

# **De Witt County Employee Personnel Policy**



**Adopted by Commissioners' Court  
December 8, 2025**

**COMMISSIONERS COURT ORDER NO. 2025-071**

**AN ORDER OF THE COMMISSIONERS COURT OF DE WITT COUNTY,  
TEXAS: APPROVAL AND ADOPTION OF THE DE WITT COUNTY PERSONNEL  
POLICY**

**WHEREAS**, De Witt County, Texas ("County"), is a duly established political subdivision of the State of Texas, organized and operating in accordance with the Constitution and laws of the State of Texas; and

**WHEREAS**, the De Witt County Commissioners Court ("Commissioners Court") serves as the governing body of the County and is responsible for establishing policies and procedures for the efficient administration of County government; and

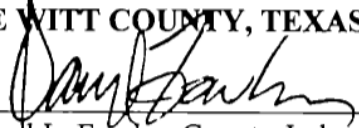
**WHEREAS**, the Commissioners Court recognizes the importance of adopting a comprehensive and uniform personnel policy to ensure fair, consistent, and lawful treatment of all County employees; and

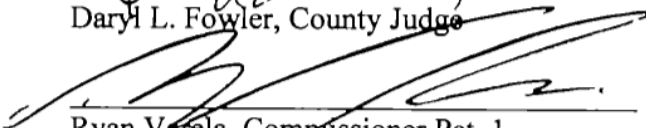
**WHEREAS**, the Commissioners Court seeks to promote transparency, accountability, and effective communication by clearly defining employment-related policies and procedures applicable to all County personnel;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the De Witt County Personnel Policy is hereby formally approved and adopted as the official personnel policy governing all County employees.

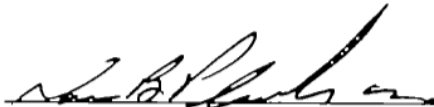
**ORDERED, APPROVED, AND ADOPTED** this 8th day of December, 2025, in a duly convened meeting of the Commissioners Court, held in accordance with the Texas Open Meetings Act.


**THE COMMISSIONERS COURT OF  
DE WITT COUNTY, TEXAS**

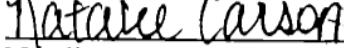
  
Daryl L. Fowler, County Judge

  
Ryan Varela, Commissioner Pct. 1

  
James Kaiser, Commissioner Pct. 3

  
James B. Pilchick, Commissioner Pct. 2

  
Brian Carson, Commissioner Pct. 4

ATTEST:   
Natalie Carson, County Clerk

By: \_\_\_\_\_  
Deputy

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# **WELCOME**

Welcome to De Witt County!

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

De Witt 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 De Witt 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 De Witt County employee. You should use this policy as a ready reference as you pursue your career with De Witt 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 De Witt 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,

De Witt County Commissioners' Court

## **ABOUT DE WITT COUNTY**

De Witt 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 De Witt 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 OFFICIAL**

Under Local Government Code 84.003, in a County with a population of 10,200 or more, the District Judges shall appoint a County Auditor.

### **DEPARTMENT HEADS AND OTHER STAFF**

State Law also allows the Commissioners' Court to create some departments and approve personnel to run them. There are also instances where state law allows the employment or designation of certain staff under other boards, commissions or officials.

### **SERVICE TO THE PUBLIC**

On a day-to-day basis, citizens base their opinions on De Witt 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 De Witt 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 Human Resources. These specific policies may not supersede, violate or contradict the general personnel policies of De Witt 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 De Witt 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.

De Witt 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 De Witt 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 Human Resources. These specific policies may not supersede, violate or contradict the general personnel policies of the De Witt County Personnel Policy.

County employees should observe the following:

1. An employee's appearance and conduct reflects upon all De Witt 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 De Witt 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 De Witt 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 De Witt County and all of us must work together to accomplish this goal.

## **EMPLOYMENT AT-WILL**

All employment with De Witt County shall be considered "at-will" employment. No contract of employment shall exist between any individual and De Witt County for any duration, either specified or unspecified. No provision of the De Witt County Personnel Policy shall be construed as modifying an employee's at-will status.



De Witt 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.

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

## **EQUAL EMPLOYMENT OPPORTUNITY**

De Witt 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 Human Resources.

## **AMERICANS WITH DISABILITIES**

It is De Witt 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 De Witt County to prohibit any harassment of, or discriminatory treatment of employees on the basis of a disability or because an employee has requested a reasonable accommodation. If an employee feels they have been subject to such treatment, or has witnessed such treatment, the situation should be reported to the elected/appointed official or department head or Human Resources and/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.

## **PREGNANCY WORKERS FAIRNESS ACT (PWFA)**

It is the policy of De Witt County to prohibit any harassment of, or discriminatory treatment of employees based on known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions or because an employee has requested a reasonable accommodation. If an employee feels they have been subject to such treatment, or has witnessed such treatment, the situation should be reported to your elected/appointed official, department

head, the County Attorney and/or Human Resources. All elected/appointed officials, department heads, and employees with responsibilities requiring knowledge are instructed to treat the employee's limitation with confidentiality.

It is De Witt County's policy to reasonably accommodate applicants and employees with known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions unless the accommodation would impose an undue hardship on the county. If you require an accommodation, please contact your elected/appointed official, department head, the County Attorney and/or Human Resources. Reasonable accommodation shall be determined through an interactive process of consultation.

## **APPLICATION FOR EMPLOYMENT**

### **JOB ANNOUNCEMENTS**

The elected/appointed official or department head, will notify Human Resources of any job openings by e-mailing **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 De Witt County may be advertised on **www.co.dewitt.tx.us**, in local newspapers, postings on De Witt County bulletin boards and/or any other media.

### **POSTING JOB ANNOUNCEMENTS**

Job openings will generally be posted on the County website, **www.co.dewitt.tx.us** and/or other means for advertising. De Witt County reserves its discretionary right not to post a particular opening or to post exclusively to De Witt 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 De Witt County, they shall be required to complete the appropriate De Witt County employment application. The applications can be found on **www.co.dewitt.tx.us**, and in Human Resources. The De Witt County Sheriff's Office employment application, is available on **www.dewittsheriff.org** or **www.tcole.texas.gov**, and in the Sheriff's Office.

All applications received will be retained in Human Resources, 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 Human Resources for retention purposes, if applicable.

An applicant may be subject to background investigation and review of their driving record. Some departments in De Witt County conduct extensive pre-employment background investigations due to the nature of their jobs. A conditional job offer may be made contingent upon successful completion of a background investigation, review of driving record and/or drug test.

### **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**

Human Resources 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. Human Resources will then conduct a background investigation, request a driving record, and drug test, if applicable. After the results are received, Human Resources 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 Human Resources. Orientation must be completed before the new employee can perform any work.

Human Resources must be e-mailed at **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 Human Resources 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.

## **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 De Witt 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 De Witt 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.

## **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**

De Witt 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**

Human Resources 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 De Witt County by their individual attire and grooming. Each De Witt 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 De Witt County employees.

The De Witt 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 Human Resources.

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.

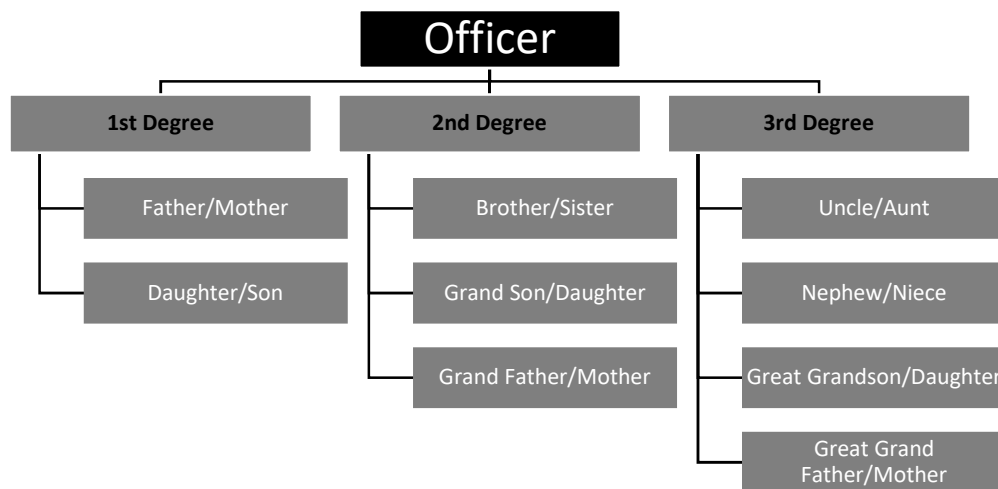
It is not enough that the employee wear distinctive clothing; the employer must specifically require the clothing as a working condition. Nor is it enough that the employee does not, in fact, wear the work clothes away from work. The clothing must not be suitable for taking the place of an employee's 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 De Witt County is prohibited from hiring a relative related within the third degree of consanguinity (blood) or within the second degree of affinity (marriage) to work in a department that they supervise or exercise control over. A degree of relationship is determined under Texas Government Code Chapter 573. (See the charts that follow)

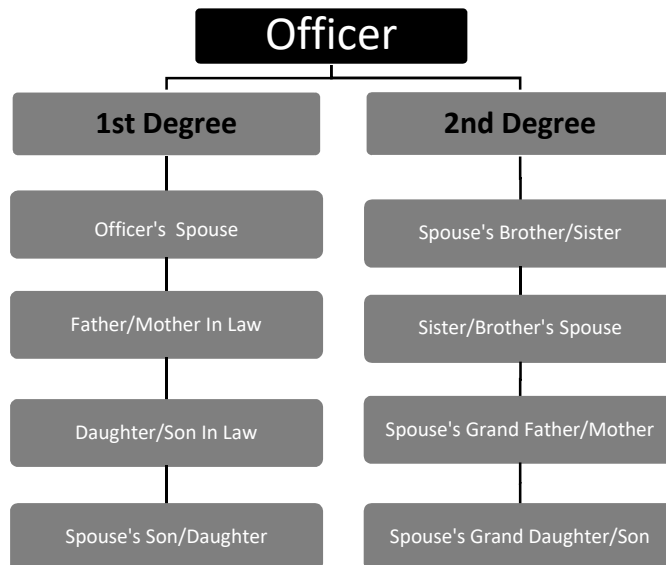
### CONSANGUINITY KINSHIP CHART

(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 AND OTHER STAFF**

Some departments and other positions are established and governed according to federal, state or local law. Please reference statutes for each position as follows:

- Veterans Service Officer (VSO): Government Code 434.032
- Elections Administrator: Elections Code 31.033
- Health Department Nurse Manager: Cooperative Agreement(s) of Public Health District per Health and Safety Code 121.044
- Emergency Management Coordinator: Government Code 418.1015
- Chief Juvenile Probation Officer: Human Resources Code 152.0007
- Texas A&M AgriLife Extension Agents: Cooperative Agreement(s) per Agriculture Code 43.032

For the department heads listed below Commissioners' Court, collectively, will be responsible for the selection, employment, evaluation and any disciplinary action necessary:

- Information Technology (IT) Director
- Human Resource (HR) Director
- Building Superintendent

Department heads and other employees who report to Commissioners' Court, a board or a committee, must submit their time entries through the timekeeping portal to the designated approver. The designated approver must also approve any leave requests.

## **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. De Witt 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.

## **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.

### **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 minimum, but not more than mid-point upon hire without Commissioners’ Court approval. Documentation of training certificates and annual evaluations should be submitted to Human Resources in support of 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 timekeeping portal.

### **LONGEVITY RECOGNITION PAYMENTS**

De Witt 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 their 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 De Witt County Longevity Payment. De Witt County elected officials are not eligible for Longevity Recognition Payments.

# **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.

In accordance with section 61.003 of the Texas Labor Code, De Witt County is exempt from the requirements and provisions of the Texas Payday Law. This means that the specific requirements regarding the timely payment of wages, the payment of overtime, and related payroll regulations outlined in the Payday Law do not apply to De Witt County. Therefore, final wages will be issued on the regularly scheduled payday.

**Timekeeping 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**

All employees required to use the electronic time clock shall:

- Clock in upon arrival at work.
- Clock out when leaving at the end of the workday.
- Clock out if leaving the workplace for personal business lasting longer than 15 minutes.

Non-exempt employees, excluding election workers, must use the timekeeping system to track all hours worked and leave hours. If a punch is missed the employee should modify their timesheet to reflect the accurate start time and end time.

All employees must request leave using the timekeeping portal or using the department's system for requesting time off. 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 need to be submitted as unpaid leave in the timekeeping portal for regular, full-time employees..

If reporting leave, the employee will only be required to get to 40 hours for the workweek or 80 hours for employees who are covered under the FLSA 29 U.S.C. 207(k) exemption (Ex. most law enforcement employees).

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.

### **Exempt Employee Timesheets:**

Exempt employees may be required to submit a timesheet at the discretion of the elected official to document hours worked. Timesheets for exempt employees serve as a record of attendance and verification of work performed.

Exempt employees are required to use accrued Personal Time Off (PTO) for any full-day absences from work on regularly scheduled days (usually Monday through Friday 8:00am to 5:00pm). Full-day absences on regularly scheduled days will require the employee to submit a timesheet for that pay period.

Exempt employees may flex their schedules with prior approval from their supervisor. Flex time is intended to support work-life balance and maintain business needs. When flexing time, full-day absences on regularly scheduled days may still require use of PTO unless otherwise approved. A timesheet must be submitted by an exempt employee if there is PTO, or other leave being used.

If no PTO is available, the employee will still receive their full salary if it aligns with the Fair Labor Standards Act (FLSA) requirements. Deductions from pay are permissible when an exempt employee:

- is absent from work for one or more full days for personal reasons other than sickness or disability
- for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness (Ex. If the employee is receiving Worker’s Compensation Benefits)
- to offset amounts employees receive as jury or witness fees, or for military pay
- for penalties imposed in good faith for infractions of safety rules of major significance
- or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions
- Also, an employer is not required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

### **ROUNDING RULE**

De Witt County uses a 7-minute rounding rule:

Time clock entries that fall within 7 minutes before or after any quarter hour will be rounded to the nearest quarter hour for payroll purposes.

Employees may only begin or end work within 7 minutes of their scheduled start or end time unless approved in advance by their supervisor.

### **EMPLOYEE TIME APPROVAL**

All employees are required to:

- Review their timesheets to confirm accuracy.
- Report discrepancies immediately to their supervisor.
- Approve their timesheet at the end of each pay period.

Deadline for Submission & Approval:

Employees must submit and approve their timesheet at a time designated by the Treasurer's office. Failure to meet this deadline may result in delays in processing payroll or discrepancies in leave balances.

### **ELECTED OFFICIALS AND DEPARTMENT HEAD RESPONSIBILITIES**

Elected officials, supervisors and department heads must:

- Review and approve employee timesheets each pay period.
- Ensure employee hours and leave are accurate and complete.
- Finalize and approve all employee timesheets at the end of each pay period, releasing them to payroll for processing.

### **DEADLINE FOR APPROVAL**

Elected officials or department heads must approve and finalize all timesheets at a time designated by the Treasurer's Office. Failure to meet this deadline may result in delays in processing payroll or discrepancies in leave balances.

### **TIME ENTRY DELEGATE**

Elected officials may assign a time entry delegate to assist in managing timekeeping tasks in their absence or as needed.

A time entry delegate may:

- Enter or correct employee time entries based on appropriate documentation.
- Input leave requests and verify timekeeping records for completeness.
- Approve employee timesheets on behalf of the elected official.
- Notify the elected official or department head of any inconsistencies or concerns in employee records.

Time entry delegates are authorized to approve timesheets; however, the elected official or department head retains ultimate responsibility for the accuracy and compliance of employee time records.

Delegates must be trained and authorized by the County Treasurer's Office before performing any timekeeping duties.

Abuse of delegate authority or failure to follow policy may result in the revocation of delegation.

### **FMLA TIME ENTRY PROCEDURE**

When an employee is on approved leave under the Family and Medical Leave Act (FMLA):

Human Resources can act as a time entry delegate solely for the purpose of entering the employee's time and leave into the timekeeping system.

Human Resources does not have the authority to approve timesheets under this policy. Final approval of the employee's timesheet must be completed by the elected official or department head responsible for that employee.

This procedure ensures accurate recordkeeping of protected leave while maintaining departmental oversight and compliance with FMLA regulations.

**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.**

### **FAIR LABOR STANDARDS ACT (FLSA) SAFE HARBOR**

De Witt 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, De Witt 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 Human Resources and/or 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 stub, they should

immediately verify 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**

De Witt County takes all reasonable steps to ensure that employees receive the correct amount of pay 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, De Witt County will pay the employee the difference on the next scheduled payroll. If the employee has been paid in excess of what they have earned, the employee will need to return the overpayment to De Witt 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 payroll(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**

De Witt 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, De Witt 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 timekeeping portal. 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 De Witt County timekeeping portal.

The County of De Witt 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 De Witt 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., timekeeping portal ID and password) from theft through phishing, social engineering or other means. The County of De Witt 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.

## **COMPENSATION**

De Witt 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 De Witt 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.

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

De Witt 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 De Witt 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 De Witt 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.

## **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.

De Witt 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 De Witt County.

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

### **REGULAR EMPLOYEES (FULL-TIME AND 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 Human Resources 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 pay 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 their pay.

### **VOLUNTARY DEDUCTIONS**

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

## **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 and to a lower pay. Human Resources should be consulted prior to any action.

An employee 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 De Witt 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.

## 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 De Witt 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 Human Resources.

## **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 Human Resources. 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. De Witt 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 Human Resources. Human Resources will mail all separated employees necessary exit documentation.

## **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 Human Resources.

## **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.

**Human Resources 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 receive compensation for the new position for which their qualifications justify and within the department's annual budget.

An employee who makes a transfer will retain the same effective employment date and all accrued benefits. All transfers must be handled in accordance with the budget and salary order adopted by Commissioners' Court.

## **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. Human Resources should be consulted prior to any action. Elected/appointed officials or department heads may promote an employee in their department to a vacant position. Promotions must be in compliance with the fiscal year's county budget and court order.

An employee 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.

## **SECTION C: EMPLOYEE BENEFITS**

### **MEDICAL INSURANCE**

De Witt 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 Human Resources 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.

### **OTHER INSURANCE**

De Witt 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 separation 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 Human Resources.

#### **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 (USERRA)

**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 Human Resources 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 Human Resources.

## **VOLUNTARY DEDUCTIONS**

De Witt 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 TCERS 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** or contact Human Resources.

## **GROUP TERM LIFE**

TCDRS provides Group Term Life coverage to eligible De Witt 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 De Witt 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**

De Witt County recognizes that employees have diverse needs for time off from work and, as such, De Witt 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 regular, 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 unpaid leave with no physically worked hours 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 and 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 AND 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 timekeeping 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.

## **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	Veterans' Day
Good Friday	Thanksgiving (Thursday and Friday following)
Memorial Day	Christmas (exact days set by court each year)
Independence Day	Martin Luther King, Jr. Day
Labor 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.
- Regular, 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 timekeeping 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, De Witt 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 De Witt 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 De Witt County is the medical director of the Victoria City-County Health Department and designated as such through an Interlocal Agreement with the Cuero-De Witt 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, De Witt 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, De Witt County adopts the following personnel policy creating a benefit for Mental Health Leave for peace officers and telecommunicators employed by De Witt 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**. 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**. For more information, please contact the Human Resource Department.

## **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 De Witt 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 Human Resources.

De Witt 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 Human Resources, 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.

## **FAMILY MEDICAL LEAVE ACT/MILITARY FAMILY LEAVE (FMLA/MFL)**

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

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

### **ELIGIBILITY**

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

- 1) have worked for De Witt County at least 12 months (it is not required that these 12 months be consecutive; however, a continuous break in service of 7 years or more will not be counted toward the 12 months); **and**
- 2) have worked at least 1250 hours during the previous 12 months; **and**
- 3) are employed at a work site that has 50 or more employees within a 75-mile radius.

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

### **QUALIFYING EVENTS**

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

- 1) the birth of a child and to care for that child;
- 2) the placement of a child in the employee's home for adoption or foster care;
- 3) to care for a spouse, child (under the age of 18 or if over 18 incapable of self-care due to a disability), or parent with a serious health condition;
- 4) the serious health condition of the employee that make the employee unable to perform the essential functions of their job;
- 5) a qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces (Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country;

- 6) to care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or
- 7) to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.

### **SERIOUS HEALTH CONDITION**

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

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

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

### **QUALIFYING EXIGENCY LEAVE**

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

Qualifying exigencies may include:

- 1) short-notice deployment (up to seven days of leave);
- 2) attending certain military events and related activities;
- 3) arranging for alternative childcare;
- 4) addressing certain financial and legal arrangements;
- 5) periods of rest and recuperation for the covered military member (up to fifteen days of leave);
- 6) attending certain counseling sessions;
- 7) attending post-deployment activities (available for up to 90 days after the termination of the covered military member's active duty status);

- 8) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and the employee;
- 9) attending family support or assistance programs and informational briefings;
- 10) acting as the covered military member's representative before a governmental agency;
- 11) addressing issues that arise from the death of a covered military member while on active duty status in a foreign country; and
- 12) other activities arising out of the covered military member's active duty or call to active duty in a foreign country and agreed upon by the county and employee.

### **LENGTH OF LEAVE**

An employee may use up to 12 weeks leave per 12-month period under this policy. a "rolling" 12-month period measured backward from the date an employee uses FMLA leave.

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

### **MILITARY CAREGIVER LEAVE**

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

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

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

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

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

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

### **WORK RELATED INJURY**

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

### **SUBSTITUTION OF PAID LEAVE**

De Witt 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 Workers' Compensation leave.

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

### **CONTINUED EMPLOYEE BENEFITS**

While an employee is on leave under this policy, the county will continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work.

The employee is required to pay for dependent coverage and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. An employee's obligation to pay for coverage will be made through regular payroll deduction while the employee is on paid leave status. While on unpaid leave, the employee is required to pay for premiums for dependent coverage or other coverage due to the county on or before the deadline determined by Human Resources or the coverage may be terminated.

At the end of the 12-week leave period or the 26-week leave period in a single 12-month period to care for an injured covered military member, an eligible employee may be offered COBRA if they are unable to return to work.

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

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

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

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

## **CERTIFICATION REQUIREMENTS**

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

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

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

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

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

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

## **REQUESTING LEAVE**

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

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

## **REINSTATEMENT**

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



covered military member, will be returned to the same job or a job equivalent to the job the employee held before going on leave.

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

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

### **OTHER BENEFITS**

While on leave without pay under this policy, an employee does not earn PTO, is not eligible for holiday pay, and does not earn other benefits afforded to employees actively at work, except as stated in this policy.

Employees are forbidden from working another job while on approved FMLA leave from the county.

### **REGULATION**

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

### **RETURN-TO-WORK**

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

### **ENFORCEMENT**

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

## **WORKERS' COMPENSATION**

All De Witt 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 Human Resources 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 De Witt 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.

De Witt 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 may be sent a COBRA notice and may 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 Human Resources and provide all medical notes and updates received from the doctor.

De Witt County will make every effort to bring the injured employee back to work as soon as reasonably possible. De Witt 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.

## **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, De Witt 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 De Witt 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. De Witt 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, and then will be reviewed and reevaluated 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 De Witt County, the employee may be separated from employment with De Witt 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
- De Witt 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 De Witt County's policy to designate an employee's leave due to a work related injury or illness as FMLA, if eligible. De Witt 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.

## **CONFLICT OF INTEREST**

Employees of De Witt 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.

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..

The elected/appointed official or department head should notify and forward a copy of the grievance to Human Resources, 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 report an alleged violation of a De Witt 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 Human Resources, the County Auditor and/or the County Attorney, who will then investigate the reported activity.

An official, supervisor, department head, or any other employee is prohibited from taking adverse employment action against an employee who 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 believes they are being subjected to retaliation based on a report of alleged wrongdoing under this policy should immediately contact Human Resources, the County Auditor and/or the County Attorney.

## **CONFIDENTIALITY**

De Witt 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 De Witt 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, 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. De Witt County supports the practice of expressing breast milk.

De Witt 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. De Witt 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 De Witt County regardless of rank or position.

Any De Witt 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 De Witt 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 – CDL EMPLOYEES**

The Motor Vehicle Record (MVR) program applies only to employees who obtain a Commercial Driver's License (CDL), and drive a County commercial motor vehicle owned by the County.

Employment and continued employment for employees who will drive a County owned commercial motor vehicle will be contingent upon the evaluation of their MVR. A job offer is contingent upon completion of the consent form, and review of MVR from the Texas Department of Public Safety.

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

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 violation may result in removal from driving assignments and make applicants ineligible for a driving assignment.

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 may be issued a written

warning and placed on probation. Any further moving violations or accidents may result in removal of driving assignments. No-fault accidents do not count toward removal of the driving assignment. National Safety Council Rules on determining preventable accidents will apply. Probation may be unacceptable in cases of gross or major violations.

A driver on probation will remain on probation until the MVR meets County standards. A driver on probation may have the MVR checked at least every six months or at the discretion of the official.

If a driver is removed from driving because of a failure to meet County standards, the employee may receive disciplinary action, up to and including termination.

## **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 their 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.

De Witt 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.

Elected/Appointed Officials and Department Heads are responsible for ensuring that employees do not pose a liability risk to the county while operating county-owned vehicles or while driving during County time. To help mitigate this risk, best practices may include obtaining a copy of the employee's driver's license for verification purposes. Upon request by the Elected/Appointed Official or Department Head, and with written consent from the employee, Human Resources can also perform a Motor Vehicle Record (MVR) check through the Texas Department of Public Safety to verify driving eligibility and insurability. To promote consistency, it is important that these practices are applied uniformly.

The utmost care should be exercised in using De Witt 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.

## **LICENSES AND CERTIFICATIONS**

De Witt 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**

De Witt 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**

This policy applies to all employees of De Witt County regardless of rank or position.

De Witt 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.

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 unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business.

An employee may not use prescription or over-the-counter drugs in a manner other than that intended by the manufacturer or prescribed by a physician while on County property or while on duty for the County. An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do their job safely and effectively. An employee must keep prescription medications used at work in their original container in accordance with Health and Safety Code Section 481.

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

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

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

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

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

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

**Pre-employment drug testing-**

De Witt 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-**

Under the Influence- shall be defined as having a blood alcohol concentration of 0.04 or more or failing a drug test.

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:

- 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.

- 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.
- 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.
- Elected/appointed official or department head may **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.
- 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 Human Resources 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** –

- The employee will be escorted and driven to the designated facility for specimen collection and testing.
- The employee will be required to follow the drug and alcohol testing protocol of the medical facility providing the testing.

- 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 De Witt County.
- 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.
- Under no circumstances, unless required or authorized by law, will alcohol or drug testing information be released without written consent from the employee.

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

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

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

While officials are not restricted by this policy, they may be subject to applicable laws.

## **DRUG AND ALCOHOL - CDL EMPLOYEES**

Commercial Driver's Licenses (CDL) are an extremely valuable resource for De Witt 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 De Witt 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. De Witt County will conduct pre-employment, random, reasonable suspicion and post-accident drug testing in accordance with federal law.

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

**This is not the complete policy, a complete policy relating to drug and alcohol testing for CDL employees, "De Witt County CDL Drug and Alcohol Testing Policy and Procedures", may be requested with Human Resources.**

## **OUTSIDE EMPLOYMENT**

De Witt County employees are expected to give their full and undivided attention to their job duties. They should not use De Witt County facilities or equipment or their association with De Witt 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 De Witt County that interferes with the employee's assigned duties with De Witt County or creates a conflict of interest.

## **WEATHER CLOSINGS AND EMERGENCIES**

Life safety is De Witt County's primary concern. De Witt County offices may close to the public if the health, safety, and security of County employees and the public are at risk. When County offices are closed, either because of severe weather conditions or other emergencies, the elected/appointed official is responsible for initiating the closing.

In the event of a closing or delayed opening of County offices, employees should contact their elected/appointed official for information. Departments heads should contact their supervising official(s). Information about closings may also be posted on [www.co.dewitt.tx.us](http://www.co.dewitt.tx.us) or other online platforms.

## **EMPLOYEE SAFETY**

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

The Commissioners' Court will make every effort to reduce on the job injuries. As a minimum, the Commissioners' Court supports compliance with all safety protocols, 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;

- reducing risk to others in the workplace;
- reporting unsafe conditions and all injuries to the supervisor;
- only operating 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;
- prevent employees from performing duties that may be unsafe; and
- follow 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.

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.

**Policies, guidelines and plans relating to employee safety, such as the “De Witt County Accident Prevention Plan”, “De Witt County Seatbelt Use and Handheld Device Use Policy”, “De Witt County Hazard Communication Program” and “De Witt County Bloodborne Pathogens Exposure Control Plan” may be requested from Human Resources.**

## **HARASSMENT**

De Witt 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 De Witt 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 Human Resources and/or the 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 Human Resources and/or the County Attorney.

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

## **SEXUAL HARASSMENT**

It shall be the policy of De Witt 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 Human Resources and/or the 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 Human Resources and/or the County Attorney.

## **WORKPLACE VIOLENCE**

### **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.

De Witt County does 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. De Witt 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.

### **PROHIBITED ACTIONS AND PENALTIES**

It is a violation of this policy to engage in any act of workplace violence . In addition to the

definitions listed above, other examples of prohibited actions 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
- Horseplay, reckless conduct or assault

### **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 Human Resources. 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**

Pursuant to the De Witt County Emergency Management Plan, De Witt County will maintain compliance with federal, state, and accreditation requirements to ensure eligibility for grants, mutual aid and effective incident management. County personnel assigned emergency management responsibilities should complete the required National Incident Management System (NIMS) and Incident Command System (ICS) training appropriate to their roles and responsibilities. For more information regarding emergency response and NIMS compliance for County employees, please contact the De Witt County Office of Emergency Management.

## **INFORMATION TECHNOLOGY (IT)**

### **DEFINITIONS**

**Information Technology resources-** means De Witt 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 De Witt County and may only be used for legitimate County business purposes. De Witt 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 De Witt 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**

De Witt 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 De Witt 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 De Witt 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 De Witt 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 De Witt 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 De Witt County access to and review of all materials created, stored, sent or received by them through De Witt County's Information Technology resources. Such material may be public record and is subject to Public Information Act/Open Records Act requests.

### **MONITORING**

De Witt 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, hardwired, 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 De Witt 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.

De Witt 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 Human Resources for more information.

## **SOCIAL MEDIA**

De Witt 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 De Witt County among the community at large.

De Witt 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 De Witt County they should make it clear they are an employee of De Witt County and their views posted do not represent the views of De Witt County.

Employees must conduct themselves at the following minimum standards:

- Employees must not mention De Witt County supervisors, employees, customers or vendors without their express consent.
- Employees must not pick fights. If they see a misrepresentation about De Witt 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 De Witt 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. De Witt 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 De Witt County’s website or post De Witt County material on a social media site without written permission from their elected/appointed official or department head.
- All De Witt 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 De Witt 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**

De Witt 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 De Witt 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 De Witt 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.

## **COUNTY OWNED BUILDINGS USE POLICIES AND RESTRICTIONS**

The following regulations are to be followed by all De Witt County officials, employees and appointees or designees in regard to the De Witt County Annexes and the De Witt County Courthouse.

The care and maintenance of De Witt County facilities shall be made with the knowledge that the offices are provided to serve the citizens of the county.

The De Witt County Courthouse has been restored through a grant from the Texas Historical Commission (THC). The County has entered a permanent covenant (easement) with the THC which affects any additions or changes to the courthouse. **NO CHANGES TO THE COURTHOUSE CAN BE MADE WITHOUT APPROVAL OF THE COMMISSIONERS' COURT.**

For other building-related matters not mentioned in this policy, guidance should be obtained and coordinated with the building superintendent.

### **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 and ceramic tile in the courthouse and annexes.

### **WALLS**

Appropriate items may be placed on the walls through consultation with the maintenance department who will give guidance regarding the correct attachments to prevent damage to walls. The use of tape or adhesive attachments is prohibited in the courthouse. No items may be placed on the interior or public spaces of the courthouse. Clearance is required from the building superintendent and County Judge for wall hangings within the internal offices of the courthouse.

### **WINDOWS**

Decorative items placed in the windows of the Courthouse is prohibited. 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.

### **SIGNS AND LEGAL NOTICES**

Posting of legal notices within the courthouse shall be in the area designated by Commissioners' Court, which is the alcove located by the elevator, and shall be monitored by the officeholder (or department required to do the posting) 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. Only an easily-removable Scotch Brand tape should be used with posted notices that are affixed to the glass of the courthouse doors or the entrance to the 2021 County Annex. Consult with the building maintenance supervisor when posting on a glass surface. The use of tape of any kind is prohibited on wood surfaces.

Signs and notices intended for the Weber Annex entrance and the County Elections Office must be pre-cleared with the building maintenance supervisor since the use of tape of any kind at those locations may damage the window tinting.

**The County of De Witt entered into a restrictive covenant with the Texas Historical Commission when the courthouse restoration began in 2003. Consequently, all requests for signs, displays, and appurtenances within and without the restored 1896 Courthouse are subject to a vetting and approval process through the Antiquities Department of the Texas Historical Commission and restrictions outlined in Commissioners' Court Orders.**

**All requests for displays or signs on the premises of the restored 1896 Courthouse must be made in the Office of the County Judge.**

### **PERSONAL ITEMS**

Personal belongings and storage of personal belongings should be kept to a minimum. Upon separation of employment an employee's or official's remaining personal belongings may be delivered to their last known address. Personal belongings should be listed on the office's internal inventory as a personal belonging of the perspective employee or official. Items may also be marked or labeled as such.

### **OFFICE AND DIRECTIONAL SIGNS**

All signage, building directories, room designations and directional signs within all county buildings shall be discreet and consistent with the restoration design or style. No permanent signage can be installed within the courthouse without approval from an architectural liaison or clearance from the Texas Historical Commission.

### **PLANTS**

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

## **SAFETY HAZARD MITIGATION AND PROHIBITION OF CERTAIN ELECTRONIC DEVICES**

To minimize the potential for catastrophic events, such as fire, and to ensure the safety of the general public, county personnel, county equipment and county facilities, any device(s) connected to electrical outlets within or without county buildings must be authorized and supplied by De Witt County. Personal items such as space heaters, heating elements, extension cords, and fragrance plug-ins are prohibited. The use of candles and open flames are also prohibited. Coffeemakers with working automatic shut-off and mini-refrigerators are allowed as long as their presence is known to the building superintendent. Surge protectors, battery backup devices, or other electronic equipment must be vetted by the information technology department and under the direction of the building superintendent. The use of any other personal device(s) not mentioned above must be cleared through the building superintendent. Any apparatus, appliance, or device that is deemed a hazard by the building superintendent or IT Department will be unplugged or disabled and the owner thereof will be given an opportunity to claim the same and remove it from the premises.

## **AFTER HOURS USE OF BUILDING**

Employees, elected/appointed officials, and department heads leaving a County building after 5:00 P.M. shall be responsible for making sure building doors are secure.

## **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.

## **COUNTY COURTROOMS AND ANNEX CONFERENCE ROOM**

The De Witt County Judge's Office shall have the responsibility for reservations and room use for the County and District Courtrooms. De Witt County Human Resources shall have the responsibility for reservations in the County 2021 Annex Conference Room. The County Annex Conference Room located within the De Witt 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. Availability will be limited to 8:00AM to 5:00PM, with a preferred setup between 8:00AM to 8:30AM. Public access begins at 8:00AM.

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

## **MEETING ROOM AND GROUNDS POLICY**

- 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 De Witt 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. Damages to county property may be assessed to the individual.***

Any exceptions to these rules will be at the discretion of the De Witt County Commissioners' Court.

## **ACCOUNTING AND FINANCIAL POLICIES AND PROCEDURES**

**General Accounting and General Financial Policies and Procedures, covering areas such as fraud, financial management, credit card usage, travel expenses and property, may be obtained from the County Auditor's Office upon request.**

## **PERSONNEL OFFICE**

De Witt County Human Resources is located on the second floor of the 2021 De Witt County Annex at 102 N. Clinton St., Ste. 230, Cuero, Texas 77954. You may contact Human Resources at 361-275-0888 or **[HR@dwcotx.org](mailto:HR@dwcotx.org)**.



## **EMPLOYEE PERSONNEL POLICY ACKNOWLEDGEMENT AND ENDORSEMENT OF OFFICIALS**

I have received a copy of the De Witt County Employee Personnel Policy that the De Witt County Commissioner's Court has adopted. As an elected or appointed official of De Witt County, I endorse the Employee Handbook, as the document reflects my commitment to De Witt County employees and it reflects my commitment to conform to appropriate state and federal laws.

I agree to be bound by the terms and conditions of the De Witt County Personnel Policy, as witnessed by my signature below.

Signature of Official: \_\_\_\_\_

Printed Name of Official: \_\_\_\_\_

Title of Official: \_\_\_\_\_

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



## **EMPLOYEE PERSONNEL POLICY ACKNOWLEDGMENT**

I have received a copy of the De Witt 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 De Witt 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 De Witt County's policies, practices and benefits. I understand that De Witt 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 understand as a County employee, I shall have no expectation of privacy when using county computers, networks, or other county owned equipment. Improper use may result in discipline up to and including termination.

I further understand that as a De Witt 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: \_\_\_\_\_