

GILLESPIE COUNTY

PERSONNEL

GUIDANCE MANUAL



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AT WILL STATEMENT

All employees of Gillespie County are considered to be AT WILL employees and employee status shall not be considered a contract of employment or for any specified length of time. This means the employment relationship may be ended at the will of the employer ... Gillespie County ... or the employee.

Also, employment may be terminated with or without cause and with or without notice at any time by the County or the employee. Nothing in this manual or in any document or statement shall limit the right to terminate employment AT WILL. No Elected Official or Department Head has the authority to enter into an agreement for employment other than AT WILL employment.

**GILLESPIE COUNTY
PERSONNEL GUIDANCE MANUAL**

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EMPLOYEE ACKNOWLEDGMENT OF PERSONNEL GUIDANCE MANUAL

I have received a copy of the *Gillespie County Personnel Guidance Manual* that outlines my benefits and obligations as an employee of Gillespie County. I acknowledge that this manual supersedes any and all previous written or presented policies expressed or implied. I acknowledge that the provisions of these policies are part of the terms and conditions of my employment and that I agree to abide by them. I understand that I am responsible for reading and familiarizing myself with the information in this manual and understand that it contains general personnel policies of the County. If I need clarification on any of the information in this manual, I will contact my supervisor or the County Treasurer Office.

I understand that the *Gillespie County Personnel Guidance Manual* is not a contract of employment. I understand 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 the manual is intended only to provide guidance in understanding Gillespie County policies, practices, and benefits. Except for the policy of AT WILL employment, I understand that Gillespie County retains the right to change this manual, and to modify or cancel any of its employee benefits when the need for change is recognized.

I understand that as a County employee, I have a personal responsibility to provide quality service to the public, to achieve the highest degree of safety possible for my fellow workers and myself, to continually make suggestions for improvement and to display a spirit of team work and cooperation.

I understand that I may be granted compensatory time off in lieu of payment of overtime to the extent provided by law and I may be required to take earned compensatory time off at the County's discretion.

I acknowledge that I have read and understand the contents of this manual.

Employee Signature and Date

Printed Name of Employee

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THE COUNTY OF GILLESPIE PERSONNEL GUIDANCE MANUAL

1.00 INTRODUCTION

1.01 ABOUT THE COUNTY

The County of Gillespie was founded in 1848 from portions of Bexar and Travis Counties and named for Texas Ranger Captain R. A. Gillespie. Germans settled it in the heart of Comanche Country. Noted composer Frank Van der Stucken, Fleet Admiral Chester W. Nimitz, and President Lyndon B. Johnson were born in Gillespie County.

The County's governmental organization is established by the Constitution of the State of Texas and by state statutes. State and federal law and actions of the Commissioners Court govern the operations of the County.

The Commissioners Court consists of the County Judge and 4 (four) County Commissioners. The voters of a Commissioner's Precinct elect each Commissioner. The voters of the County elect the County Judge. This is the governing body of the County.

In addition to the Commissioners Court, the County organization includes the following offices and departments:

County Judge	County Auditor
County Clerk	Information Systems
District Clerk	County Extension Service
Justices of the Peace (2)	Community Service
County Attorney	Veterans' Services
County Treasurer	Road and Bridge and Road Precincts (4)
Tax Assessor - Collector	Sanitation/Flood Plain
Constables (2)	Rural Addressing
Sheriff	Law Enforcement
County Surveyor	Administrative and Jail Facilities
Juvenile Probation	Gillespie County Airport
Pioneer Memorial Library	Mechanic
Facilities Maintenance	Court Collections
Custodial	Courthouse Security
County Attorney Hot Check	Indigent Health

1.02 AUTHORITY

The Commissioners Court in accordance with federal, state, and local guidelines has established the policies and procedures contained herein. Amended,

revised, deleted, or new policies and/or procedures must be approved and adopted by the Commissioners Court.

The matters discussed in this manual are intended solely for the general guidance of all County employees. The County, at any time, may add or amend, revise, or delete procedures, policies, rules, or benefits. Nothing in this manual is intended to act as a contract of employment or as a guarantee of the terms or conditions by which employment will be governed.

1.03 RESPONSIBILITY FOR IMPLEMENTATION OF PERSONNEL POLICIES, PROCEDURES

The department head (elected official, appointee, or supervisor; whichever is relevant to the department) shall be responsible for the administration of the personnel policies and procedures within his/her department(s).

Some departments may have additional policy and/or procedure manual(s) as may be mandated by law or state statute, or justified by specific operational functions of that department. The policies and procedures of those manuals shall in no way conflict with those in this manual; and shall be in addition to, but not in lieu of, the policies in this manual, or any amendments hereto.

1.04 PURPOSE AND OBJECTIVE

The Purpose of these policies and procedures are to set forth the guidelines governing employment with the County. The policies and procedures contained herein are to inform all employees of the privileges and obligations of employment with the County. These policies and procedures have been prepared and adopted in order to promote consistent, equitable, and effective practices and principles to and by all county personnel.

The Objective of the County is to make every endeavor to promote and sustain a safe, healthy and efficient working environment for its employees and the public; to inform all employees of the privileges and obligations of employment with the County; to maintain an open line of communication between the employee and the County.

1.05 APPLICABILITY OF PERSONNEL PROCEDURES

These personnel policies and procedures apply equally to all employees of the County unless a class of employees is specifically exempted. In cases where federal or state laws or regulations supersede local policies and procedures for specific groups of employees, such laws or regulations will substitute for those only insofar as necessary to comply.

1.06 DISSEMINATION OF PERSONNEL PROCEDURES

The County Treasurer Office, or a designee of, shall maintain complete sets of the personnel policies and procedures with all amendments, revisions, deletions, and or new policies and procedures for reference purposes. The County Treasurer, or a

designee of, shall provide each employee with the **Gillespie County Personnel Guidance Manual** and information about any changes.

1.07 COMMUNICATION

The County encourages all employees to make constructive suggestions for improvements in these policies or procedures or in work procedures or conditions. Employees shall report immediately to their supervisor or department head any condition(s) that in their judgment could threaten the safety or well being of themselves, other employees, and/or the public.

1.08 EMPLOYMENT "AT WILL"

All employees of Gillespie County are considered to be AT WILL employees and employee status shall not be considered a contract of employment or for any specified length of time. This means the employment relationship may be ended at the will of the employer ... Gillespie County ... or the employee.

Also, employment may be terminated with or without cause and with or without notice at any time by the County or the employee. Nothing in this manual or in any document or statement shall limit the right to terminate employment AT WILL. No Elected Official or Department Head has the authority to enter into an agreement for employment other than AT Will employment.

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2.00 EMPLOYEE RESPONSIBILITIES

2.01 GENERAL EMPLOYEE CONDUCT

The County is a public tax-supported entity. Its employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work tasks assigned as their responsibility and to do their part in maintaining good relationships with the public, with other governmental employees and officials, with their supervisors, and with fellow employees.

2.02 ATTENDANCE AND TIMELINESS

Employees are to be punctual in maintaining work hours, keeping appointments, and meeting schedules for completion of work.

ATTENDANCE: Each employee shall report to work on each day he/she is scheduled to work unless the employee's supervisor gives prior approval for the absence or the employee is unable to report for work because of circumstances beyond the control of the employee.

TARDINESS: Each employee shall be at his/her place of work at the starting time set by his/her supervisor unless the supervisor gives prior approval or the employee is unable to be at work on time for reasons beyond the control of the employee.

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

NOTIFICATION: If an employee is unable to be at work at his/her normal reporting time, the employee shall be responsible for notifying his/her supervisor as soon as is reasonably practicable of the circumstances causing the tardiness of absence.

EXCUSED AND UNEXCUSED: 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.

ABANDONMENT OF POSITION: An employee who does not report for work for three consecutive scheduled workdays, and who fails to notify his/her supervisor, shall be considered to have resigned his/her position by abandonment. Abandonment of position status may be waived if failure to notify was caused by circumstances beyond the control of the employee.

2.03 OUTSIDE ACTIVITIES

Employees may not engage in any outside employment, activity, or enterprise if determined by the department head to be inconsistent or incompatible with employment with the County or which would adversely affect the employee's job performance.

2.04 CONFLICT OF INTEREST

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

Employees involved in conflict of interest situations shall be subject to discipline, up to and including termination.

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

- soliciting, accepting, or agreeing to accept financial benefit, gift, or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with the intent to influence the employee's performance;
- 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 his/her duties for the County;
- soliciting, accepting, or agreeing to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

2.05 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 an election or nomination for office; or
- 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 purpose; or
- use any equipment, property or materials owned by the County for political activity or engage in political activity while on duty for the County.

2.06 COUNTY PROPERTY

RESPONSIBILITY: Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tool, or other County equipment assigned to him/her.

County employees shall only use equipment, vehicles, tools, and other County property that they are authorized to use.

PERSONAL USE: Personal use of County vehicles, equipment, supplies, tools, and any other County property shall not be permitted.

LICENSES: A County employee who operates any County equipment or vehicle that requires a license shall be required to have a current active license for that vehicle or equipment any time he/she operates it.

Any employee who operates a vehicle or equipment that requires a license for legal operation shall notify his/her supervisor of any change in the status of that license.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation shall be subject to possible job change or termination if that license is suspended or revoked.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's vehicle insurance carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change or termination.

An employee who is required to be licensed to perform some sort of specialty work such as pesticide applications or any other similar license shall be required to maintain such a license and remain in compliance as instructed. Any change in status must be reported to his/her supervisor.

ACCIDENTS: Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his/her supervisor and to the proper law enforcement or other authority immediately.

A copy of all accident and incident reports prepared by the employee shall be sent to the supervisor and the County Judge.

2.07 SAFETY

SAFETY STANDARDS: Each County employee shall be required to adhere to the general safety standards established for all employees and to all additional safety standards for their job or the department in which he/she works.

VIOLATIONS: Failure to follow the safety standards set by the County shall make an employee subject to disciplinary action, up to and including termination.

An employee causing an accident resulting in major injury or death because of failure to follow safety standards shall be terminated.

REPORTING: Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to the department head.

3.00 EMPLOYMENT STANDARDS AND PRACTICES

3.01 EQUAL EMPLOYMENT OPPORTUNITY

EQUAL OPPORTUNITY EMPLOYER: It shall be the policy of Gillespie County to be an equal opportunity employer.

Race, color, religion, national origin, sex, age, and disability shall not be factors 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 law or where a bona fide occupational qualification (BFOQ) exists.

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

The County shall consider individually each request for accommodation. An assessment will be made as to the potential accommodation effectiveness in enabling the individual to perform the essential function(s) of the position held or desired. The County may consult with outside resources to determine appropriate accommodation.

3.02 PHYSICAL STANDARDS

On the basis of the essential function(s) of some job classifications, post job offer physical examinations, drug and alcohol testing, and other examinations and/or testing (as permitted or required by law) shall be mandatory as a condition of employment. These examinations shall be taken prior to the commencement of employment duties at the County's expense.

Job classifications requiring physical examinations are:

- road maintenance
- custodial
- building maintenance
- mechanic

Job classifications requiring a CDL (commercial driver license) will be subject to mandatory drug and alcohol testing. Refer to County's *CDL Drug and Alcohol Testing Policy*.

3.03 EMPLOYMENT OF RELATIVES

Nepotism is the showing of favoritism toward a relative. The County forbids the practice of nepotism in hiring personnel. An elected official, appointee, or department head shall not hire an applicant to whom he/she is related within the prohibited degrees of consanguinity (blood) or affinity (marriage).

The Commissioners Court shall not appoint or hire any personnel to whom any member(s) of the Court is related within the prohibited degree(s).

Prohibited degrees of relationship are within the third degree for consanguinity (blood) and within the second degree for affinity (marriage). Prohibited degrees of relationship are as defined in Section 3.04 of this manual.

3.04 NEPOTISM

The methods of computing degrees of relationship are as set forth in the Texas Nepotism Statutes:

CONSANGUINITY
(Relationship by Blood)

FIRST DEGREE:

Father
Mother
Daughter
Son

SECOND DEGREE:

Grandfather
Grandmother
Granddaughter
Grandson
Sister
Brother

THIRD DEGREE:

Great-grandfather
Great-grandmother
Great-granddaughter
Great-grandson
Aunt
Uncle
Niece
Nephew

AFFINITY
(Relationship by Marriage)

FIRST DEGREE:

Father-in-law
Mother-in-law
Daughter-in-law
Son-in-law
Spouse of Official, Appointee, or
Department Head

SECOND DEGREE:

Spouse's Grandfather
Spouse's Grandmother
Spouse's Granddaughter
Spouse's Grandson
Spouse's Sister (sister-in-law)
Spouse's Brother (brother-in-law)
Brother's Spouse (sister-in-law)
Sister's Spouse (brother-in-law)

4.00 RECRUITMENT AND SELECTION

4.01 GENERAL STATEMENT

Within the budget and numerical limits set by the Commissioners Court, each department head is responsible for the selection and tenure of his/her employees.

4.02 POSITION REQUIREMENTS & QUALIFICATIONS

The County shall maintain a job description for each position in the County. The job description shall set forth the position requirements and qualifications and other pertinent information.

The office of the County Treasurer or a designated representative shall see that the job description for each employee's position is:

- given to each employee,
- reviewed by the employee, and
- a copy is made available for placement in the employee's personnel file along with a signed and dated certification that the employee reviewed it.

4.03 RECRUITMENT

The County seeks to recruit qualified applicants to fill position openings.

Position openings, prior to being publicly advertised, may be announced within the County for consideration by current employees. The purpose of announcing first within the County is to allow qualified county employees the opportunity to make an application and to perhaps advance in their careers with the County. Public advertisements of position openings are normally published for two weeks in a newspaper(s) serving the County.

Exceptions to the advertisement guideline are made when an unexpected and immediate need arises for a position to be filled promptly.

4.04 APPLICATION FOR EMPLOYMENT

Applications are available in the County Judge's office or from each department head. Applications filed at the County Judge's office will be made available to the appropriate department head.

Each applicant for county employment is required to submit a written, signed, and dated application. Accommodations will be afforded applicants who, because of a disability, cannot complete a written job application.

Employees of the County shall be permitted to apply for positions for which they believe themselves to be qualified.

4.05 SELECTION

Each elected or appointed official, or department head, or his/her designee, shall be responsible for selecting the applicant whom he/she determines to best meet the qualifications for an open position in his/her department.

Position openings in county departments are filled by promotion, lateral transfer, or by initial appointment. Selections of the best-qualified applicants may be made on the basis of occupational qualifications and job-related factors such as skill, knowledge, education, experience, and ability to perform the essential job function(s) given reasonable accommodation(s).

The applicant selection process may include, but is not limited to:

- review of applications;
- personal interview;
- appropriate inquiries to verify applicant's qualifications; and
- post conditional offer of employment physical examination and other testing as may be required.

4.06 DISQUALIFICATION

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

- applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying;
- 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;
- applicant has committed or attempted to commit a fraudulent act at any state of the application process;
- applicant falls within the prohibited degrees of relationship; or
- applicant is not legally permitted to hold the position.

5.00 TYPES OF EMPLOYMENT

5.01 CATEGORIES OF EMPLOYEES

The County has clarified the definitions of employment classifications so employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will, at any time is retained by both the employee and the County.

APPOINTED OFFICIALS: Department heads who are appointed (not elected) in accordance with state law.

EXEMPT: Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and are normally exempt from the overtime pay requirement or compensation time ... Leave Sheets are required to verify hours for vacation and sick leave taken.

NON-EXEMPT: Employees whose positions do not meet FLSA exemption tests and who are given compensation time or overtime pay for hours worked in excess of 40 hours per week or excess of 86 hours in 14-day work cycle for law enforcement under FLSA Section 7k exemption ... Time Sheets are required.

Individuals elected to public offices have their duties, powers and qualifications prescribed in the state constitution and by state statute. These officials are directly responsible to the voters for carrying out the duties and powers assigned to their respective offices. By virtue of their status they are not covered under the Fair Labor Standards Act (FLSA).

5.02 EMPLOYMENT STATUS

There are four categories of classified hourly employees with the County. All employees under these categories are covered under the regulations of the Fair Labor Standards Act (FLSA) as amended to cover state and local governments.

REGULAR FULL-TIME: A regular full-time employee shall be any employee in an authorized position that has a regular work schedule of 30 hours or more per each seven-day work week and are not on a temporary status. Law enforcement personnel (deputy sheriffs, jailers) are classified on the basis of 86 hours per each 14-day work period. Regular full-time employees are eligible for the County's benefit programs, subject to the terms, conditions, and limitations of each package.

TEMPORARY FULL-TIME: Those hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration ... not to exceed 12 months. Temporary employees retain such status unless and until notified of a change. All legally mandated benefits (social security, Medicare, unemployment, workers' compensation insurance) are provided to temporary employees.

REGULAR PART-TIME: A regular part-time employee shall be any employee in an authorized position that has a regular work schedule of

fewer than 30 hours per each seven-day work week and are not on a temporary status. While they do receive all legally mandated benefits (social security, Medicare, unemployment, workers' compensation insurance) and participate in the County's retirement plan with TCDRS, they are not eligible for other County benefit programs.

TEMPORARY PART-TIME: Those hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project and who are scheduled to work fewer than 30 hours per week. Temporary part-time employees retain such status unless and until notified of a change. Employment assignments in this category are of a limited duration ... not to exceed 12 months. While they do receive all legally mandated benefits (social security, Medicare, unemployment, workers' compensation insurance), they are not eligible for other County benefit programs.

5.03 EMPLOYMENT "AT WILL"

All employees are considered to be "at will" employees as defined in Section 1.08, Employment AT WILL and employee status shall not be considered a contract of employment.

5.04 ASSIGNED STAFF

Individuals assigned to the County for supervision, but who may or may not be directly paid by another government entity or private organizations are not employees of the County. Benefits are as specified in the individual's assignment for services. As a condition of their assignment, they are governed by all terms of these policies and procedures not in conflict with their assignment for services.

6.00 WORK SCHEDULE AND TIME REPORTING

6.01 SCHEDULED WORK PERIODS

Normal work hours for most county employees are Monday through Friday, 8:00 a.m. to 5:00 p.m. with one hour for lunch (equal to a 40 hour work week). Some offices, due to the nature of their duties, may have different schedules. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours and days that may be scheduled each week.

Employees are expected to report punctually for duty at the beginning of each assigned workday and to work the full work schedule. Employees are expected to complete each work period as scheduled. In the event an employee is unable to complete his/her work schedule, appropriate leave time, if available, shall be utilized.

The work week for most county employees shall be seven (7) consecutive days beginning on a Sunday (at 00:01 a.m.). Under this schedule overtime compensation will be computed on a 40-hour WORK week.

The work period for county law enforcement personnel (deputy sheriffs and jailers) shall be fourteen (14) consecutive days beginning on a Sunday (at 00:01a.m.). This schedule is adopted pursuant to Section 207(k) of the FLSA. Under this schedule overtime compensation will be computed on an 86-hour WORK period.

6.02 SCHEDULE ADJUSTMENTS BY DEPARTMENT HEADS

Elected officials and department heads may, within the limits of state/federal law, and the amended budget, make adjustments to established schedules. Adjustments may be made in order to serve the public or to meet necessary requirements for continuous services related to the protection of public health and safety. The Sheriff's Office personnel work varying shifts in order to provide services 24/7.

Offices may remain open during the noon hour, and meal periods may be staggered according to the requirements of the office. This may be done at the discretion of the department head.

6.03 REST (Break) AND MEAL PERIODS

The department head regulates work breaks and meal periods. Employees shall be permitted to leave the building during breaks and meal periods.

Breaks of 15 minutes each may be authorized at the discretion of the department head, but, if authorized, the time does not accumulate if not taken. To the extent possible, rest periods will be provided in the middle of work periods. Since rest time is counted and paid as time worked, employees must not be absent from their workstations beyond the allocated time. Additionally, employees may be requested to curtail the rest period if it is necessary to

provide adequate customer service in high customer service areas. Additional rest periods may be authorized by the department head or supervisor if a condition exists that may be a safety risk for the employee.

Department heads or supervisors will schedule meal periods to accommodate operating requirements. The Commissioners Court encourages offices to remain open during the noon hour to better serve the public. Meal periods may be staggered according to the requirements of the department. This may be done at the discretion of the department head.

Rest and meal periods for the Sheriff's Department and the Road & Bridge Departments are determined separately at the discretion of the Department Head.

BREAK TIME FOR NURSING MOTHERS: The County shall provide "reasonable break time for an employee to express breast milk for her nursing child for one year after the child's birth each time such employee has need to express the milk." The County will also provide "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."

6.04 PARTICIPATION AS MEMBERS OF VOLUNTEER FIRE DEPARTMENTS WITHIN GILLESPIE COUNTY

Full time County employees, who are members of a Volunteer Fire Department within Gillespie County, subject to his/her department head's approval, may respond to an emergency fire situation during his/her regular working schedule. The employee will be compensated by the County his/her regular wages for time volunteered up to the number of regularly scheduled hours per work day, counting hours worked for the County. This emergency response time will not count towards overtime.¹

6.05 EMERGENCY CLOSINGS

At times, emergencies such as severe weather or power failures can disrupt County operations. In extreme cases these circumstances may require the closing of a work facility. The County Judge, or a designated representative of the County Judge, will issue the order to close. During non-working hours, local radio stations may be asked to broadcast notification of closing. When operations are specifically closed due to emergency conditions, the time off from scheduled work will be paid. Certain offices such as the County Sheriff and Road & Bridge Departments are expected to remain open during emergency situations. Department personnel should contact their department for specific guidance.

Employees generally are expected to report for work during inclement weather conditions if the County does not declare an emergency closing. Non-exempt employees who are unable to report because of weather conditions will be required to use applicable paid leave time (if available). Non-exempt employees who are late or leave early because of weather conditions will be given a chance to make up their missed time if work schedules and conditions permit.

In order to serve the public or to meet necessary requirements for continuous services related to the protection of public health and safety, some departments may establish departmental procedures regarding inclement weather.

¹ Approved by Commissioners Court Agenda May 12, 2008, Item #21
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7.00 EMPLOYEE COMPENSATION, ADVANCEMENT

7.01 COMPENSATION

Compensation for county elected officials and appointed officials and county employees who are paid from county funds are set each year by the Commissioners Court in the adopted county operating budget. The Commissioners Court also establishes rules governing salary administration and pay increases.

7.02 SCHEDULED PAY DATES

The County pays its employees every two (2) weeks according to the pay schedule established by the Commissioners Court annually. Each paycheck will include earnings for all work performed through the end of the previous work period including any paid leave time taken. In the event a regular payday falls on a county holiday, checks will be distributed on the preceding workday.

PAYMENT UPON VOLUNTARY TERMINATION: Payment upon voluntary termination of employment for earned wages and earned, unused benefits (vacation, compensatory time) shall be made the next regularly scheduled payday.

PAYMENT UPON INVOLUNTARY TERMINATION: Payment upon involuntary termination of employment for earned wages and earned, unused benefits (vacation, compensatory time) shall be made the next regularly scheduled payday.

7.03 CHECK DELIVERY AND ADVANCES

The County pays all salaries and wages by check unless the employee elects to receive his/her compensation through direct deposit. Paychecks are issued only on the days established in the pay schedule. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his/her return from vacation. Alternative distribution of paychecks/direct deposit notices may be arranged with the Treasurers Office.

The County will not loan money to any employee. No advances in pay will be made to any employee under any circumstances.

7.04 ADMINISTRATIVE PAY CORRECTIONS

The County takes all reasonable measures to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the County Treasurers Office so that corrections can be made as quickly as possible. Correction(s) will be made on the next scheduled payday after notification received of discrepancy.

7.05 PAYROLL DEDUCTIONS

Payroll deductions as mandated by law and as a requisite of county benefits will be made from an employee's pay for the following:

- Federal Income Tax
- Social Security Tax
- Medicare Tax
- Employee's Contribution to the Texas County and District Retirement System (TCDRS)

In compliance with the guidelines approved by the Commissioners Court and in accordance to an employee's written authorization, deductions from an employee's pay may be made for those optional programs the County offers:

- Group Health / Medical Insurance for dependent coverage
- Supplemental insurance coverage (such as accident, heart, intensive care, cancer)
- Deferred Compensation
- Supplemental Life Insurance
- Group dental coverage

By law, the County must make deductions from an employee's paycheck in accordance with any attachment or garnishment order it receives relative to the employee.

7.06 OVERTIME

Employees may be required to provide services in addition to those rendered during regular hours. Except in emergency situations, an employee shall be required to have authorization from his/her supervisor before working overtime. Compensatory time may be offered in place of monetary premium pay.

OVERTIME EXEMPTION: Some employees, however, by virtue of their job classification under FLSA are exempt from overtime pay. These exemptions are explained in the individual job descriptions.

OVERTIME FOR LAW ENFORCEMENT: Law enforcement personnel (deputy sheriffs, jailers) shall be paid on the basis of a 14 day scheduled work period, with time and one-half (1 ½) premium paid for hours WORKED in excess of 86 hours.

OVERTIME FOR ALL OTHER EMPLOYEES: A 40-hour workweek is the statutory standard. These employees shall be paid on the basis of a seven (7) day scheduled work week, with time and one-half premium paid for hours WORKED in excess of 40 hours.

COMPENSATORY TIME IN LIEU OF OVERTIME PAY: Department heads may grant compensatory time at a rate of one and one-half (1 ½) hours off duty time for every overtime hour WORKED in lieu of a monetary premium pay.

Holidays, vacation, sick leave, use of compensatory time off, VFD emergency response time, or any other types of paid leave do not count towards overtime computation. Only actual hours WORKED are counted towards overtime computation.

7.07 COMPENSATORY LEAVE TIME

Compensatory leave time for non-exempt employees, as allowed state and local governments by FLSA, is offered at time and one-half for each hour of overtime WORKED.

MAXIMUM ACCRUAL: Hourly employees may accrue up to 240 hours of compensatory time. This relates to 160 hours of actual overtime worked. However, employees who work in public safety (deputy sheriffs, jailers) may accumulate up to 480 hours of compensatory time. This relates to 320 hours of actual overtime worked.

When an employee has reached the maximum accrual of compensatory time, any additional overtime worked shall be compensated at a rate of one and one-half (1 ½) the employee's regular rate of pay until his/her compensatory balance falls below the maximum accrual.

USE OF COMPENSATORY TIME: Employees shall be allowed to use earned compensatory time after it is requested provided that the employee's absence will not place an undue hardship on the operations of the department in which the employee works.

Compensatory time may be used for any purpose desired by the employee unless a specific exclusion is noted.

REQUIRED USE OF COMPENSATORY LEAVE TIME: The County may schedule the use of accrued compensatory time.

BUY BACK OF COMPENSATORY TIME: The County shall retain the right to "buy back" all or part of an employee's unused compensatory time by paying the employee for that time at the employee's current regular rate.

CASH PAYMENT FOR OVERTIME: The County shall retain the right to pay all or part of the overtime worked in any workweek by paying for that overtime at one and one-half (1 ½) the employee's regular rate.

RECORDKEEPING: Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

CALCULATION OF TERMINATION PAY: If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, he/she shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.

7.08 TIME SHEETS

EMPLOYEE REQUIRED: The time sheet shall be completed by the employee showing an accurate record of all time worked and leave taken for the work period. Time reported should reflect actual time and not a rounded up or rounded down figure. Only time sheets as approved by the County Treasurer's Office are to be used.

Upon the last scheduled working day of each work period the employee shall sign and date his/her time sheet certifying to its correctness and submit it to his/her department head for approval.

APPROVAL: The department head shall review the time sheets for accuracy and make any corrections as necessary with the knowledge of the employee. The employee and the department head should initial any corrections or whiteouts made on time sheets. The department head shall make any notation(s) as may be required referencing overtime pay versus compensatory time, sign and date the time sheets approving them for payment, and submit the original signed time sheet to the office of County Treasurer.

Time sheets are to be turned in to the office of County Treasurer no later than the end of the first scheduled working day, of the Treasurer's office, following the work period ending date.

7.09 LEAVE SLIPS

EMPLOYEE REQUIRED: Exempt salaried employees who are eligible for leave benefits shall maintain an accurate leave slip(s) for each scheduled work period showing leave time taken.

Upon the last scheduled working day of each work period the employee shall sign and date his/her leave slip(s) certifying to its correctness and submit the leave slip(s) to the office of County Treasurer or to his/her department head for approval if such approval is required.

APPROVAL: The department head shall review the leave slip(s) for accuracy and make any corrections as necessary with the knowledge of the employee. The employee or the department head should initial any corrections or whiteouts made on the leave slip(s). The department head shall sign and date the leave slip(s) approving it for payment and submit it to the office of County Treasurer.

Leave slips are to be turned in to the office of County Treasurer no later than the end of the first scheduled working day, of the Treasurer's office, after the work period ending date.

7.10 MERIT INCREASES

The Commissioners Court may from time to time provide authority for department heads to grant merit pay increases to employees. Merit increases may be granted for exceptional and consistent performance in the same position. They are not to be used to recognize increased duties and responsibilities (a Promotion) and are granted without regard to cost-of-living factors or longevity.

Merit increases recognize outstanding job performance and may be granted in conjunction with a job performance evaluation of the employee.

7.11 PROMOTIONS

Promotions are changes in an employee's duty assignment. A promotion recognizes advancement to a higher position (classification) requiring higher

qualifications and involving greater responsibility. A promoted employee may receive a pay increase.

APPROVAL: The department head within the staffing pattern and budget limits approved by the Commissioners Court approves promotions. No promotion shall be approved or recognized by the Commissioners Court without the approval of the department head and an evaluation of the employee's job performance.

SUBJECT TO EVALUATION: Upon promotion, an employee may be subject to a job performance evaluation prior to 180 calendar days after promotion.

RETENTION OF STATUS: A promoted employee shall retain his/her same employment anniversary date, all accrued leave time (vacation, sick, and compensatory ... however, with a promotion to an exempt position, compensatory time will be paid to the employee), and his/her continuous service record.

7.12 LATERAL TRANSFER

Lateral transfers are movements of an employee between positions in the same job classification. Lateral transfers may be made within the same department or between departments of the County.

APPROVAL: Lateral transfers may be requested by the employee or the elected official or department head to whose department the employee will be transferred, and must be approved or recognized by the Commissioners Court. An employee will not receive a pay reduction when making a lateral transfer, provided that the employee's current salary is within the range approved by the Commissioners Court for the transfer position and is within the department's annual budget.

SUBJECT TO EVALUATION: Upon lateral transfer, an employee may be subject to a job performance evaluation prior to 180 calendar days after transfer.

RETENTION OF STATUS: A transferred employee shall retain his/her same effective employment date, all accrued leave time (vacation, sick, and compensatory), and his/her continuous service record.

7.13 DEMOTIONS

Demotions are changes in an employee's duty assignment. A demotion places an employee into a lower position (classification) requiring fewer qualifications and involving less responsibility. A demoted employee may have his/her pay reduced.

VOLUNTARY DEMOTION: A demotion may be made for the purpose of voluntary assumption of a less responsible position.

DISCIPLINARY DEMOTION: A demotion may be made for disciplinary reason(s) or because of unsatisfactory performance in a higher position.

ACTION TO BE TAKEN: The department head shall make a written statement regarding the nature of the demotion. The department head shall have a conference with the employee to discuss the demotion and obtain the

employee's dated signature acknowledging the demotion. Documentation of the demotion shall be placed in the employee's personnel file in the County Treasurers office.

SUBJECT TO EVALUATION: Upon demotion, an employee may be subject to a job performance evaluation prior to 180 calendar days after demotion.

RETENTION OF STATUS: A demoted employee shall retain his/her same employment anniversary date, all accrued leave time (vacation, sick, and compensatory), and his/her continuous service record.

7.14 PRIOR SERVICE WITH THE COUNTY

Applicants entering employment with the County who have prior service with the County may be considered for appointment above the customary entry level.

8.00 EMPLOYEE BENEFITS

8.01 EMPLOYEE BENEFITS

Eligible employees of Gillespie County are provided a range of benefits. Several benefit programs (social security, Medicare, unemployment, workers' compensation insurance) cover most employees and are applied in the manner prescribed by law. Benefits eligibility depends upon a number of factors, including employee classification ... Refer Section 5.00, Types of Employment. Exceptions to the allowance of specific benefits can be made by the Commissioners Court.

8.02 ELIGIBILITY FOR COUNTY BENEFITS

ELECTED OFFICIALS: Elected officials are eligible to receive most County provided benefits unless an exception(s) is so noted under a specific benefit.

APPOINTED OFFICIALS: Appointed officials are eligible to receive most County provided benefits unless an exception(s) is so noted under a specific benefit.

EXEMPT PERSONNEL: Exempt employees are eligible to receive all County provided benefits unless an exception(s) is so noted under a specific benefit.

NON-EXEMPT, REGULAR FULL-TIME EMPLOYEES: Non-exempt, regular full-time employees are eligible to receive all County provided benefits unless an exception(s) is so noted under a specific benefit.

NON-EXEMPT, REGULAR PART-TIME EMPLOYEES: Non-exempt, regular part-time employees are eligible for most County provided benefits with the exception of group insurance plans or if an exception(s) is so noted under a specific benefit.

NON-EXEMPT, TEMPORARY PART-TIME AND FULL-TIME EMPLOYEES: Non-exempt, temporary employees (full-time, part-time) are not eligible for County provided benefits (group insurance plans, retirement plan, leave plans). All legally mandated benefits (social security, Medicare, unemployment, workers' compensation insurance) are provided temporary employees.

8.03 MEDICAL COVERAGE

The County provides group medical insurance including prescription drug coverage for eligible employees at the expense of the County. Coverage begins the first day of active employment. Coverage ends the last day of active employment unless the employee elects COBRA coverage or the employee retires and elects to continue coverage. An eligible employee may add dependent coverage for immediate family members at the employee's expense. Premiums for dependent coverage will be made through payroll deductions.

COBRA: An employee leaving County employment and is covered under the County group health plan at time of separation, may elect to continue coverage under COBRA.

TCDRS RETIRING EMPLOYEES: An employee under 65 (and his/her spouse if under 65) retiring under the Texas County and District Retirement System is permitted to participate in the County group medical plan, provided, at the time of separation from the County, the employee is covered under the County's group medical plan and the employee elects to draw retirement benefits under TCDRS.

A Medicare eligible retiree over 65 (and his/her spouse if over 65) may not participate in the County group medical plan, but is eligible to enroll with Texas Association of Counties CountyChoice Silver plan, provided the retiree has met the above requirements and enrolled in Medicare Parts A and B.

The retiree will be responsible for paying the County his/her group insurance premiums. The premiums must be received in the office of the County Treasurer.

8.04 SOCIAL SECURITY AND MEDICARE

All County employees shall participate in the Federal Social Security/Medicare program which provides certain retirement, disability, and other benefits. Contributions to this program shall be made by deductions from each employee's pay check in accordance with the requirements of this program. The County shall contribute an amount equal to the employee's contribution in accordance with the requirements of this program.

8.05 RETIREMENT PLAN

Texas County and District Retirement System was established by legislative act in 1967. It operates as a non-profit public trust fund providing pension, disability, and death benefits for the eligible employees of those counties and districts that elect to participate in the plan.

As a participant in the Texas County and District Retirement System (TCDRS) the County contributes to the retirement plan on behalf of each eligible employee. Each eligible employee contributes seven percent (7%) of his/her gross wages and related benefits to TCDRS.

Regular retirement benefits and disability retirement benefits are available to retirement system members.

Additional information on the retirement plan may be obtained at the County Treasurers office, or on the TCDRS web site (www.tcdrs.org).

8.06 WORKERS' COMPENSATION INSURANCE

All employees of the County are covered by workers' compensation insurance while on duty for the County with the exceptions of District Judges and County Extension Agents (State employees). The County pays the premium for this coverage.

The purpose of this coverage is to provide medical payments and temporary income benefit payments to at least partially replace lost pay if a County employee was to suffer a job related injury or illness.

Certain other individuals performing a service to the County are also covered under workers' compensation. They are:

- election judges and election workers;
- members of the petite and grand jury, and jury commission; and
- reserve deputy sheriffs.

8.07 UNEMPLOYMENT

All employees of the County are covered under unemployment, with the exceptions of elected officials. The County pays the premium for this coverage.

8.08 DEFERRED COMPENSATION

The County offers all eligible employees the opportunity to participate in a deferred compensation plan. Each participating employee may contribute a percentage of his/her wages and other compensation as allowed by the plan.

The County is not a contributing participant to the plan.

8.09 SECTION 125 (CAFETERIA PLAN)

All employees covered under the County group medical plan are offered the opportunity to participate in the County Flexible Benefits Plan (a premium deferred only plan). Deferred premiums are pre-tax (social security, Medicare, income tax). This plan permits participants to elect to receive coverage (through salary reduction) for themselves and/or their eligible dependents under various component plans, such as medical, dental, cancer, intensive care, accident and sickness benefits, and supplemental life insurance. It is intended that this plan shall qualify as a "cafeteria plan" under Section 125 of the Internal Revenue Code as may be amended.

(left blank for future use)

9.0 LEAVE TIME and RETURN-TO-WORK

9.01 TYPES OF LEAVE TIME

GENERAL STATEMENT: The County provides all eligible employees with various types of leave time:

- o vacation leave
- o sick leave
- o holiday
- o citizenship leave
- o military leave
- o family and medical leave of absence
- o workers compensation

All leave taken by county employees must be approved in advance by the department head or supervisor unless an emergency condition exists.

It is the responsibility of the department head to notify the County Treasurer Office as soon as possible ... any extended leave other than vacation.

The County may approve the use of different types of leave in combination if it is determined to be in the best interest of the County and the employee.

Paid leave time will not be granted if the request for such leave is in excess of the employee's regularly scheduled work period ... 7 day/40 hour work period or 14 day/86 hour work period. The only exception being holiday time.

9.02 VACATION LEAVE

GENERAL STATEMENT: Eligible employees are permitted to take accrued vacation leave with pay after one year of employment. An employee with less than one year of employment may not take vacation leave with pay. Employees shall be required to take time off for vacation leave and cannot receive pay in lieu of taking time off. Vacation leave may be taken for periods of less than one day. Unused accrued vacation will be paid upon employment termination.

ACCRUAL OF VACATION LEAVE: Eligible County employees accrue vacation leave according to the following guidelines.

Vacation leave is not accrued until an eligible employee has completed one full year of employment.

Regular full-time employees, beginning the second year of employment, will accrue vacation leave each pay period (26 periods of two weeks each) based on the following schedule:

YEARS OF SERVICE	MAXIMUM ACCRUAL IN HOURS	
	PER PAY PERIOD	PER YEAR
Upon Completion of First Year		80 Hours Total
Second through Fifth Year	3.08 Hours (e)	80 Hours Total
Sixth through Tenth Year	3.70 Hours (e)	96 Hours Total
Eleventh through Fifteenth Year	4.31 Hours (e)	112 Hours Total
Sixteenth through Twentieth Year	4.93 Hours (e)	128 Hours Total
Twenty-one Years of More	6.16 Hours (e)	160 Hours Total

Eligible exempt personnel accrue vacation leave under the same guidelines as regular full-time employees.

Elected officials, part-time and temporary employees (full-time or part-time) do not accrue vacation leave.

ACCUMULATION OF VACATION LEAVE: The maximum allowable accumulation of unused vacation leave is the maximum total amount an employee may earn in three years, based upon current length of service. Each December 31, any vacation leave balances in excess of the last two years of accrual are reduced to the two year maximum without compensation to the employee.

Accrued vacation leave is not available to be taken within the period of accrual.

Employees shall not be allowed to borrow vacation time against future vacation accrual.

CALCULATION OF TERMINATION PAY: Upon termination from County employment, an employee who has completed a minimum employment period of one year shall be paid for earned and unused vacation leave on record.

HOLIDAY DURING VACATION LEAVE: Should a holiday fall during the time an employee is on vacation leave, the holiday shall be charged in accordance with the **POLICY ON HOLIDAYS**.

OVERTIME CALCULATION: Use of vacation leave shall not count towards overtime.

9.03 SICK LEAVE

GENERAL STATEMENT: Eligible employees are permitted to take accrued sick leave with pay. Sick leave may be taken for periods of less than one day. Accrued sick leave may be used for the following purposes:

- personal illness, injury, or physical or mental incapacity of the employee;
- appointments with physicians, optometrists, dentists, and other qualified medical professionals;
- medical quarantine resulting from exposure to a contagious disease; or
- to attend to an immediate family member who has a serious health condition;
- to attend to the matters of an immediate family member's passing.

For purposes of this policy, immediate family shall be defined as spouse, child, parent or other relative living in the employee's home who is dependent on the employee for care.

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

NOTIFICATION: Where sick leave is to be used for medical appointments, an employee shall be required to notify his/her supervisor of the intent to use sick leave as soon as the employee knows of the appointment.

Where use of sick leave is not known in advance, an employee shall notify his/her supervisor of the intent to use sick leave within 15 minutes of the employee's normal time to begin work, when practical.

Where it is not practical to notify the supervisor within 15 minutes of the normal starting time, the employee should notify his/her supervisor as soon as is reasonably practical.

If the employee feels that the situation will cause him/her to miss more than one day of work, the employee should notify his/her supervisor of the anticipated length of absence.

ACCRUAL OF SICK LEAVE: Regular full-time employees accrue sick leave benefits at a rate of 1.85 hours per pay period (26 periods per year) with a maximum accrual per year of 48 hours.

Accrual of sick leave shall start at the time an individual begins work for the County in a position eligible for the sick leave benefit. However, sick leave accrued is not available to be taken within the period of accrual.

Exempt personnel accrue sick leave under the same guidelines as regular full-time employees.

Elected officials, part-time and temporary employees (full-time or part-time) do not accrue sick leave.

ACCUMULATION OF SICK LEAVE: Sick leave not used during the year in which it accrues is available for use in succeeding years. Sick leave may be accumulated up to a maximum of 480 hours.

DOCUMENTATION: The County or the department head may request, and an employee must provide, upon such request, a medical certificate or other acceptable evidence of medical disability precluding availability for duty at any time an employee uses three (3) or more consecutive days of sick leave.

The above documentation requirements shall also apply in situations where the absence is for the care of a member of the immediate family.

Employees shall not be allowed to borrow sick leave against future sick leave accrual.

ILLNESS WHILE ON ANNUAL LEAVE: Should an illness or physical or mental incapacity occur during the time an employee is on vacation leave, the employee's available sick leave may be granted to cover the period of illness or incapacity. A

medical certificate must support application for such substitution or other acceptable evidence as may be requested.

CANCELLATION UPON TERMINATION: Unused sick leave is canceled upon termination of employment. No monetary compensation or credit for time of service will be made to the employee.

OVERTIME CALCULATION: Use of sick leave shall not count towards overtime.

9.04 HOLIDAY

GENERAL STATEMENT: Each year the Commissioners Court shall set the schedule of paid holidays for eligible employees. Regular full-time receive holiday pay.

FLUCTUATING HOLIDAYS: With the approval of Commissioners Court, a holiday may be rescheduled for a specific department, when it is considered to be in the best interest of the County and that department.

Fluctuating holidays shall be scheduled within the same pay period as the normal holiday falls.

Determination of granted leave under special observances shall be made by the supervisor of the department in which the employee works, based on the needs of the department.

Vacation or compensatory leave time may be used for leave granted under special observances.

HOLIDAY WHILE ON LEAVE: Official County holidays occurring during an employee's vacation or sick leave shall not be counted against the employee's vacation or sick leave balance.

HOLIDAY COMPENSATION: A holiday is considered to be eight (8) hours. Regular full-time employees will receive eight hours of compensation for each holiday.

An eligible employee whose normal day off falls on a holiday or who is required to work on a holiday shall be paid for the holiday.

OVERTIME CALCULATION: Use of holiday leave shall not count towards overtime.

9.05 CITIZENSHIP LEAVE

GENERAL STATEMENT: Full time employees shall be granted citizenship leave with pay for jury duty or for serving as a subpoenaed witness in an official proceeding. Employees shall promptly advise their department head of notification.

JURY DUTY: Eligible County employees who are called for jury duty shall receive their regular rate of 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. Jury pay does not include travel time or meal time.

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.

The employee may keep any fees paid by Gillespie County for jury service.

OFFICIAL COURT ATTENDANCE: 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 his/her court attendance may require.

LITIGATION: If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time shall be charged to vacation, other eligible paid leave, or leave without pay.

OVERTIME CALCULATION: Use of citizenship leave shall not count towards overtime.

9.06 MILITARY LEAVE

GUARD AND RESERVE TRAINING: Qualified employees of the County [exclusive of elected officials and temporary employees (full-time and part-time)] who are members of the National Guard or active reserve components of the United States Armed Forces are entitled to military leave of absence (MLA) from their duties without loss of time or efficiency rating or vacation accrual or wages, on all days during which they are engaged in authorized training sessions and exercises up to fifteen (15) working days off per year.

The fifteen (15) working days paid military leave shall apply to the calendar year and any unused balance at the end of the year shall not be carried forward into the next calendar year.

Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods, which fall within the employee's normal work schedule.

An employee may use vacation leave, earned compensatory leave time, or leave without pay if he/she must attend Reserve or National Guard training sessions or exercises in excess of the fifteen (15) working days maximum.

ORDERS: An employee going on military leave shall provide his/her supervisor with a set of orders within two (2) business days after receiving them. It is the supervisor's responsibility to promptly submit the orders to the County Treasurer's Office.

COMPENSATED MILITARY LEAVE: Uniformed Services Employment and Reemployment Rights Act (USERRA) does not require employers to compensate employees who are performing military service. Gillespie County has not approved such compensation.

RETURN TO WORK FROM ACTIVE MILITARY DUTY: Qualified employees of the County [exclusive of elected officials and temporary employees (full-

time and part-time)) 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. (Refer to USERRA)

9.07 FAMILY AND MEDICAL LEAVE OF ABSENCE

IMPORTANT NOTICE:

As current regulations are changing almost daily please contact the County Treasurer Office for updated information.

GENERAL STATEMENT: A leave of absence for family and medical reasons (FMLA) is an approved absence from duty consisting of appropriate accrued paid leave and unpaid leave up to twelve weeks during a twelve-month period. A request for FMLA must be submitted at least thirty days prior to the first day of leave unless an emergency condition exists. FMLA will be granted based upon the required documentation. During the time an employee is on FMLA without pay he/she accrues no additional vacation, sick leave, or other benefits of employment except those benefits as detailed below. An employee will not lose any employment benefits accrued prior to the start of FMLA.

You have the right under FMLA for up to twenty six (26) weeks of unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness.

ELIGIBILITY: To be eligible for FMLA, an employee must have been employed by the County at least twelve months (it is not required that these 12 months be consecutive) and have worked for the County at least 1,250 hours during the twelve months preceding the initial leave date for FMLA. Elected officials are not eligible for FMLA.

REASONS FOR USE OF FAMILY AND MEDICAL LEAVE OF ABSENCE: An eligible employee is entitled to FMLA for any of the following reasons:

- The birth of a child of the employee, and to care for the newborn child.
- The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child.

The entitlement to leave for the birth or placement of a child for adoption or foster care will expire twelve months from the date of the birth or placement.

- To care for a spouse, child, or parent of the employee who has a serious health condition.

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

- A serious health condition of the employee.

Serious health condition of the employee shall be defined as a health condition that makes the employee unable to perform the essential functions of his/her job.

- Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered

military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

- To care for a covered service member with a serious injury or illness.

REQUEST FOR LEAVE: Except where leave is unforeseeable, an employee shall be required to submit a request for leave under this policy to his/her immediate supervisor.

Where practicable, an employee should give his/her immediate supervisor at least 30 days notice before beginning FMLA.

Where it is not reasonably practicable to give 30 days notice before beginning FMLA, the employee shall be required to give as much notice as is reasonably practicable.

If an employee fails to provide 30 days notice for foreseeable leave, the leave request may be denied until at least 30 days from the date the County receives notice.

APPROVAL: The County shall have the right to ask for certification of the serious health condition of the employee or the employee's eligible dependent when the employee requests or is using leave under this policy.

The employee should respond to the request within 15 days of the request or provide a reasonable explanation for the delay:

Certification of the serious health condition of the employee shall include:

- the date the condition began;
- its expected duration;
- the diagnosis of the condition;
- a brief statement of the treatment; and
- a statement that the employee is unable to perform work of any kind or a statement that the employee is unable to perform the essential functions of the employee's job.

Certification of the serious health condition of an eligible family member shall include:

- the date the condition began;
- its expected duration;
- the diagnosis of the condition;
- a brief statement of the treatment; and
- a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee plans to take intermittent leave or work a reduced schedule, the certification shall also include dates and the duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

The County shall have the right to ask for a second opinion from a physician of the County's choice, at the expense of the County, if the County has reason to doubt the certification.

If there is a conflict between the first and second certifications, the County shall have the right to require a third certification, at the expense of the County, from a

health care practitioner agreed upon by both the employee and the County, and this third opinion shall be considered final.

REINSTATEMENT: An employee returning from FMLA, and who has not exceeded the 12 week maximum allowed under this policy, shall be returned to the same job or a job equivalent to that the employee held prior to going on leave.

Where an employee is placed in another position, it will be one, which has equivalent status, pay, benefits, and other employment terms, and one, which entails substantially equivalent skill, effort, responsibility, and authority.

If an employee's leave extends beyond the end of his/her FMLA entitlement, he/she will not have return to work rights under FMLA. The County shall have no obligation to reinstate an employee who takes leave under this policy and who is unable to return to work after using the maximum entitlement allowed under FMLA, or who elects not to return to work after using the maximum entitlement.

INSURANCE: During the time an employee is on FMLA the County will maintain the employee's coverage under the county's "group health plan" in the same manner he/she would be provided were he/she not on FMLA.

While on FMLA with pay the employee shall be responsible for paying the County his/her dependent coverage, and for any other applicable payroll deductions through regular payroll deductions.

While on FMLA without pay the employee shall be responsible for paying the County his/her dependent coverage; failure to do so may result in loss of coverage. The employee shall also be responsible for paying the County his/her other applicable payroll deductions. Employee shall be required to pay for premiums due no later than 30 days after the due date which the County sets or coverage may be discontinued.

The County reserves the right to recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA unless the reason the employee fails to return is the presence of a serious health condition of the employee or an eligible family member, or other situation beyond the employee's control.

CALCULATION OF LEAVE TIME: The total accumulative time an eligible employee may be absent from work while on FMLA (whether in a paid or unpaid status) is twelve weeks or twenty six (26) weeks per twelve month period.

The County will measure the twelve-month period as a rolling twelve-month period measured backward from the date an employee uses any leave under FMLA.

All leave taken under FMLA during the prior twelve-month period shall be subtracted from the employee's eligibility and the balance is the leave the employee is entitled to take at that time.

Spouses employed by the County are limited in the amount of FMLA leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of twelve weeks (or 26 weeks if leave to care for a covered servicemember with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

USAGE OF ACCRUED LEAVE FOR A SERIOUS HEALTH CONDITION:
An employee, prior to going on FMLA without pay, will be required to use all available:

- accrued sick leave, then
- accrued vacation leave, then
- accrued compensatory leave time.

After depleting these paid leaves, the County will then provide additional leave time without pay as may be necessary, up to the twelve week eligibility.

USAGE OF ACCRUED LEAVE FOR CARE OF A SERIOUSLY ILL RELATIVE: An employee, prior to going on FMLA without pay, will be required to use all available:

- accrued sick leave, then
- accrued vacation leave, then
- accrued compensatory leave time.

After depleting these paid leaves, the County will then provide additional leave time without pay as may be necessary, up to the twelve week eligibility.

USAGE OF ACCRUED LEAVE FOR BIRTH OF A CHILD: An employee, prior to going on FMLA without pay, will be required to use all available:

- accrued sick leave, then
- accrued vacation leave, then
- accrued compensatory leave time.

After depleting these paid leaves, the County will then provide additional leave time without pay as may be necessary, up to the twelve week eligibility.

USAGE OF ACCRUED LEAVE FOR ADOPTION, OR PLACEMENT OF A CHILD: An employee, prior to going on FMLA without pay, will be required to use all available:

- accrued sick leave, then
- accrued vacation leave, then
- accrued compensatory leave time.

After depleting these paid leaves, the County will then provide additional leave time without pay as may be necessary, up to the twelve week eligibility.

USAGE OF ACCRUED LEAVE BECAUSE OF A QUALIFYING EXIGENCY: An employee, prior to going on FMLA without pay, will be required to use all available:

- accrued sick leave, then
- accrued vacation leave, then
- accrued compensatory leave time.

After depleting these paid leaves, the County will then provide additional leave time without pay as may be necessary, up to the twelve week eligibility.

USAGE OF ACCRUED LEAVE TO CARE FOR A COVERED SERVICE MEMBER WITH A SERIOUS INJURY OR ILLNESS: An employee, prior to going on FMLA without pay, will be required to use all available:

- accrued sick leave, then
- accrued vacation leave, then
- accrued compensatory leave time.

After depleting these paid leaves, the County will then provide additional leave time without pay as may be necessary, up to the twenty six (26) week eligibility.

INTERMITTENT LEAVE AND REDUCED SCHEDULE: Intermittent leave under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee or the employee's eligible family member.

A reduced schedule under this policy shall be allowed only where it is necessary for the care and treatment of the serious health condition of the employee or the employee's eligible family member.

All work time missed as the result of intermittent leave or a reduced work schedule under this policy shall be deducted from the employee's leave eligibility.

RELEASE TO RETURN TO WORK: The County may require an employee, prior to returning to work from FMLA for his/her serious health condition, to provide a statement(s) of his/her fitness-for-duty to return to work.

OTHER BENEFITS: While on FMLA utilizing paid leave accruals ... vacation and sick leave accruals will continue during this time and holidays will be paid in lieu of accrued leave but not in addition to.

While on FMLA without pay, an employee shall not earn vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work, except for those stated in this policy.

OTHER ISSUES: The County may send out to an employee who has been out for three (3) or more days a medical certification to determine the employee's FMLA eligibility. The employee should have their physician complete and return the certification within fifteen (15) days of receipt. Failure to return the medical certification may result in denial of FMLA leave.

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

9.08 WORKERS' COMPENSATION

GENERAL STATEMENT: Workers' Compensation Insurance provides for medical expenses and weekly temporary income benefits if a covered employee¹ is absent from work for more than seven (7) consecutive days because of a compensable job related injury or illness.

ELECTED OFFICIAL COVERAGE: An elected official who qualifies for Workers' Compensation income benefits will continue to receive full salary continuation benefits from the County

LAW ENFORCEMENT PERSONNEL (OFFICERS) COVERAGE: Law enforcement officers (sheriff, deputy sheriff, constable) absent from work caused by an injury or illness suffered: "in the course of their official duties; providing that while said law enforcement official is hospitalized or incapacitated that the County shall continue to pay his/her maximum salary; providing, however, that said payment of salary shall cease on the expiration of the term of office to which such official was elected or appointed" (Article III Section

¹ Refer to Section 8.06, Workers' Compensation, for listing of covered employees.

52-e). Such employee shall continue to accrue vacation and sick leave as if he/she were still at work

EMPLOYEE RESPONSIBILITY: Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as that of other employees. Any job related injury or illness, no matter how minor, must be reported within two working days or as soon as feasibly possible to the employee's department head or supervisor and the designated workers' compensation coordinator. Failure to promptly report job related injuries or illnesses might affect an employee's eligibility for benefits or delay benefit payments, which are due.

DEPARTMENT HEAD/SUPERVISOR RESPONSIBILITY: It is the department head/supervisors responsibility to see that his/her employees conduct their work activities in a safe manner that is protective of their own health and safety, as well as that of other employees. It is also the department head/supervisors responsibility to notify the designated workers' compensation coordinator in the County Treasurer Office of any job related injuries or illness within two working days or as soon as feasibly possible.

CONTRIBUTORY FACTORS: An employee's workers compensation benefits may be adversely affected if the employee is injured while under the influence of alcohol or drugs or while the employee is engaging in horseplay.

MEDICAL ATTENTION: An employee who sustains a job related injury or illness should seek medical attention from a workers compensation approved medical facility or professional.

STATEMENT OF CONDITION: The County shall require an employee on workers' compensation leave (WCL) to provide a physician's statement as to the date upon which the employee is no longer able to perform his/her duties and the expected length of the recuperation period. The County may require the employee to provide periodic statements from a physician as to whether or not he/she is able to return to work and may also require the employee to periodically contact his/her supervisor to report on his/her condition.

INSURANCE: During the time an employee is on WCL the County will maintain the employee's coverage under the County group health plan in the same manner he/she would be provided were he/she not on WCL. The employee shall be responsible for paying the County his/her dependent group health insurance premiums; failure to do so may result in loss of coverage. The employee shall also be responsible for paying the County his/her other applicable payroll deductions. The premiums are due no later than 30 days after the due date (end of month of coverage) or coverage may be discontinued.

RELEASE TO RETURN TO WORK: The County shall require an employee, prior to returning to work from WCL, to provide a statement(s) from treating physician of his/her fitness-for-duty to return to work.

An employee on WCL may supplement WCL benefits with previously accrued sick leave or vacation in an amount equal to the difference between WCL benefits and the weekly compensation that the employee was receiving before the injury that resulted in the claim.

9.09 RETURN-TO-WORK POLICY

GENERAL STATEMENT: This policy covers employees who are on leave due to an occupational injury or illness. Because employees are the County's most

valuable resource, the County attempts to help employees return to work as soon as possible after their physician certifies their fitness to do so.

COORDINATION WITH ATTENDING PHYSICIAN: An employee on leave due to a work-related disability can return to work only when the County receives the attending physician's written medical release authorizing such return. The County Treasurer Office, in conjunction with the elected official/department head, is responsible for providing the physician with a copy of the employee's job description, copies of job descriptions for potential light-duty assignments, and written information explaining the County's return-to-work program.

JOB DESCRIPTIONS: Each elected official is responsible for working with supervisors to ensure that job descriptions accurately and completely describe the essential functions of each position. Each elected official works with the County Treasurer Office and medical consultants to analyze any new light-duty position and develop a job description describing the essential functions of that position.

RETURN-TO-WORK OPTIONS: Arrangements to facilitate an employee's early return to work are made in consultation with the employee's attending physician and/or other qualified medical professionals retained by the County or its insurance carrier. The following options are explored:

Return to Prior Position: An employee is offered the opportunity to return to his/her prior position if the attending physician certifies that the employee can perform the essential functions of the job with or without reasonable accommodations. The County Treasurer Office is responsible for working with the employee's supervisor, the elected official/department head, and attending physician (and third-party consultants, as necessary) to provide any reasonable accommodations.

Light Duty: Any employee who is not yet able to return to his/her former duties may be offered (subject to the restrictions set out below of this policy) a temporary light-duty assignment that has been approved by the employee's attending physician. The County Treasurer Office is responsible for working with the employee's supervisor, the elected official/department head, and the employee's attending physician to develop and implement the light-duty assignment. The assignment can consist of the employee's regular job with reduced working hours and/or activities, or an alternative light-duty position.

RESTRICTIONS ON LIGHT-DUTY ASSIGNMENTS: The following restrictions apply to light-duty assignments:

No Guarantee of Work: As provided in Return-To-Work Options of this policy, the County will endeavor to return employees to gainful employment as soon as possible by exploring possible light-duty assignments. However, the County does not guarantee the availability of light-duty work.

Pay Rates and Workers Compensation Benefits: Employees on light duty are not guaranteed the rate of pay they received for the position they held at the time they sustained their work-related injury or illness. The pay rate for a light-duty assignment is based on the knowledge, skills, and abilities required for the job as well as general market conditions. Employees who return to work in light-duty positions before they have reached maximum medical improvement are eligible for

temporary income benefits under Texas' workers' compensation program if they earn less than they earned in the position held at the time they sustained the work-related accident or illness. Employees in light-duty positions are not permitted to supplement their workers' compensation benefits by using their accrued vacation, or medical/sick leave.

Exceptions to the above are law enforcement deputies and jailers that are guaranteed 100% of their salary at the time of the work related injury or illness.

12-Week Limit: Light-duty assignments are temporary arrangements intended to complement and facilitate the healing process. Light-duty assignments cannot exceed twelve weeks without approval from the elected official or Commissioners Court; whichever is applicable.

EMPLOYEE REFUSAL OF WORK / TRAINING: In the event that an employee refuses to return to regular or light-duties in response to a written, bona fide offer of employment by the County sent via certified mail, the employee is separated from the County. The County may then fill the vacated position. (NOTE: An exception to this rule applies in the case of employees who have not yet exhausted their FMLA. However, refusal of a bona fide offer of light duty assignment with physician approval may result in loss of workers' compensation temporary income benefits.)

A written offer of employment must clearly state:

- the position offered and the duties of the position;
- the County's agreement to any limitations or conditions set out in the attending physician's certification of the employee's fitness to return to work;
- the job's essential functions; and
- the job's wage, working hours, and location.

When reaching maximum medical improvement, an employee can have a permanent disability that impairs the employee's ability, with or without reasonable accommodations, to return to his/her regular position. The County, in consultation with the employee's attending physician and Texas Workers' Compensation Department, may evaluate the following options:

- Securing vocational rehabilitation services from Texas's Employment Department or private consultants as appropriate. Services can include assessment and testing, counseling, and training.
- Finding a position at the County commensurate with the employee's knowledge, skills, and abilities.

Employees with permanent disabilities are paid partial or total permanent disability benefits as required under Texas' workers' compensation program.

MEDICAL INFORMATION: All employee medical information is held in strict confidence in accordance with the Americans with Disabilities Act. 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 and Medical Leave Act or any other federal or state law.

Employees entitled to FMLA leave can voluntarily accept light-duty assignments while they are recuperating, but they cannot be required to do so. Employees who lose their workers' compensation temporary income benefits as a result of declining a light-duty assignment are required to substitute any available paid leave, such as accrued vacation or medical/sick leave, for unpaid FMLA leave, pursuant to the FMLA policy.

Until employees have exhausted their twelve-week FMLA entitlement, they have the right to be reinstated to their original job or an equivalent job provided that they are able to perform the job's essential functions.

10.00 DRUG AND ALCOHOL POLICY

10.01 PURPOSE

Gillespie County desires to provide a drug and alcohol-free, healthful, and safe workplace for all employees. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

The purpose of this policy is to identify and remove the adverse affects of alcohol and drugs on job performance, and to protect the health and safety of county employees.

Use and misuse of alcohol or drugs can and does impair the ability of an employee to perform his/her duties and may endanger the employee, his/her co-workers, and the public as well as property. The County seeks to prevent the use/abuse/misuse of drugs and alcohol by employees in any way which impairs their ability to perform their duties.

10.02 APPLICABILITY / REPORTING

This policy shall apply to all employees of Gillespie County regardless of rank or position and shall include part time and temporary employees.

Supervisors should report immediately any action by an employee who demonstrates an unusual behavior pattern to their immediate supervisor and the workers compensation coordinator. The supervisor may ultimately want to make a determination, without regard to the cause of the individual's inability to perform, that the employee is unable to perform assigned duties safely or properly and respond accordingly. An employee noting an unusual behavior pattern of a fellow employee should report his/her concerns to a supervisor.

10.03 POLICY

The following shall be a violation of this policy:

the manufacture, distribution, dispensing, possession, sale, purchase, or use of a controlled substance or drug paraphernalia on county property;

being under the influence of alcohol or illegal drugs while on duty or on County property;

the unauthorized use or possession of prescription drugs or over-the-counter drugs while on County property or while on duty for the County;

the use of prescription or over-the-counter drugs, while on County property or while on duty for the County, in a manner other than that intended by the manufacturer or prescribed by a physician.

10.04 DEFINITIONS

A CONTROLLED SUBSTANCE shall include any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act (21 U.S.C. S 812), as amended.

COUNTY PROPERTY shall include all County owned, rented, or leased real property such as buildings, land, parking lots, etc. and property used by employees such as vehicles, lockers, desks, closets, storage areas, etc.

DRUG shall include any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

DRUG PARAPHERNALIA shall include equipment, a product, or material that is used or intended for use in concealing an illegal drug or for use in injecting, ingesting, inhaling, or otherwise inducing into the human body an illegal drug or controlled substance.

FITNESS FOR DUTY ... to work in a manner suitable for the job. To determine "fitness", a medical evaluation may include drug and/or alcohol testing.

ILLEGAL DRUG shall include any drug or derivative thereof which the use, possession, sale, transfer, attempted sale or transfer, manufacture or storage of is illegal or regulated under any federal, state, or local law or regulation and any other drug, including (but not limited to) a prescription drug, used for any reason other than a legitimate medical reason and inhalants used illegally. Included is marijuana or cannabis in all forms.

UNDER THE INFLUENCE/INTOXICATED shall be defined as a state of not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or having an alcohol concentration of 0.08 or more. As defined in Penal Code Chapter 49 § 49.01.

REASONABLE CAUSE/REASONABLE SUSPICION shall be supported by evidence strong enough to establish that a policy violation has occurred.

10.05 GENERAL POLICY PROVISIONS

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

10.06 PRESCRIPTION DRUGS

Employees taking prescription medications shall be required to notify their supervisor of any possible effects the medication might have regarding their job performance and physical/mental capacity.

Any information concerning prescription medications being used by an employee, and any other medical information of which the supervisor becomes aware, shall be treated as confidential information.

Prescription medications used at work are to be kept in their original container.

10.07 TREATMENT

Employees with questions/concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the County Treasurer Office to receive assistance or referrals to appropriate resources within the area.

An employee with drug or alcohol problems that has not resulted in, and is not the immediate subject of disciplinary action, may request approval to take time off to participate in a rehabilitation or treatment program through Gillespie County's health insurance benefit coverage, if the employee is eligible. (Information on benefits provided for treatment of alcohol and drug problems through the County's medical insurance program is available in the employee's insurance coverage handbook.) Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all Gillespie County policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause Gillespie County any undue hardship.

The employee may return to his/her duties only upon successful completion of an educational or treatment program and certification of such is provided by a drug and alcohol abuse evaluation expert (i.e. employee assistance professional, substance abuse professional or qualified drug and alcohol counselor).

Prior to an employee participating in a safety sensitive function, the returning employee shall:

- (i) undergo a return to duty test with a result indicating an alcohol concentration of less than 0.01; and or
- (ii) undergo a return to duty controlled substance test with a verified negative test result for controlled substances use.

10.08 TESTING

Gillespie County is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks.

Testing is generally defined as urine or breathe test to determine chemical or drug content. Any employee may be tested for drug and/or alcohol use when there is "reasonable suspicion" that:

- use of a substance is affecting work performance; or
- the employee is engaged in any of the prohibited acts or activities listed in this policy.

OPERATORS OF COUNTY VEHICLES, regardless of rank or position, involved in a work related accident shall be subject to testing immediately following an accident.

OPERATORS OF COMMERCIAL VEHICLES, CDL DRIVERS, are required by the Department of Transportation (DOT) to take pre-employment drug tests (failure to do so shall negate the offer of employment), random tests, and tests immediately following accidents, reasonable suspicion, and fitness for duty testing. Refer to the County's *CDL Drug & Alcohol Testing Policy* available in the County Treasurer Office.

Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

10.09 COORDINATION WITH LAW ENFORCEMENT AGENCIES

The sale, use, purchase, transfer of possession of an illegal drug or drug paraphernalia is a violation of the law. The County will report information concerning possession, distribution, or use of any illegal drugs to law enforcement officials and will turn over to the custody of law enforcement officials any such substances found during a search. Searches will only be conducted of individuals based on reasonable cause; and only of their vehicles, lockers, desks, closets when based on reasonable suspicion. The County will cooperate fully in the prosecution and/or conviction of any violation of the law.

10.10 PRESERVATION OF RIGHTS

Although adherence to this policy is considered a condition of continued employment, nothing in this policy shall alter an employee's status and shall not be deemed a contract or promise of employment.

11.00 DISCIPLINE

11.01 AT WILL EMPLOYER

The County (elected officials and/or an employee authorized to hire and fire by the County) may terminate an employee based on the "AT WILL" policy.

"... any employment relationship with the County of Gillespie is of an "AT WILL" nature. That employment with the County of Gillespie is for an indefinite period of time regardless of the stated frequency of salary or wages. That the County of Gillespie may dismiss an employee at any time, with or without prior notice, just as an employee is free to leave the employ of the County of Gillespie with or without prior notice.

"... that this "AT WILL" employment relationship may not be changed unless placed in writing and signed by the effected employee and the Commissioners Court."

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

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

It is, however, in the best interest of the County to have a disciplinary policy to establish a guideline by which an employee may be disciplined.

11.02 CORRECTIVE ACTIONS

When corrective action is necessary, supervisors should take the lowest-level action possible to correct the problem, even if that means repeating a step previously used. The County believes that a progressive corrective action process is in the best interest of the employee and the County. Progressive corrective action is not intended to be punishment, but rather impress upon the employee the need for improvement. All facts, including length of service, previous performance and attendance, will be considered. The employee will be required to sign written warnings to acknowledge his/her receipt of the corrective action ... signing does not admit to any wrongdoing. If the employee refuses to sign, it is not any less enforceable.

An informal counseling with the employee may be all that is necessary to correct performance or attendance problems and should be used before beginning corrective action.

Disciplinary action is normally accomplished or preceded by written notification of impending action to the employee involved. However, when it is considered to be in the best interest of the County immediate disciplinary action may be taken. Occasionally an infraction is so severe that immediate corrective action, up to and including termination may

appear to be warranted. In those cases, the County reserves the right to deviate from the progressive steps.

VERBAL WARNING: It is the responsibility of the supervisor or department head to address the problem with the employee and prescribe a manner and time frame in which to resolve it. The supervisor or department head will continue to monitor the employee's performance and provide guidance.

WRITTEN WARNING: Records of such warnings shall be retained by the supervisor or department head, but not placed in the employee's personnel file unless the disciplinary process proceeds further.

WRITTEN NOTIFICATION OF IMPENDING ACTION: The supervisor or department head shall make a written statement regarding the nature of the notification, have an interview with the employee, and obtain the employee's dated signature acknowledging the notification. The supervisor or department head shall submit the document to the office of the County Treasurer for placement in the employees personnel file and, if necessary, to the Commissioners Court for action. The written notification shall be placed in the employee's file along with any relevant paperwork (formal warning records).

The written notification may include:

description of the action or activity which is unacceptable,

statement of the acceptable standard,

recap of prior corrective steps or discipline taken,

statement of what action the employee should take to meet the acceptable standard and the time frame in which it must be accomplished (not applicable if the disciplinary action is involuntary separation), and

statement of the consequences if the employee does not meet the acceptable standard (not applicable if the disciplinary action is involuntary separation).

11.03 DISCIPLINARY ACTIONS

DISCIPLINARY ACTIONS / DISCHARGE: Disciplinary action(s) may include, but is not limited to:
reduction in pay,

demotion,

suspension from duty with pay or without pay, or

separation by involuntary dismissal.

EFFECTS OF DISCIPLINARY ACTION: Disciplinary action does not automatically or permanently disqualify an employee from consideration for future promotion, pay increase, commendation, or other beneficial personnel action.

CAUSES FOR DISCIPLINARY ACTIONS: Disciplinary actions may be taken against an employee for any of the following actions, but is not limited to:

- insubordination;
- smoking in undesignated areas;
- absence without approval including failure to notify a supervisor of sick leave;
- repeated tardiness or early departure;
- continued unsatisfactory job performance;
- endangering the safety of themselves or another person(s) through negligent or willful act(s);
- alcohol or drug abuse while on duty;
- sexual harassment;
- gambling on county premises;
- unauthorized use of public funds or property;
- conviction of a felony;
- conviction of Official Misconduct or Official Oppression;
- falsification of documents or records;
- unauthorized use of official information or unauthorized disclosure of confidential information;
- unauthorized or abusive use of official authority;
- personal or abusive use of any county property including machinery, telephone, vehicles;
- incompetence or neglect of duty;
- disruptive behavior which impairs the performance of others;
- engaging in outside employment which conflicts or interferes with the performance of duties for the County; or
- violation of the personnel policies and procedures as are set forth in this manual, and as may be amended.

11.04 SUSPENSION FOLLOWING INDICTMENT

If a department head determines that suspension is in the best interest of the County and the public, the department head may suspend with or without pay an employee indicted for a felony, or accused by information of Official Misconduct or Official Oppression, until the indictment or information is dismissed or tried and, if tried, until the trial and

appeal (if any) are completed. The department head or the Commissioners Court, if necessary, may review and change the status of the suspension at any time.

A suspended employee is entitled to reinstatement to the position held before suspension, without loss of benefits; if the indictment or information is dismissed, the employee acquitted, or the conviction reversed on appeal. The suspension of an employee reinstated under this subsection will not be deemed a disciplinary suspension.

12.00 SEPARATIONS

12.01 GENERAL STATEMENT

It is the practice of the County, an AT WILL employer that employees are employed for no specified period of time and either the employer or the employee may terminate employment at any time with or without reason or notice.

It is the responsibility of the department head to notify the County Treasurer's office as soon as possible ... any action taken to terminate an employment relationship.

12.02 TYPES OF SEPARATIONS

Separations from employment with Gillespie County shall be designated as one of the following:

- Resignation
- Reduction in Work Force
- Retirement
- Dismissal/Discharge
- Disability
- Death

RESIGNATION: Resignation is classified as any situation in which an employee voluntarily leaves his/her job with the County and the separation does not fall into one of the other categories.

A supervisor shall be responsible for notifying the County Treasurer's Office as soon as an employee announces his/her intent to resign. An employee who resigns in good standing will normally be required to wait at least a period of 30 days before reapplying for employment with the County.

REDUCTION IN WORK FORCE: An employee may be separated when his/her position is abolished, or when there is either a lack of funds or lack of work. When reductions in force are necessary, decisions on individual separations will be made after considering the relative necessity of each position to the County, the performance record of each employee, and the qualifications of the employee for remaining positions.

RETIREMENT: The County is a member of the Texas County and District Retirement System (TCDRS). Eligible employees may retire under this system.

An employee with intent to retire should notify his/her supervisor at least 30 days prior to his/her last day of work and the supervisor should notify the County Treasurer's Office. An employee who retires from the County will be required to wait at least 90 days before reapplying for employment with the County.

DISMISSAL/DISCHARGE: The County is an at will employer and as so may terminate employment with or without notice. Dismissals may be based on, but are not limited to any reason(s) referenced in this manual.

DISABILITY: An employee may be separated when ... for a physical or mental reason(s) ... he/she cannot perform the essential duties of the position held and when no reasonable accommodation(s) could alter the situation and when no other position is available for which the employee is qualified. FMLA leave (if employee is eligible) may be offered prior to separation.

Voluntary separation based on reason(s) of disability must be substantiated by medical evidence if the disability may be a factor or condition of a retirement plan (TCDRS) covering the employee.

DEATH: If a County employee dies while in the service of the County, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.

12.03 EXIT INTERVIEWS AND RECORDS

Whenever possible someone other than the department head or immediate supervisor of an employee who is separated shall discuss with the employee the reason(s) for the separation in an exit interview to get maximum feed back. Reason(s) for the separation shall be stated in writing and forwarded to the office of the County Treasurer for placement in the employee's personnel file.

Where possible, the County Treasurer's Office will conduct an exit interview with separating employees.

13.00 GRIEVANCES

13.01 GENERAL STATEMENT

It is the objective of the County to prevent the occurrence of employee grievances or discrimination complaints and to deal promptly and efficiently with those which occur. The grievance procedure does not apply to the hiring and firing processes.

No adverse action will be taken against an employee for reason of his/her exercise of the grievance right. However, it is not considered proper use if an employee raises grievances in bad faith or solely for the purposes of delay or harassment, or repeatedly raises unfounded grievances. Implementation of the grievance procedure by an employee does not limit the right of the County to proceed with any disciplinary action, which is not in retaliation for the use of the grievance procedure. Information concerning an employee grievance is held in confidence.

13.02 PROCEDURE

Any employee having a grievance related to their employment should present the grievance in writing to their immediate supervisor within ten (10) days of matter of complaint. The supervisor shall respond to the employee within ten (10) days of receipt of the employee's written response.

If the grievance to the immediate supervisor does not resolve the grievance, and, if the immediate supervisor is not the elected or appointed official with final responsibility for the employee's department, the employee shall have the right to present the grievance to that official. The employee shall do so in writing within five (5) days of receipt of the employee's supervisor's oral or written response to the employee's original grievance. The elected or appointed official shall respond within ten (10) days of receipt of the employee's appeal of the supervisor's decision.

An employee who believes they have been or are currently being retaliated against for a good faith report of a violation of the law shall file a grievance on the alleged retaliation in writing to their supervisor, or if the supervisor is the person who is violating the law, the employee shall make this report to the elected or appointed official with final responsibility for the employee's department. If the violator is the elected or appointed official the employee may report the incident in writing to the County Judge. This grievance should be filed within ten (10) days of the alleged retaliation. The official who receives the grievance or his designee shall investigate the claim and respond back to the employee within ten (10) days of the receipt of the written complaint. Any supervisor, department head, appointed or elected official who receives a complaint of alleged retaliation for reporting a good faith violation of the law shall notify the County Judge immediately upon receipt of the complaint. They shall also notify the County Judge on the outcome of the investigation.

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14.00 PERSONNEL FILES

14.01 GENERAL STATEMENT

Personnel files are maintained for each county employee. The record copy of all personnel information related to an employee shall be filed in the employee's personnel files in the office of the County Treasurer. All sensitive information shall be segregated according to the law.

Information in an employee's personnel files is confidential unless law requires disclosure of specific items as public record. No information from any record placed in any employee's files will be communicated to any person or organization except by the department head responsible for personnel files or by an employee authorized to do so by the department head.

An employee or employee's representative, as so designated in writing, may examine the employee's personnel files upon request during normal working hours at the county offices.

Employees are expected to inform their department heads and the office of the County Treasurer of any changes in or corrections to information recorded in their individual personnel files such as marital status, home address, telephone number, person to be notified in case of emergency, and/or any other pertinent information.

14.02 CONTENTS OF PERSONNEL FILES

An employee's personnel file may contain his/her ... application for employment, signed and dated certificate(s) acknowledging the employee's receipt of the Personnel Guidance Manual, tax and benefit information/data forms, a job description for the position he/she currently occupies. Also, work and leave reports, performance evaluation records, records of any citations for excellence or awards for good performance, records of any reprimands or other disciplinary actions, records of leave accrued and taken, and any other pertinent information having a bearing on the employee's status with the County.

14.03 PERSONNEL MEDICAL FILES

Certain medical information may be collected by Gillespie County for reasons authorized by law (FMLA, ADA, etc.). Medical information provided by the employee is voluntary, but failure to do so can result in the requested benefit being denied or delayed, pending receipt.

The County Treasurer's office is the authorized office to maintain employee medical files mentioned above other than the Sheriff's Office who maintain psychological evaluations for Law Enforcement/TCLEOSE certification.

Only authorized personnel with a "need to know" are allowed access to employee medical files. Access to employee medical files is normally restricted to personnel within the County Treasurer's office, insurance adjusters, the employee, law enforcement via appropriate court orders. Supervisors are not authorized to maintain or request any medical information from an employee other than that authorized to ensure compliance with

applicable laws or to enforce County policy with regards to return to work (fitness for duty), sick leave requests, FMLA, ADA, etc. Any information collected will be forwarded to the County Treasurer's office for inclusion in the employee's medical file.

Complaints of inappropriate disclosure should be submitted to the County Judge, County Attorney, or the County Treasurer's office.

14.04 RETENTION OF PERSONNEL FILES

Personnel files shall remain on file in the County Treasurer's office for a retention period as mandated by federal, state, and/or local law.

15.00 USE OF COUNTY PROPERTY

15.01 RESPONSIBILITY

Each County employee shall be responsible for the care, maintenance, proper use, and upkeep of any vehicle, tool, or other County equipment assigned to him/her.

County employees shall only use equipment, vehicles, tools, and other County property that they are authorized to use.

Employees observing unsafe equipment or working conditions shall either take proper steps to correct those situations or report the unsafe conditions to the department head.

15.02 PERSONAL USE

Personal use of County vehicles, equipment, supplies, tools, and any other County property shall not be permitted.

15.03 LICENSES

A County employee who operates any County equipment or vehicle that requires a license shall be required to have a current active license for that vehicle or equipment any time he/she operates it.

Any employee who operates a vehicle or equipment that requires a license for legal operation shall notify his/her supervisor of any change in the status of that license.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation shall be subject to possible job change or termination if that license is suspended or revoked.

An employee whose job involves operation of a vehicle or equipment requiring a license for its legal operation, but who is deemed uninsurable by the County's vehicle insurance carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change or termination.

15.04 ACCIDENTS

Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his/her supervisor and to the proper law enforcement or other authority immediately.

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16.00 POLICY ON SEXUAL HARASSMENT, GENERAL HARASSMENT AND DISCRIMINATION

16.01 GENERAL STATEMENT

All forms of harassment and discrimination are prohibited by Gillespie County, whether committed by an elected official, appointed official, department head or a County employee. The County does not tolerate harassment or discrimination in the workplace of its employees by non-employees. It shall be the policy of the County to provide a workplace free of harassment and discrimination for all employees and to take corrective steps to eliminate such harassment and discrimination when the County becomes aware such action is taking place. The County will take measures to preclude any form of harassment or discrimination. All County employees are encouraged to report any complaint of harassment or discrimination. The County will promptly and thoroughly investigate any complaint of harassment or discrimination and take prompt remedial action if necessary. Any employee who violates this policy may be disciplined up to and including termination.

16.02 DEFINITIONS

HARASSMENT OR DISCRIMINATION shall include unwelcome verbal, written, or physical conduct designed to threaten, intimidate, or coerce. This could include racial or ethnic slurs, jokes, statements, pictures, emails, or cartoons.

SEXUAL HARASSMENT shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails, or cartoons where:

- Submission to such conduct is either an expressed or implied condition of employment;
- 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.

16.03 REPORTING, COMPLAINT PROCEDURE

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

No retaliation or other adverse action shall be taken against an employee who, in good faith, files a claim of sexual harassment, general harassment or discrimination or those employees who cooperate in the investigation of a complaint.

Employees who feel they have been harassed or discriminated against should immediately report the situation to the elected or appointed official who is responsible for the department in which they work.

If, for any reason, the employee feels that reporting the harassment or discrimination to the department head may not be the best course of action, the report should be made to the County Judge, the County Attorney, or the County Treasurer.

The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim by reporting all claims to the County Treasurer's Office. Employees and witnesses may be asked to sign written complaints of the allegations of harassment and discrimination. All elected officials, appointed officials, department heads, and employees will be expected to fully cooperate in the investigation.

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.

Employees should use the following procedures so that their complaint may be resolved quickly and fairly:

- When practical, confront the harasser and ask them to stop the unwanted behavior.
- Record the time, place and specifics of each incident, including any witnesses.
- Report continuing harassment to the elected official or appointed official who is responsible for your department or to the County Judge, County Attorney, or County Treasurer.

If the investigation reveals that unlawful harassment has occurred, the County will take effective remedial action in accordance with the circumstances up to and including termination.

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

17.0 AMERICANS WITH DISABILITIES ACT POLICY STATEMENT

IMPORTANT NOTICE:

As current regulations are changing almost daily please contact the County Treasurer Office for updated information.

17.01 GENERAL STATEMENT

The County of Gillespie shall make every effort to see that individuals with disabilities be given the same considerations for employment that individuals without disabilities are given. An individual who is qualified for an employment opportunity shall not be denied an employment opportunity because the individual is disabled, unless to provide a reasonable accommodation to the known physical or mental limitation(s) of an otherwise qualified individual would impose an undue hardship on the employing department.

The County shall also make every effort to insure that individuals with disabilities have meaningful access to goods, services, facilities, and accommodations provided by the County.

17.02 EMPLOYMENT POLICY

It is the policy of the County to comply with the Americans with Disabilities Act (ADA) and ensure equal opportunity in employment for qualified persons with disabilities. The County is committed to ensuring nondiscrimination in terms, conditions, and privileges of employment. Employment practices and activities, whether provided by the County or another entity on the County's behalf, will be conducted on a nondiscriminatory basis.

Upon request, applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Post job offer pre-employment physical examinations are required only for those positions in which there are bona fide job-related physical requirements, and are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential.

Reasonable accommodation is available to employees and applicants. Work sites will be accessible. Employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual. An individual who is qualified for an employment opportunity shall not be denied an employment opportunity because the individual is disabled, unless to provide a reasonable accommodation to the known physical or mental limitation(s) of an otherwise qualified individual would impose an undue hardship on the employing department.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classification, organizational structures, position descriptions, lines of progression, and seniority list. Leave of all types will be available to eligible employees on an equal basis.

Fringe benefits, whether provided or administered directly by the County or another entity on the County's behalf, must be accessible to persons with disabilities. Training, apprenticeship programs, conferences, professional meetings, as well as financial support will be available to all employees. Recreational and social activities sponsored by the County will be accessible to all employees.

The County is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. The County will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. The County is committed to taking other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and other applicable federal, state and local laws.

18.00 SAFETY AND HEALTH

18.01 GENERAL STATEMENT

The County of Gillespie shall strive to provide County employees with continual education in such subjects as may be mandated by law and/or deemed essential and informative to employment with the County. This continual education may be conducted in-house and through outside sources.

18.02 SAFETY AND HEALTH POLICY

It is the objective of the County to ensure adequate provisions are made for the safety and health of all County employees and other users of County facilities.

The Commissioners Court and the appointed delegate(s) are responsible for overseeing the assignment of responsibilities for an effective SAFETY AND HEALTH PROGRAM. Employee awareness of safety standards and procedures may be accomplished through safety meetings, safety training, safety inspections, accident investigations, and any corrective actions that may be necessary to ensure safe working conditions.

This policy maintains safety as a standard of conduct required of all County employees. The overall success of the SAFETY AND HEALTH PROGRAM requires the participation and support of all employees. Violations of a standard of conduct, including safety, may result in disciplinary action(s) up to and including termination of employment.

Each employee should follow safety and health procedures and practices. By following safety and health procedures and reporting unsafe practices, facilities, and machinery and equipment, employees can help prevent accidents and losses for a safe working environment.

SAFETY AND HEALTH PROGRAM GUIDELINES

1. Each Department Head has responsibility for implementing, monitoring, and evaluating safety. A safe work environment depends on the alertness and personal commitment of all. Gillespie County provides information to employees about workplace safety and health issues through various means (safety meetings, bulletin board postings, and other written communications).
2. Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to share them with their supervisor, or department head, or bring them to the attention of the County. Reports and concerns about workplace safety issues may be made without fear of reprisal.
3. Employees should obey safety rules and to exercise caution in all work activities and report any unsafe condition to an immediate supervisor.

4. Employees should report every on-the-job incident, illness, or accident, no matter how minor, to his/her supervisor. The department head in charge may file a written accident report. A separate workers compensation file will contain a detailed record of injury and/or illness and compensation and/or medical data.
5. Any damage to a citizen's property caused by a County employee in the course of his/her work should be promptly reported to the immediate supervisor, who should notify the property owner, the department head, and the County Judge.
6. The following rules are designed to promote the safety and well-being of County employees and should be observed by employees at all times:
 - a. Employees should not engage in horseplay, wrestling, or practical joking while on duty or operating County equipment;
 - b. Employees should maintain awareness of potential dangerous situations that may cause injury to themselves, other employees, or the public;
 - c. Employees should report immediately to their supervisors any conditions that, in their judgment, threaten the health or safety of employees or the public;
 - d. An employee who is unable to perform his/her duties safely due to illness or injury should notify his/her supervisor.
7. Employees should immediately seek proper first aid treatment for all on-the-job accidents or injuries, including minor injuries.

18.03 HAZARD COMMUNICATION PROGRAM

This program was prepared to comply with the regulation requirements of the Texas Department of Health. Gillespie County will strive to ensure County employees have access to necessary information about safe usage, handling and storage of hazardous chemicals, guidelines on identification of chemical hazards, and the preparation and proper use of container labels, placards, and other warning signs and devices.

The County's HAZARD COMMUNICATION PROGRAM applies to all work operations in the County where there may be possible exposure to hazardous substances under normal working conditions and/or during an emergency situation.

The program coordinator, working under the direction of Commissioners Court, shall act as the representative of the Commissioners Court. The Court has over-all responsibility for the program. The program coordinator will review and update the program as necessary.

18.04 PURPOSE, OBJECTIVE, and GOAL

It is the purpose and objective of the County to make every endeavor to promote and sustain a safe, healthy, and efficient working environment for its employees and the public; to inform all employees of the benefits and obligations of employment with the County; to maintain an open line of communication between the employees and the County.

The desired goal of the SAFETY AND HEALTH PROGRAM and HAZARD COMMUNICATION PROGRAM is to minimize accidents and financial losses through, but not limited to:

- Providing a safe and healthy working environment.
- Further employee awareness to work safely.
- Educate and train employees in the proper use, operation, and maintenance of machinery and equipment.
- Educate and train employees in the proper use, storage, and disposal of hazardous materials.
- Inform employees of County policies and procedures.
- Motivate and promote employee involvement and interest in the workings of the County.

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