to return any unused advanced 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. Mileage should be calculated starting from the office address to the conference address using Google Maps. A copy of the map used to determine mileage must be included with the reimbursement request.

**OVERNIGHT ACCOMMODATIONS** – The County will pay for an overnight stay the day before a conference or training, only if traveling on the 1<sup>st</sup> day of the event would create a hardship to the employee. The County will not pay for an overnight stay on the day the conference ends. The employee is responsible for any and all charges due to a no show or cancellation deadline not met and will not be reimbursed.

Itemized hotel receipts are required. Third party hotel vendors are not accepted (i.e. booking.com, hotel.com, etc.) DeWitt County is not exempt from the Hotel Occupancy Tax. Should this tax be charged to an employee, it will be reimbursed.

Employee should stay at the host hotel. In the event the host hotel is unavailable, hotel rates should be comparable in cost.

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.

DeWitt County will not reimburse for meals on non-overnight stays.

**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 taxi fares, parking fees and toll way fares.

**AIR TRAVEL** – Travel outside of Texas requires prior approval of the Commissioner’s Court at least 30 days before the departure date of the trip.

If 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 Report will be utilized in claiming allowable expenses. A requisition is required for all travel expense reports and the department must have available funds.

(Amended by Commissioners’ Court 10/11/2022)



## **EMPLOYEE PERSONNEL POLICY ACKNOWLEDGMENT**

I have received a copy of the DeWitt County Personnel Policy that outlines my benefits and obligations as a County employee. I understand that I am responsible for reading and familiarizing myself with the information in this policy and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this policy, I will contact my department's elected/appointed official or department head.

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

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 and the public, to continually make suggestions for improvements and to display a spirit of teamwork and cooperation at all times.

I understand that I may be subject to reasonable suspicion or post-accident drug and alcohol testing. If I am driving a commercial motor vehicle for the County, I will be subject to random, reasonable suspicion, post-accident and follow-up drug and alcohol testing.

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

Signature of Employee: \_\_\_\_\_

Printed Name of Employee: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**PERSONNEL OFFICE**

The DeWitt County Treasurer's Office is located on the second floor of the 2021 DeWitt County Annex at 102 N. Clinton St., Ste. 230, Cuero, Texas 77954. You may contact the Treasurer's Office at 361-275-0894 or [\*\*HR@dwcotx.org\*\*](mailto:HR@dwcotx.org).