

**EMPLOYEE POLICY AND PROCEDURES MANUAL  
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## **COLORADO COUNTY POLICIES AND PROCEDURES**

Welcome to the family of Colorado County employees. As an employee of Colorado County, you will be eligible for various benefits, which will be outlined later in this manual.

You will also be responsible for projecting the proper image of our County Government and its various functions to the people of Colorado County. Always remember your reputation and degree of proficiency and courtesy in your particular position reflects the County's reputation and vice versa.

In many instances, you may be the only contact a Colorado County resident has with his County government. We want you to be proud to be an employee of Colorado County and we want to be proud of you as an employee.

The governing body of the County is the Commissioners' Court, which is comprised of the County Judge and four Commissioners. They normally meet every 2<sup>nd</sup> and 4<sup>th</sup> Monday of the month at 9:00 a.m. in the County Courtroom to consider policies affecting Colorado County.

Officials elected on a county-wide basis are the county judge, district judges, district attorney, county attorney, sheriff, district clerk, county clerk, tax assessor-collector, county treasurer and county surveyor. Officials elected on a Precinct level are commissioners, justices of the peace, and constables. The above officials hold four-year terms.

The following officials are appointed by the Commissioners' Court: county health officer, public defender, veteran service officer, and the county engineer.

The county auditor is appointed by the District Judges for a two-year term.

## **RESOLUTION OF APPROVAL AND ADOPTION**

The Personnel Policies expressed in this manual are effective as of the **22nd** day of **February, 2016** when the Commissioners' Court of Colorado County approved and adopted these Personnel Policies for the Colorado County officials and employees.

This new personnel policy manual supersedes any and all earlier personnel policy manuals.

Any changes or amendments to the Personnel Policies may be proposed to and adopted by the Commissioners' Court at any regular or special session of that Court. No change or amendment shall become a permanent part of these rules unless approved by Commissioners' Court.

## INTRODUCTION

Personnel policies in smaller local government jurisdictions frequently evolve through tradition and custom. Often, they are not even written into formal statements. As government grows and becomes more complex, even the very small jurisdiction finds that it must have clearly stated personnel policies for effective operations.

County officials holding an elective or appointed office may have rules that are more or less stringent than these rules based on their own office policy.

Each of these policies and parts of policies are intended to stand independently. Therefore, if any policy or part of a policy becomes invalid because of federal or state law or other authority, it shall not affect the validity or application of other policies or parts of policies.

From time to time, it may become necessary to make changes in these policies as a result of changes in the County or its programs. When this occurs, all county employees shall be notified of the changes and the date the changes are to be effective.

The purpose of these policies is to serve the needs of both the employees and County to the mutual benefit of both. Any employee who has a question concerning any of Colorado County's personnel policies is encouraged to discuss it with his/her supervisor.

Your department head may have his/her own department's policies and procedures in addition to these general personnel policies.

## **AT-WILL EMPLOYMENT**

1. Colorado County is an employment at-will employer. No contract, either expressed or implied shall exist between the County and any employee for any duration either specified or unspecified. The County also retains the right to terminate any employee at any time, with or without notice, for any legal reason or no reason. The County also retains the right to change any condition, benefit, policy, or privilege of employment at any time, with or without notice. The employee also has the right to sever the relationship at any time, with or without notice.

## **APPLICABILITY OF PERSONNEL POLICIES**

1. These personnel policies shall apply consistently and uniformly to all county employees.
2. Any employee, who knowingly and intentionally violates any personnel policy of Colorado County, shall be subject to disciplinary measures.

## **IMPLEMENTATION AND ADMINISTRATION**

1. Each elected/appointed official of Colorado County shall be responsible for the administration and implementation of these personnel policies in all departments for which he/she has administrative, managerial or supervisory responsibility.



## **HOURS OF WORK, WORKDAY, WORKWEEK, AND WORK PERIOD**

1. The normal workday (excluding law enforcement, ems and road & bridge) will consist of eight hours of work from 8 a.m. to 5 p.m. with an unpaid meal period lasting one (1) hour. Rest or coffee breaks are considered time worked and run from 5 minutes to about 20 minutes. The schedule of hours for employees will be determined by the department head.
2. The normal days of work (excluding law enforcement) shall be Monday through Friday except for official holidays.
3. In order to meet the needs of the County, certain departments or employees may be required to work a schedule that varies from the normal work schedule of the County or they may be subject to call in case of an emergency or special need.
4. The need for schedules that vary from the normal schedule shall be determined by each department head.
5. For purposes of record keeping and compliance with the Fair Labor Standards Act (FLSA), a workweek for Colorado County shall be defined as the period beginning at midnight each Friday and ending 7 consecutive days (168 hours) later except EMS which will begin at 7 a.m. each Saturday and end 7 consecutive days.
6. Colorado County Commissioners Court has adopted the 207(k) exemption under the Fair Labor Standards Act for law enforcement employees, which includes deputies and jailers. These employees have a work period of 28 consecutive days and overtime will be due after 171 hours actually worked. Law enforcement employees' salary covers all hours up to 171 hours. Paid leave shall not be counted in determining if overtime has been worked in any workweek.
7. Law enforcement employees will be paid his or her full salary if the employee reports at least 160 hours during a work period.
8. Any employee who works less than 40 hours in a 7-day workweek or 160 hours in a 28 day work period, shall record on his/her time record where to deduct the hours that are short of 40 or 160. The hours used can be sick leave, vacation, funeral leave, or compensatory time or the employee may elect to have his/her pay deducted by the hours short of 40 or 160.
9. If the employee has used all of his/her applicable sick leave, vacation, or compensatory time, then the employee's pay must be deducted for all hours short of 40 for the workweek or 160 for the work period.

## **PAID BREAKS POLICY**

- 1.) The Patient Protection and Affordable Care Act amended the Fair Labor Standards Act to require reasonable breaks for nursing mothers to express breast milk during the first year following the birth of a child.
- 2.) Colorado County will provide two paid 20 minute breaks daily for nursing mothers. The nursing mothers will be allowed whatever time is needed to express milk, however, if the break is longer than 20 minutes in duration, the break time will be unpaid time off.
- 3.) The mother will be given a private location, other than a bathroom. The location will be shielded from view and free from intrusion and appropriate for expressing breast milk. The specific location will be determined on a case by case basis.
- 4.) Colorado County does not allow any retaliation against nursing mothers for asking for this break. Nursing mothers are entitled to this break for 1 year following the birth of their child.
- 5.) All other employee breaks are considered time worked and run from 5 minutes to 20 minutes as determined by each department head and are not required to be given.
- 6.) If your department provides you with a break, they may not be accumulated or used for time off.

## **PAY PERIODS**

1. The pay period for Colorado County shall be the 1<sup>st</sup> to the 15<sup>th</sup> paid on the 15<sup>th</sup> and the 16<sup>th</sup> to the 30<sup>th</sup>/31<sup>st</sup> paid on the 30<sup>th</sup>.
2. All employment documents, separation papers, change orders, and time reports must be received by the County Auditor five days before the scheduled payroll date in order for the department's employees to receive a pay check.
3. For hourly employees, hours worked from the 1<sup>st</sup> to the 15<sup>th</sup> will be paid on the 30<sup>th</sup> and hours worked from the 16<sup>th</sup> to the 30<sup>th</sup>/31<sup>st</sup> will be paid on the 15<sup>th</sup> of the following month.
4. Payroll checks shall be issued on the 15<sup>th</sup> and 30<sup>th</sup> day of each month or the proceeding workday should the 15<sup>th</sup> or 30<sup>th</sup> fall on a weekend or holiday.
5. Salary advances shall not be made to any employee for any reason.

## **OVERTIME PAY AND COMPENSATORY TIME**

1. Each department head will determine the number of hours his or her employees will work for the compensation the employee is to receive.
2. Exempt employees generally fall into three major categories: executive, administrative, and professional. These exemptions are based on specific job descriptions and duties of the employee. An exempt employee will not receive overtime compensation except when a state of emergency has been declared. Occasionally, if working abnormally long hours when approved by his/her supervisor, compensatory time-off may be granted.
3. Compensatory time shall be granted to salaried non-exempt employees (those not exempt from the provisions of the Fair Labor Standards Act) by the department head for overtime hours worked at a rate of 1 1/2 hours compensatory time for each hour of overtime worked after 40 hours in a seven day workweek except for EMS who will receive overtime compensation in lieu of compensatory time. A non-exempt employee will receive overtime compensation in lieu of compensatory time when a state of emergency has been declared.
4. Each workweek stands alone and overtime must be calculated on a weekly basis except for the sheriff's deputies and jailers who are treated in accordance with the 207(k) exemption under the FLSA. Overtime will be due after 171 hours actually worked.
5. Paid leave shall not be counted in determining if overtime has been worked in any workweek. Except in emergency situations, an employee shall receive paid compensatory time off at a rate of one and one-half (1 1/2) times the amount of overtime worked.
6. Each supervisor or his/her designee shall be responsible for recording any overtime earned or compensatory time taken within a pay period on the time record for that pay period. Except in emergency situations, an employee shall be required to have authorization from their supervisor before working overtime.
7. The maximum amount of unused compensatory time an employee shall be allowed to have at any one time is 240 hours. 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 1/2) the employees' regular rate of pay until compensatory time has been used to bring the balance below the maximum.

8. Employees shall be allowed to use earned compensatory time within a reasonable period 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 with supervisor approval. Colorado County shall have the right to require employees to use earned compensatory time at the convenience of the county.
9. If an employee terminates employment, for any reason, prior to using all earned FLSA compensatory time, they shall be paid for all unused compensatory time in accordance with the requirements of the FLSA.
10. Colorado 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. Colorado 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 of pay.
11. Each employee shall be responsible for recording any compensatory time used within a pay period on the time sheet for that pay period.

## **FAIR LABOR STANDARDS ACT SAFE HARBOR**

1. Colorado County makes every effort to pay its employees correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes happen and are called to the County Auditor's attention, Colorado County will promptly make any corrections necessary. Please review your pay stub when you receive it to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please contact the County Auditor's Office. If you are overpaid, the County will make the necessary corrections at the next payroll.
2. Employees who are classified as non-exempt employees must maintain an accurate record of the total hours you work each day. It is the responsibility of each employee to verify that their time sheets are correct. Your time sheet must accurately reflect all regular and overtime hours worked; any absences, late arrivals, early departures, and meal breaks. Do not sign your time sheet if it is not accurate. When you receive each pay check, please verify immediately that you were paid correctly for all regular and overtime hours worked each work week.
3. Non-exempt employees, unless authorized by your supervisor, should not work any hours that are not authorized. Do not start work early, finish work late, work during a meal break, or perform any other extra or overtime work unless you are authorized to do so. That time worked is to be recorded on your time sheet. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time sheet. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination.
4. It is a violation of Colorado County policy for any employee to falsify a time sheet, or to alter another employee's time sheet. It is also a serious violation of County policy for any employee, supervisor or official to instruct another employee to incorrectly or falsely report hours worked, or to alter another employee's time sheet to under- or over-report hours worked. If anyone instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the County Auditor's Office at (979) 732-2791.
5. If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours worked for the County. This salary will be established at the time of hire or when you become classified as an exempt employee.

## **PAY REDUCTIONS**

1. A non-exempt employee's pay may be reduced for disciplinary reasons or demotion.
2. The supervisor shall determine the amount of pay reduction when such a reduction is necessary for disciplinary reasons.
3. If an employee's salary is reduced because of demotion, the salary shall be reduced to the level of an employee in the same or similar job who has equal experience.
4. An employee's pay shall be reduced due to no accrued time (sick, vacation, or compensatory time) remaining.

## **PERSONNEL FILES**

1. It is important that the personnel records of Colorado County be accurate at all times. In order to avoid issues, compromising your benefit eligibility or having W2's returned, Colorado County requests employees to promptly notify the County Auditor's Office of any change in name, home address, telephone number, marital status, number of dependents, or of any other pertinent information.
2. The Public Information Act allows county employees to keep their home address and telephone numbers confidential. You may keep this information private by requesting in writing not to allow this information to be released to the public no later than 14 days after your first day of employment.



## **TERMINATION PAY**

1. If an employee leaves the employment of the County, his/her final pay check shall include:
  - a) pay for all hours worked but for which payment has not been received;
  - b) where applicable, pay for compensatory time which has been earned and approved but not yet used;
  - c) pay for any unused accrued vacation if employee worked more than three (3) months; and
2. Termination paychecks for employees will be issued on the next payroll after their last day of work.

## **EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of Colorado County to provide equal opportunity employment to all its employees and applicants for employment. Colorado County will not discriminate on the basis of race, color, religion, political affiliation, disability, national origin, sex, age, veteran status, genetic information, pregnancy, or any other condition or status protected by law.

This policy applies to all terms, conditions, and privileges of employment including, but not limited to, hiring, probation, training, promotions, compensation, benefits, discipline, layoff, use of employee facilities or programs, termination, and retirement except where age or sex is a bona fide occupational qualification (BFOQ) or where it is required by federal or state law.

Colorado County will comply with The Genetic Information of 2008 (GINA). Colorado County will not discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests an individual's family members, as well as information about any disease, disorder or condition of an individual's family member (i.e. an individual's family medical history). The county will comply with the law provisions which protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. The county will comply with GINA's provisions which also restricts the county's acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

Colorado County will not retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

## **AMERICANS WITH DISABILITIES ACT AMENDMENT ACT**

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

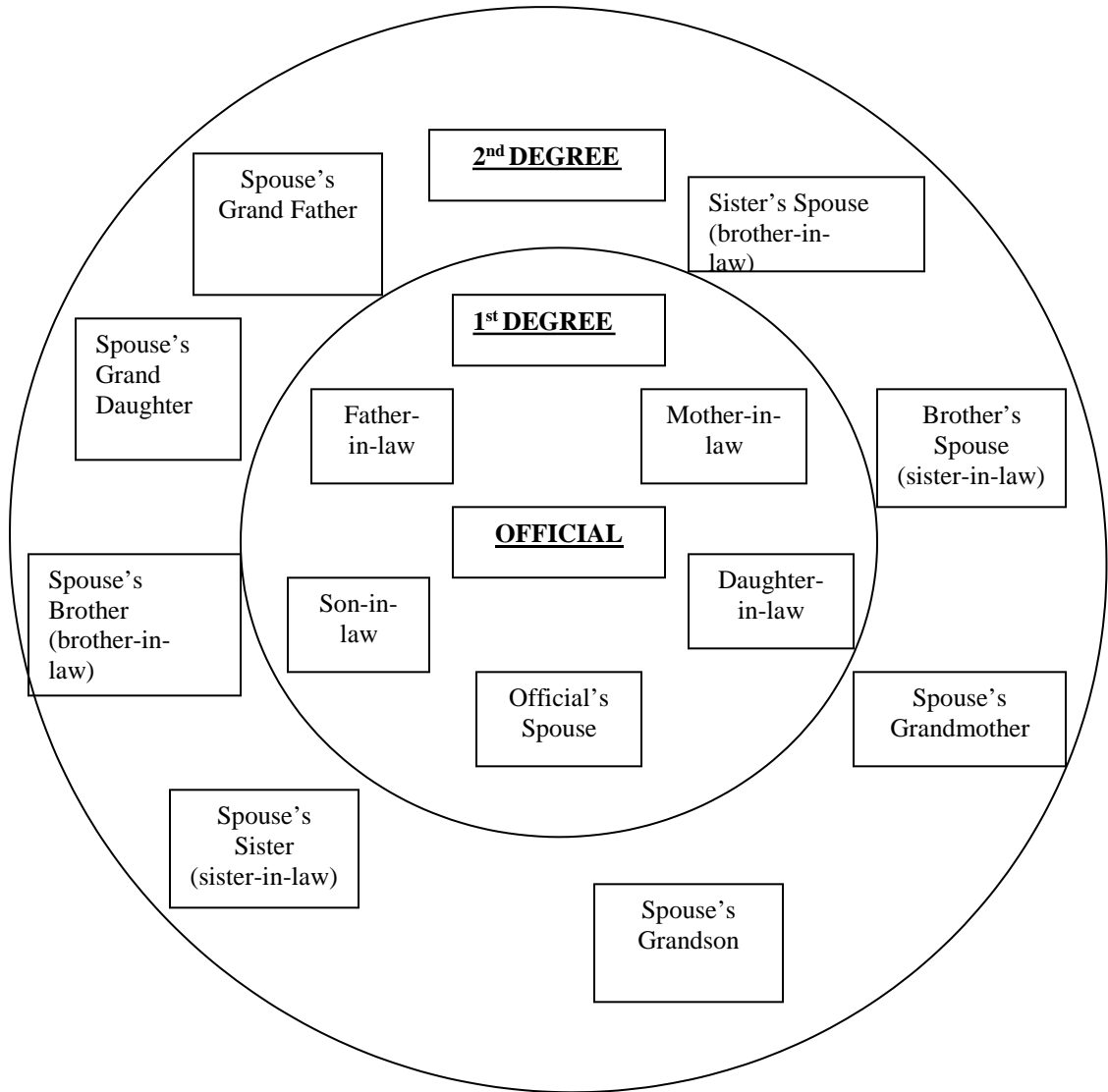
It is Colorado County's policy to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the County. In accordance with the Americans with Disabilities Act, as amended (ADAAA), reasonable accommodations may be provided to qualified individuals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

## **EMPLOYEE STATUS**

1. An employee who has a normal work schedule of at least (30) hours per week shall be classified as a Regular full-time employee.
2. An employee who has a normal work schedule of less than (30) hours per week shall be classified as a Regular part-time employee.
3. An employee in a position that is established for a specific period of time (usually less than one year) or until a specific project is completed shall be considered a temporary employee.
4. Regular full-time employees shall be eligible for benefits in accordance with the eligibility requirements stated with each policy describing a benefit.
5. Regular part-time employees may be eligible for certain benefits. All Regular part-time employees must be placed on TCDRS retirement benefits regardless of the number of hours worked per week.
6. Temporary employees are not entitled to any county benefits.

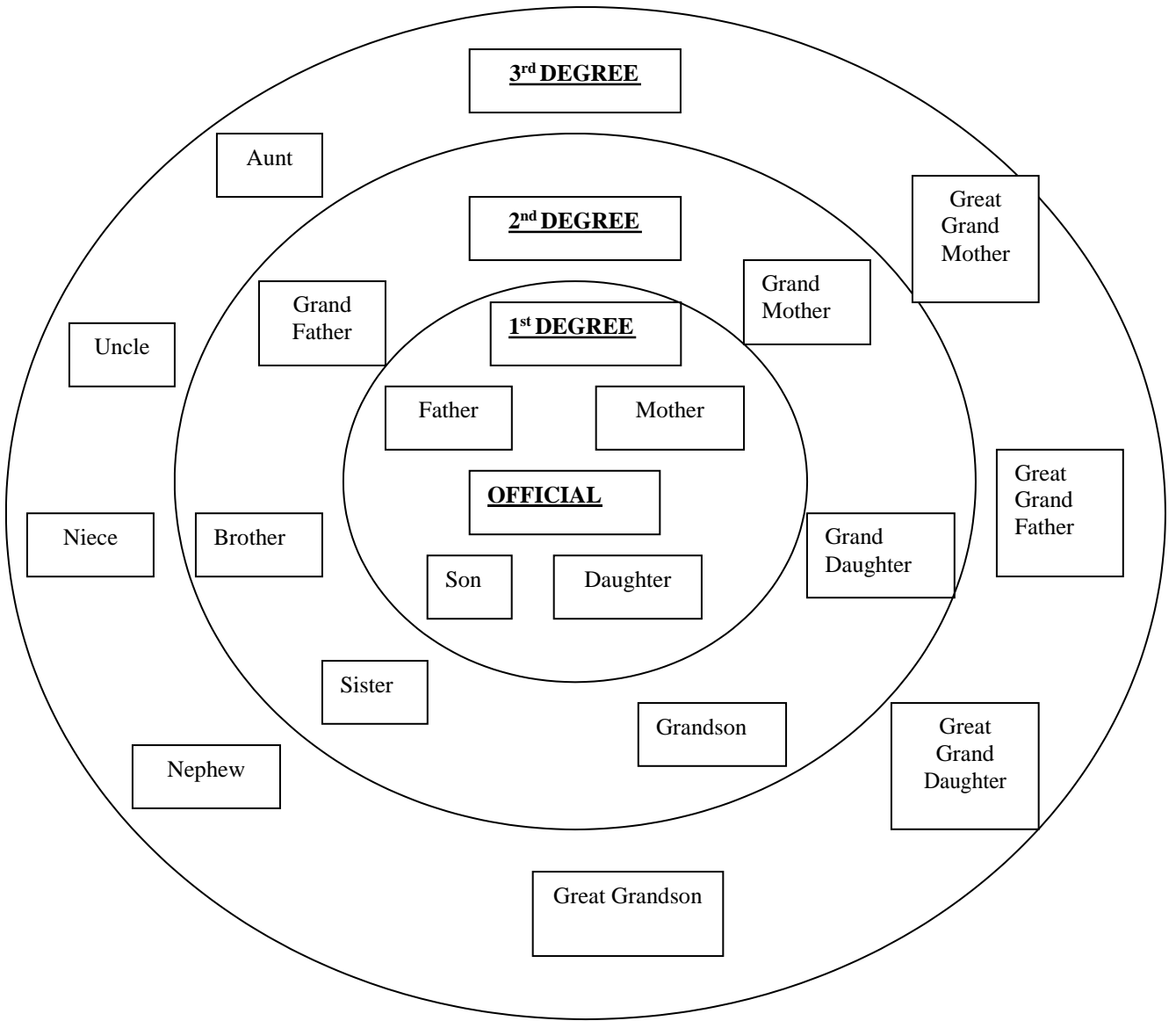
## **NEPOTISM**

1. An elected or appointed official of Colorado County shall not hire a person related within the third degree of consanguinity (blood) or the second degree of affinity (related by marriage) to work in a department which he/she supervises. (see attached chart) or exercises control over.
2. No applicant shall be appointed to nor current employee transferred or promoted to a position that would involve supervising or being supervised by a member of the person's immediate family.
3. A relative of an elected or appointed official of Colorado County shall not be hired on a contract basis unless the following criteria are met and the Commissioners' Court gives approval:
  - a) all reasonable efforts were made to get contracts bids from other qualified individuals in the area;
  - b) the cost/quality ratio of the work expected from the individual is the most favorable of all bidders; and
  - c) the relationship created by the contract is not detrimental to the interests of the County and is, in fact, determined to be in the best interest of the County by the Commissioners' Court.
4. This prohibition does not apply to any person who has been continuously employed by the County for a period of one (1) year prior to the election/appointment of the County official so related to him/her.
5. Approval of the Commissioners' Court shall be required before a relative of a supervisor or department head may receive a promotion or salary increase.



Affinity Kinship Chart  
(Marriage)

## TEXAS NEPOTISM CHART CIVIL LAW METHOD



Consanguinity Kinship Chart  
(Blood)

**TEXAS NEPOTISM CHART  
CIVIL LAW METHOD**

## **PROMOTIONS**

1. It shall be the policy of Colorado County to provide promotional opportunities for current employees whenever reasonably possible.
2. Employees wishing to apply for a promotion into an available position shall make application for that position.
3. While the County's policy is to fill each position with the best qualified applicant, preference may be given to current County employees where all other qualifications are equal.



## **OUTSIDE EMPLOYMENT AND ACTIVITIES**

1. An employee of Colorado County shall not engage in any activity or other employment which will adversely affect carrying out the duties and responsibilities of his/her job.
2. An employee accepting other employment while still being employed by Colorado County shall notify his/her supervisor before beginning such work except in instances where the work may be occasional or casual.
3. Before law enforcement employees accept outside law enforcement or security employment (extra jobs), they must have the other employer sign a waiver (see attachment) and give a copy to his/her supervisor and the County Auditor's Office.
4. Violation of this policy section may be grounds for dismissal or disciplinary action.

WAIVER

In consideration for the work to be performed for \_\_\_\_\_, it is agreed that \_\_\_\_\_, will release, indemnify and hold harmless Colorado County, Texas its agents and employees, against and from any and all claims, demands, causes of action and/or judgments for any and all claims, asserted or caused to be asserted, known or unknown, now existing or that might arise hereafter against Colorado County, Texas, which any person, firm or corporation has or may have in connection with the work for Colorado County, Texas. If Colorado County incurs any expenses or attorneys' fees to enforce this contract, \_\_\_\_\_, agrees to reimburse and indemnify Colorado County. \_\_\_\_\_, warrants that he/she is of legal age and legally competent to execute this agreement.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Employer

\_\_\_\_\_  
Signature of Law Enforcement Officer

## **RESPONSIBILITY FOR COUNTY PROPERTY**

1. All County employees shall be responsible for the proper use and maintenance of all tools, equipment, or vehicle assigned to them.
2. All County employees who operate County vehicles or equipment shall have a valid State of Texas driver's license necessary for that vehicle or equipment.
3. Each County employee who is required to have a driver's license to operate County vehicles or equipment shall immediately notify his/her supervisor of any change in the status of that license. An employee whose job involves operation of a vehicle requiring a license for its legal operation shall be subject to possible job change, demotion, or termination if that license is suspended or revoked.
4. All precinct employees are required to have a commercial driver's license (CDL) if they operate a vehicle or equipment that requires such. It will be up to your supervisor to make the determination as to your job classification.
  - a) Texas Department of Transportation's Drug and Alcohol test regulations went into effect January 1, 1996 for counties with less than 50 drivers with CDL's.
  - b) Purpose of the federally mandated rules is to remove substance abusers who drive commercial vehicles from the roads.
  - c) Required screen tests include: pre-employment; post accident; random testing; reasonable suspicion testing; return-to-work and follow-ups.
  - d) Refer to Colorado County's Driver Information for Substance Abuse and Alcohol Misuse for Policies which comply with the requirements of the Drug Free Workplace Act of 1988 and the Department of Transportation (D.O.T.) Regulations 49 CFR Part 382, and 49 CFR Part 40.
5. Suspension or revocation of the driver's license of an employee or failure to receive your CDL when required to operate a vehicle or equipment in a safety-sensitive function may result in a job change, demotion, or discharge.
6. Colorado County bans all employees from texting while operating any county owned vehicle. County employees who are driving their own personal vehicle are also banned from texting while driving on county business. Federal law prohibits any CDL driver operating any vehicle over 10,000 GWR from texting with fines and penalties, up to loss of CDL.
7. 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 liability carrier even though the employee's license has not been revoked or suspended, shall be subject to possible job change, demotion or termination

8. Any employee involved in an accident while operating County equipment or vehicles shall immediately report the accident to his or 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 Auditor.
9. Personal use of any County property, materials, tools, supplies or equipment shall not be permitted. The following rules apply to county-owned vehicles:
  - a) The vehicle may not be used for personal gain, personal business, to drive to a place of secondary or part-time employment not related to County business, or for any other non-County related use. This rule does not apply when off-duty law enforcement personnel are necessary at public festivals and the County Fair.
  - b) No passengers are allowed except anyone in the care or custody of a law enforcement official; anyone in the care or custody of an emergency medical technician; county employees; a spouse when attending a seminar with employee; or a non-employee on county-related business.
  - c) No stops for personal business unless all of the following conditions are met: it occurs between business destinations; and it adds limited incidental mileage to the vehicles.
  - d) The vehicle may be used for responding to an emergency or for transportation to and from an eating establishment only if a meal period occurs during the employee's normal working hours and the employee, due to a particular vehicle assignment, has no access to a private vehicle. If an employee is working in the field and a return to the normal place of work is impractical, a County vehicle may be used for transportation to acquire a meal.
  - e) No driving outside the county limits unless driving to an out-of-county destination on county business. (i.e., purchasing supplies, transporting a prisoner, transporting a patient, attending a seminar/meeting, etc.)
  - f) Employees not assigned a county-owned vehicle are encouraged to use the county-owned van for county business. Reimbursements are allowed for personal vehicle on county business at a per mile rate to be determined by Commissioners' Court each year.
  - g) Authorized employees may use county-owned vehicles overnight when the best interest of the public is served by providing county employees with safe, dependable transportation for extensive travel during or after working hours, for after-hours response to emergency request for service, or for other official county business. Authorization for use of county-owned vehicles overnight

may be granted by the department head to specified employees based on the following criteria.

1. Employees whose regular duties require frequent use of a county-owned vehicle overnight and whose responsibilities involve emergency response, after hours response, evening and weekend duties, public meetings, or other county business activity.
  2. Employees assigned to stand-by duty who are subject to call or who respond to service requests.
  3. Employees expected to respond when appropriately called after hours.
- 10.** County telephones will not be used for personal long distance calls and personal local calls will be held to a minimum in accordance with the provisions of the **TELEPHONE/CELLPHONE POLICY.**
11. County postage and postage machinery will be used only for business related to the operation of the County. No personal correspondence will be sent to the postage clerk for processing.
12. Any employee who misuses or abuses any equipment, whether it is a vehicle, hand tool, or any type of supplies, is subject to disciplinary action or dismissal.
13. Any employee operating County equipment or vehicles shall report all accidents, theft, or property damage to his/her supervisor. Employees are expected to cooperate fully with authorities in the event of an accident.
14. The employee shall fill out a County incident form for all accidents in which involved. A copy of the form shall be sent to the supervisor of the employee involved and to the County Auditor.
15. Employees, with their supervisor's approval, who use their personal vehicles for approved business purposes will receive a mileage allowance as set by Commissioners' Court. This allowance is to compensate for the cost of gasoline, oil, depreciation and insurance.
16. Employees shall operate County vehicles in compliance with traffic laws, operator licensing requirements, and any other State, County, and local rules and regulations governing the safe and legal operation of a vehicle.

## **SEAT BELT POLICY**

- 2.) This policy is intended to protect county employees operating or riding in motor vehicles including construction equipment from the hazards of motor vehicle accidents.
- 2.) This policy is mandatory for all county employees operating motor vehicles and visitors riding in county-owned vehicles.
- 3.) This includes all county employees operating county-owned vehicles, passengers in county-owned vehicles, and all employees operating personal vehicles while engaged in county business, and employees riding as a passenger in a vehicle while on county business.
- 4.) All county-owned vehicles will be equipped with seat belts. This includes the vehicle cab or operator's compartment, passenger seating area and jump seats.
- 5.) Operators of tractors or other off-road vehicles equipped with "roll-over protection structures" (ROPS) will use seat belts.
- 6.) Vehicle passengers will be permitted to ride only in areas of the vehicle designed for that purpose.
- 7.) Seat belts shall be used by all employees riding in a vehicle while the vehicle is in motion.
- 8.) There are no vehicle exemptions to this policy.
- 9.) Violation of this policy will result in disciplinary action by the department head. Employees who have a medical condition which may preclude wearing a seat belt may carry a physician's note indicating a waiver for medical reasons.

## **COPY MACHINE POLICY**

1. All County owned copy and reproduction machinery will be used only for business related to the operation of county offices and departments.
2. Copies may be made on the County owned copy machinery for the general public, on a time available basis, at a fee set by Commissioners' Court, but this shall not apply to certified copies and other legal documents where the fee for copies is set by State Law.
3. County employees will be allowed to make personal copies, just as the general public for the same fee.
4. All revenue received for general public copy work will be receipted by the department where the copy machinery is located and then be reported to the County Treasurer at the end of the month on the departmental fee report.
5. It shall be the responsibility of each official or department head responsible for copy and reproduction machinery to see to the strict enforcement of this policy.

## COMPUTER/INTERNET USE POLICY

The internet is to be used to provide effective service of the highest quality to the staff and citizens of Colorado County, and to support other direct job-related purposes. The use of county information systems, including computers, fax machines, smart phones, tablet computers and all forms of internet/intranet access, is for Colorado County business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the internet is acceptable as long as it is not excessive or inappropriate, occurs during personal time (lunch or other breaks), and does not result in any expense to the County.

1. Use is defined as “excessive” if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities. Electronic communication should not be used to solicit or sell products or services that are unrelated to the County’s business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.
2. Use of Colorado County computers, networks, and internet access is a privilege granted by department heads and may be revoked at any time for inappropriate conduct carried out on such systems. Improper use may result in discipline up to and including termination.
3. Colorado County owns the rights to all data and files in any computer, network, or other information system used in the County. Colorado County also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems, facebook, twitter, etc.) and their content, as well as any and all use of the internet and of computer equipment used to create, view, or access e-mail and internet content. Employees must be aware that the electronic mail messages sent and received using county equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by county officials at all times. Colorado County has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee’s computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate county official. No employee shall break any copy right laws, download any illegal or unauthorized downloads. Colorado County monitors its entire informational systems and employees may be subject to discipline up to and including termination for any misuse of county informational systems.
4. Employees should not bring personal computers to the workplace or connect them to Colorado County electronic systems, unless expressly permitted to do so by their supervisor and/or IT department. Violation of this policy, may result in disciplinary action, up to and including termination of employment.



5. E-mail is subject to the same laws, policies and restrictions as other types of communication. The confidentiality of e-mail communications cannot be guaranteed. In accordance with the Open Records Act, electronic files may be treated in the same way as paper files. Therefore, any electronic mail may be considered to be a public document and may be subject to inspection.
6. E-mail is subject to the same records retention provisions as paper documents. Therefore, the same retention schedules apply. All County employees are responsible for retaining pertinent e-mail messages under the same retention schedules as they use for similar paper documents.

## **SOCIAL MEDIA**

1. For purposes of this policy “social media” includes, but is not limited to, online forums, blogs and social networking sites, such as Twitter, Facebook, LinkedIn, YouTube, and MySpace.
  
2. The County recognizes the importance of social media for its employees. However, use of social media by employees may become a problem if: 1) it interferes with the employee’s work; 2) is used to harass supervisors, co-workers, customers or vendors; 3) creates a hostile work environment; or 4) harms the goodwill and reputation of Colorado County among the community at large. Colorado County encourages employees to use social media within the parameters of the following guidelines and in a way that does not produce the adverse consequences mentioned above.
  
3. Where no policy or guideline exists, employees are expected to use their best judgement and take the most prudent action possible. If you are uncertain about the appropriateness of a social media posting, then please do not post.
  - If your posts on social media mention Colorado County make clear that you are an employee of Colorado County and that the views posted are yours along and do not represent the views of Colorado County.
  - Do not mention Colorado County supervisors, employees, customers or vendors without their express consent.
  - Do not pick fights. If you see a misrepresentation about Colorado County, respond respectfully with factual information, not inflammatory comments.
  - Remember, you are responsible for what you write or present on social media. You can be sued by other employees, supervisors, customers or vendors, and any individual that views your social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. Employees can be subject to disciplinary action, up to and including termination for what they post on social media platforms, even if the employee did not use a county computer or if the post did not occur during work hours or on county property.
  - Employees may not use Colorado County computer equipment for non-work related activities without written permission. Social media activities should not interfere with your duties at work. Colorado County monitors its computers to ensure compliance with this restriction.
  - You must comply with copyright laws, and cite or reference sources accurately.
  - Do not link to Colorado County’s website or post Colorado County material on a social media site without written permission from your elected or appointed official or supervisor.

- All Colorado County policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment and code of conduct.
- Any confidential information that you obtained through your position at Colorado County must be kept confidential and should not be discussed through in social media forum.
- Violation of this policy may lead to discipline up to and including the immediate termination of employment.

## **TELEPHONE/CELL PHONE POLICY**

1. Each department in the County will be provided telephones for use for business related to the operations of county offices and departments.
  
2. County telephones will **not** be used for personal long distance telephone calls and personal local telephone calls will be held to a minimum. A call to notify family of County requirements to work unscheduled overtime is a County business call. Should it become necessary for departments to make long distance calls for the general public for official county business such as a fax, service charges will be requested and the general public shall pay for such service. Revenue received for this purpose shall be receipted and submitted to the County Treasurer along with other fees of office.
  
3. While at work, employees are expected to exercise the same discretion in using personal cellphones as is expected for the use of County telephones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are encouraged to make any personal calls on non-work time when possible and to ensure that friends and family members are aware of Colorado County's policy.
  
4. Colorado County will not be liable for the loss of personal cellphones brought into the workplace.
  
5. When job needs demand immediate access to an employee, the County may issue a business cellphone to an employee for work-related communications.
  
6. Employees whose job responsibilities include regular or occasional driving and who are issued a County cellphone for business use are expected to refrain from using their cellphone while driving.
  
7. Employees in possession of County equipment such as cellphones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the cellphone for return or inspection.
  
8. It shall be the responsibility of each official and department head to see to the strict enforcement of this policy.

## **TRAVEL REIMBURSEMENT POLICY**

County employees, officials or department heads, traveling on official County business, will be reimbursed for such travel upon submitting the appropriate substantiation and a completed Travel Expense Report to the County Auditor. All travel requests, whether in advance or as a reimbursement, must be approved by the department head or official before submitting to the County Auditor. Any amounts paid to the employee in excess of substantiated expenses must be returned to the County. To the extent that departmental budgets provide funding, the following guidelines will be applied.

1. Conference and seminar registration should be requested in advance to allow the County to pay the fee directly to the sponsor of the seminar/conference. If this is not possible, a copy of the registration and original receipt showing the employee's payment must be submitted with a request for reimbursement.
2. The County will reimburse for the use of a personal automobile for travel within or out of the county on official county business at a per mile rate to be determined by Commissioners' Court each year.
3. The County will reimburse for actual expenses of travel by the lowest possible rates. The passenger's copy of the original ticket must be submitted with the Travel Expense Report. Tickets can be paid for in advance from a travel agency invoice. Rental cars will be reimbursed at the best rate for a mid-sized vehicle.
4. No expenses for rental cars, taxis or valet parking will be reimbursed unless associated with a trip by air, bus or train. Airport parking will be paid along with mileage incurred driving to/from an airport.
5. The County will reimburse for travel to/from a hotel and to/from the conference, seminar or meeting.
6. Out-of-state travel requires the approval of Commissioners' Court.
7. Payment for lodging may be requested in advance. Employees must attach adequate information, including number of nights and room rate with applicable taxes, and submit the request timely to allow for processing through accounts payable. If lodging was paid in advance, a completed Travel Expense Report with a copy of the itemized hotel receipt is required when the employee returns. Any amounts paid to the employee in excess of the actual substantiated expenses must be returned to the County within a reasonable period of time.
8. The maximum reimbursement for hotel accommodations shall not exceed the host hotel's room rate per night plus applicable taxes. Verification of host hotel's room rate is required if not staying at host hotel. An itemized hotel receipt is required for reimbursement. (NOTE: When making reservations for travel to

conferences, seminars and meetings, always request the Government Rate when available.)

9. If the conference, seminar or meeting is less than (70) miles away, no hotel will be approved for the night before. If the employee spends the night after the conference has concluded it will be at the employee's own expense.
10. Personal telephone calls will not be reimbursed, but reasonable documented call to home or office will be approved. Costs of personal entertainment, amusements, spouse's expenses, alcoholic beverages and laundry service are not eligible for reimbursement.
11. County employees who are required to be away from home overnight may receive a per diem allowance for meals of \$5 for breakfast, \$10 for lunch and \$15 for dinner. Tips shall be included as part of the approved allowance. No meal receipts will be required for these meals. A copy of a program/agenda must be submitted with the completed Travel Expense Report.
12. An employee who is not away from home overnight may be reimbursed a meal directly preceding, during or following a business meeting, conference or seminar which he/she attends. Receipts for these meals will be required for the employee to be reimbursed. Reimbursement for these meals shall not exceed \$5 for breakfast, \$10 for lunch, and \$15 for dinner. Reimbursement for more than one meal for an employee when attending a seminar/conference will be at the discretion of the Commissioners' Court.
13. If funds are available from any other source for reimbursement of travel expenses, the County will reimburse the difference between the other source's rates and the County's rates. A copy of other source's travel expense report is required. Request should not be made of the County for reimbursement of the same expense that has been or will be reimbursed from any other source.
14. It shall be the responsibility of each Official and Department Head to see to the strict enforcement of this policy. By signing the Travel Expense Report, the Official or Department Head is certifying that the travel for which reimbursement is being sought was properly authorized and that the request and accompanying receipts have been examined and are reasonable.

**REIMBURSEMENT OF TRAVEL EXPENSES**  
 (Return this form with all receipts along with requisition form)

Name: \_\_\_\_\_ Department: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Conference/Meeting: \_\_\_\_\_ Destination: \_\_\_\_\_

Departure Date: \_\_\_\_\_ Return Date: \_\_\_\_\_

**TRANSPORTATION**

Vehicle From \_\_\_\_\_ to \_\_\_\_\_  
 Total miles \_\_\_\_\_ x .58= \_\_\_\_\_  
 (Driving Directions on www.mapquest.com)

Airplane \$ \_\_\_\_\_

County Vehicle \$ \_\_\_\_\_

Other (Please add explanation) \$ \_\_\_\_\_

\_\_\_\_\_ Total Transportation(1)\$ \_\_\_\_\_

**HOTEL**

Hotel (Please claim food purchases under "Meals", see below)

See attached \_\_\_\_\_

Total Hotel(2)\$ \_\_\_\_\_

**MEALS**

Meals (List dates and cost of meals not provided by conference/seminar)

Date	Breakfast	Lunch	Dinner	Total

Total Meals(3)\$ \_\_\_\_\_

**OTHER EXPENSES**

Other expenses (please add explanation below, ex. registration cost)

\_\_\_\_\_

Total Other(4)\$ \_\_\_\_\_

**AMOUNT TO BE REIMBURSED** (Total of items 1-4) \$ \_\_\_\_\_

I certify that the expenses listed were incurred personally by me for the purpose stated.

Reviewed and approved:

\_\_\_\_\_  
 Employee Signature

\_\_\_\_\_  
 Department Head Signature

TRANSPORTATION: www.mapquest.com will be used to calculate mileage from home or work to conference destination. Attach a copy of driving directions with start/end address.

.58 cents a mile for travel by personal vehicle to/from home or work place to conference/seminar destination. No additional travel will be reimbursed during the conference except to/from hotel to conference.

No allowance for rental cars, taxis or valet parking unless travel by air, bus or train.

If traveling by air, bus or train, then the lowest available rate (not first class) will be reimbursed.

HOTEL: The maximum reimbursement for room rate shall not exceed the host hotel's room rate per night plus applicable taxes. Itemized hotel receipt is required in the official's name. If not staying at host hotel, then verification of host hotel's rate is required for reimbursement.

If lodging was paid in advance, then a copy of itemized receipt is required when you return.

If the conference/seminar is less than 70 miles away, no hotel will be approved for the night before. If the employee stays the night after the conference has concluded, it will be at the employee's own expense.

Personal phone calls and items, such as movies, health clubs, laundry, etc. will not be paid. Meals should be deducted from hotel bill and listed under "Meals".

MEALS: Attach meal receipts for meals not associated with overnight trips. Amounts to be reimbursed for meals will not exceed \$5 for breakfast, \$10 for lunch and \$15 for dinner. No meal provided by the conference or seminar or hotel will be reimbursed.

OTHER: Registration - If registration fee was not prepaid by the county then a copy of original receipt showing the employee's payment is required.

**IF YOU HAVE OR WILL RECEIVE REIMBURSEMENT FOR ANY OR ALL EXPENSES INCURRED FROM ANY OTHER SOURCE: DO NOT REQUEST THE SAME REIMBURSEMENT FROM THE COUNTY!**



## Colorado County, Texas

### Local Transportation Expense Reimbursement Form

Note: This form must be completed in detail and submitted to the County Auditor to claim reimbursement for use of personal auto for official local county business travel. Reimbursement will be .58 cents per mile.

Date of Request: \_\_\_\_\_

Department: \_\_\_\_\_

Person Submitting Request: \_\_\_\_\_

Date	Business Purpose	From	To	Total Mileage
<b>Total Mileage This Report</b>				

Total Miles \_\_\_\_\_ x .58 = \$ \_\_\_\_\_ Total Request

"I hereby swear that the above is a true and correct statement of use of my personal automobile For official local county business travel and request reimbursement for the same."

\_\_\_\_\_  
Signature of Person Making Report

## **COUNTY NOTARY BONDS AND FEES**

1. The county will pay for notary bonds, fees, seals and books for one employee in each department where it is necessary to have a Notary Public for transactions of official county business.
2. Should any notary whose bond, fee, seal and recording book is paid for by the county, receive any fees for notary services, those fees will be promptly remitted to the County Treasurer. The prescribed fees a notary public may charge should be posted in a conspicuous place for people desiring Notary services.
3. All notaries, upon expiration of their commission, are required by law to file their record book with the County Clerk for recording.
4. No one department shall be entitled to more than one county-paid Notary, unless it is determined by Commissioners' Court that more than one Notary is needed to conduct the official business of the County.
5. It shall be the responsibility of each official and department head to see to the strict enforcement of this policy and remember that a Texas Notary **CANNOT** be employed as a notary. A commissioned Notary is an individual officer of the State of Texas.

## **CONFLICT OF INTEREST**

1. An employee of Colorado 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.
2. Employees involved in conflict of interest situations are subject to discipline up to and including termination of employment and these actions may have criminal consequences for employees.
3. Activities in which constitute a conflict of interest under this policy shall include but not limited to:
  - a) soliciting, accepting, or agreeing to accept a financial benefit, gift or favor, other than from the County, that might reasonably tend to influence the employee's performance of duties for the County or that the employee knows or should know is offered with intent to influence the employee's performance;
  - b) 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;
  - c) accepting outside employment, compensation, gifts or favors, that might reasonably tend to impair independence of judgment in performance of duties for the County;
  - d) making any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County; or
  - e) 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.

## **POLITICAL ACTIVITY**

1. Employees of Colorado County have the right to support candidates of their choice and to engage in political activity during their personal time.
2. A county employee may not:
  - a) Use his/her official authority or influence to interfere with or affect the result of an election or nomination for office. The wearing of buttons or display of other advertising on the employee during working hours is prohibited when the employee is dealing with the public.
  - b) Directly or indirectly coerce, attempt to coerce, command, or advise another person to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.
  - c) Use any equipment, property, or material owned by the county for political activity or engage in political activity while on duty for the county.
3. An employee running for political office may not campaign during working hours.

## **EMPLOYEE SAFETY**

1. It is the policy of Colorado County to comply with all applicable federal, state and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by Colorado County or by federal or state law. Safety procedure may differ at each county department. Your supervisor will provide you with specific information pertaining to your position.
2. Safety rules are the product of experience. With few exceptions, every safety rule or procedure is the result of accidents or near accidents. Safety rules alone, however, cannot prevent accidents. The indispensable ingredients of a safe working environment are a concerned management, knowledgeable supervisory personnel and a conscientious work force, all dedicated to the principle that accident prevention is an integral part of the planning and execution of any job.
3. With the safety and well being of the County employee in mind, the following safety rules have been formulated and will be observed by County employees:
  - a) No employee may engage in any activity which shall endanger the safety of others while on duty;
  - b) Any employee who is unable to perform his/her duties safely due to illness or other disabilities must promptly notify his/her supervisor of these conditions;
  - c) All observed safety and health violations, potential unsafe conditions and any accidents resulting in injuries to employees or customers should be reported to a supervisor immediately;
  - d) Employees should cultivate the habit of being cautious and should always be on the lookout for dangerous situations that may cause injury to themselves, fellow employees or the public;
  - e) Employees should always receive proper first aid treatment for all minor injuries immediately. Any employee receiving injuries requiring the services of a doctor must notify his/her supervisor as soon as possible so the supervisor can fill out the appropriate reporting forms for workers' comp.;
  - f) Any employee involved in an accident while driving or riding in a County vehicle or equipment must report the accident to his/her supervisor in accordance with the provisions of the **POLICY ON RESPONSIBILITY FOR COUNTY PROPERTY**.

4. In the interest of maintaining a safe workplace and highways that are free of drug and alcohol (intoxicant) abuse, Colorado County is committed to strictly enforcing its policies relative to the use of drugs and alcohol. Said policies comply with the requirements of the Drug Free Workplace Act of 1988 and the Department of Transportation (D.O.T.) Regulations 49 CFR Part 382, and 49 CFR Part 40. Failure to follow the safety standards set by the County or your supervisor subjects an employee to disciplinary action, up to and including termination. Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe conditions to their supervisor.
5. Failure to follow the safety standards set by the County or your supervisor subjects an employee to disciplinary action, up to and including termination.
6. Employees seeing unsafe working conditions shall either take steps to correct those conditions or report the unsafe condition to their supervisor.

## **NON-SMOKING POLICY**

1. Smoking including second hand smoke has been proven to be detrimental to good health. In the interest of promoting good health, protecting non-smokers from second hand smoke and managing Colorado County's health plan costs, the Commissioners' Court bans smoking within any county building.
2. Employees, elected officials, vendors and the public are to refrain from smoking inside all county buildings. No smoking signs will be posted at all entrances to county buildings.
3. Employees who violate this policy may be disciplined up to and including discharge.

## **ANIMAL POLICY**

1. Animals are not allowed inside or outside of Colorado County facilities with exception of disability assistance dogs, drug dogs and animals taken into temporary custody as a result of an arrest or detention of their owner.
2. No feeding of any animals are allowed inside or outside of Colorado County facilities with exception of disability assistance dogs and drug dogs.
3. It shall be the responsibility of each official or department head to see to the strict enforcement of this policy.
4. Employees who violate this policy may be disciplined up to and including termination.



## **LAYOFF**

1. While such action is avoided whenever possible, employees of Colorado County may be laid off where a department head deems it necessary because of shortages of funds or work, the abolition of a job or jobs, the resignation of an official, other material changes in the organization or for other reasons which are beyond the control of the employees.
2. A layoff shall not reflect discredit on an employee or on his/her ability to do the job in which he/she was employed.
3. If layoffs are required, they shall be based first on demonstrated job performance and efficiency and, secondly, on length of service.
4. Employees who have been laid off shall be given preferential consideration for future job openings in the department where the layoff occurred for a period of 12 months from the date of the layoff.
5. Every effort will be made by the supervisor to notify employees at least ten (10) working days in advance when layoffs become necessary.

## **DEPARTMENTAL TRANSFERS**

1. Employees may from time to time accept a lateral move from one county department to another. A lateral move is one in which the jobs are of equal worth and the employee receives no additional monies. A lateral move takes place to allow an employee to experience other duties and responsibilities after working at the same job or in the same department for a considerable time or it may be the result of personality conflict or other reasons.
2. Transfers between departments do not alter benefits or service anniversary date.
3. The date for the actual transfer to become official is to be worked out to the agreement between both officials involved.

## **PERFORMANCE EVALUATIONS**

1. The Colorado County Performance Evaluation System is designed to help management evaluate performance in an objective, consistent, and uniform manner.
2. The evaluations are designed to communicate to the employee how his/her performance compares with expected output and to aid the employee's supervisor in discussing job performance with the employee.
3. Subjective factors, such as personal habits and outside activities, will not be considered.
4. Employees will have the right to express disagreement with any points made, correct any inaccuracies, and make written comments concerning all aspects of the appraisal.
5. All County employees, except for elected officials, will be evaluated on an annual basis.
6. Depending on the financial status of the County, merit increases may be granted based upon performance evaluations and guidelines set by the Court.
7. The Court will not be involved in giving individual raises, only setting the amount allocated for merit raises and general guidelines.
8. In order for employees to receive a merit raise each department head/elected official must complete a performance evaluation for his/her employees.
9. Since merit raises are contingent upon the availability of funds allocated by the Commissioners' Court, a completed performance evaluation does not guarantee an employee a merit raise.
10. Performance evaluations will be used as documentary evidence for personnel actions, including dismissal. Employees who consistently receive low ratings will not be eligible for merit increases.
11. The employee performance evaluation process is designed to accomplish the following objectives:
  - To clarify job duties, responsibilities, and job standards;
  - To correct performance problems prior to suspension, demotion, or dismissal;
  - To assess readiness for transfer or promotion;
  - To link employee performance with compensation;
  - To provide better performance communication between supervisors and employees;

- To document performance areas in which employees do well and those areas which require improvement;
  - To motivate employees to succeed; and
  - To document performance so that the County creates a written record, and thus obtains legal protection.
12. Each supervisor is responsible to set and communicate clear performance standards, goals, and objectives for employees at the beginning of their employment and throughout their review period(s). This will provide the employee with the opportunity to correct any performance issues, prior to any written evaluations.
  13. An interview must be held after each annual evaluation. As frequently as seems necessary to the supervisor, an employee counseling interview may be conducted between the supervisor and the employee. The interview is an effort to encourage the supervisors to communicate their reactions to the employee's behavior and performance and to offer positive assistance in correcting any deficiency. This informal conference requires no communication with the County Commissioners' Court; however documentation to the employee's personnel file is required.
  14. A copy of the completed evaluation form and any attachments should be given to the employee during the evaluation interview.
  15. Completed evaluations and attachments will remain within each department's employee files.
  16. Annual Performance Evaluations may be sent to the County Auditor's office and become a permanent record in the employee's official personnel file.
  17. A payroll change notice signed by the Elected/Appointed Official will indicate that the performance evaluation was conducted. The notice must be on file with the County Auditor's office prior to January 10<sup>th</sup> of each year for the merit raise to take effect.
  18. A supply of Employee Performance Evaluation and Payroll Change Notice forms are available in the County Auditor's office.

**COLORADO COUNTY**  
**ANNUAL PERFORMANCE EVALUATION**

NAME OF DEPARTMENT: \_\_\_\_\_

NAME OF EMPLOYEE: \_\_\_\_\_

On the date shown next to my signature below, I met with the above-named employee and reviewed this completed evaluation with the employee. I placed a checkmark in the categories where there were no problems or need for improvement. I have written some details under the categories where problems have occurred or where improvements need to occur in the future.

1. Quality of work:
  
2. Quantity of work:
  
3. Cooperation / interaction with fellow employees and the public:
  
4. Attendance:
  
5. Professionalism:
  
6. Safety:
  
7. Personal appearance:

Employee's signature: \_\_\_\_\_

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

Official's signature: \_\_\_\_\_

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

## HARASSMENT

1. Colorado County is committed to a workplace free of harassment. Harassment includes unlawful, unwelcome words, acts or displays based on sex, race, color, religion, national origin, age, genetic information, pregnancy, disability, family or military leave status or veteran's status. Such conduct becomes harassment when (1) the submission to the conduct is made a condition of employment; (2) the submission to, or rejection of, the conduct is used as the basis for an employment decision; or (3) the conduct creates an offensive, intimidating or hostile working environment or interferes with work performance.
2. Harassment is strictly prohibited by Colorado County whether committed by an elected official, appointed official, department head, co-worker or non-employee with whom the county does business.
3. Employees who feel they have been harassed should immediately report the situation to the elected official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the harassment to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.
4. Every reported complaint will be investigated promptly and thoroughly. The official or department head to which the claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.
5. Once the investigation is complete, the employee making the claim shall be notified of the result of the investigation and any actions which are taken.
6. Retaliation against an employee who report harassment or who cooperates in the investigation is prohibited by law as well as this policy. Employees who feel they have been subjected to illegal retaliation should immediately report the situation to the elected or appointed official who is responsible for the department in which they work. If, for any reason, the employee feels that reporting the retaliation to the department head may not be the best course of action, the report should be made to the County Judge or County Attorney.
7. Remedial action will be taken in accordance with the circumstances when the county determines unlawful harassment or retaliation has occurred, up to and including termination.
8. 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.

## SEXUAL HARASSMENT

1. Sexual harassment is strictly prohibited by Colorado County, whether committed by elected official, appointed official, department head, co-worker or non-employee the county does business with. It is the policy of Colorado County to provide a work place free from sexual harassment for all employees and to take active steps to eliminate any sexual harassment of which the Colorado County becomes aware.
2. Employees engaging in sexual harassment shall be subject to discipline, up to and including termination of employment. Sexual harassment shall include, but not be limited to, unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of sexual nature, which includes slurs, jokes, statements, gestures, touching, pictures, emails or cartoons where: (1) the submission to such conduct is either an expressed or implied condition of employment; (2) the submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the conduct has the purpose or effect of substantially interfering with an affected person's work performance or creating an intimidating, hostile, or offensive work environment.
3. All claims of sexual harassment shall be taken seriously and investigated promptly and thoroughly. While all claims of sexual harassment shall be handled with discretion, there can be no complete assurance of full confidentiality.
4. Employees who feel they have been sexually harassed 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 to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.
5. Every reported complaint will be investigated promptly and thoroughly. The official or department head to which a claim has been reported shall be responsible for seeing that prompt action is taken to investigate the claim.
6. 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.
7. Use the following procedures so that your complaint maybe resolved quickly and fairly.
  - a. When practical, confront the harasser and ask them to stop the unwanted behavior.
  - b. Record the time, place and the specifics of each incident, including any witnesses.
  - c. Report continuing sexual harassment to the Elected Official or Appointed official who is responsible for your department or to the County Judge or the County Attorney.
  - d. If a thorough investigation reveals that unlawful sexual harassment has occurred, Colorado County will take effective remedial action in accordance with the circumstances, up to and including termination.
8. Retaliation against an employee who reports sexual harassment or who cooperates as a witness in the investigation is prohibited by law as well as this policy.

9. Employees who feel they have been subjected to illegal retaliation 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 retaliation to the department head may not be the best course of action, the report should be made to the County Judge or to the County Attorney.
10. Reporting or failing to report claims in accordance with the procedure given in this policy shall not limit other legal recourse an employee may have in regard to sexual harassment charges.



## SEPARATION OF EMPLOYMENT

1. A separation shall be any situation in which an employer-employee relationship between the county and the county employee ends. All separations from Colorado County shall be designated as one of the following types.
2. A **resignation or quit** shall be classified as any situation in which an employee voluntary ends his/her employment with Colorado County with or without notice. The employee may provide written notification of resignation to his/her immediate supervisor, indicating the last day of employment. A supervisor shall be responsible for notifying the County Judge and County Auditor as soon as an employee announces his/her intent to resign.
3. A **discharge** shall be a separation in which the employee is involuntarily terminated from employment with Colorado County. The employee's date of notification of discharge is normally considered his/her last day worked. Colorado County is an at-will employer and a supervisor may dismiss.
4. An employee shall be considered separated because of **reduction in force** when his/her position is eliminated or when there is lack of funds or work. This is also referred to as a layoff.
5. If an employee dies while in the service of Colorado County, his/her designated beneficiary or estate shall receive all earned pay and payable benefits.
6. Termination procedures are only guidelines and do not constitute a legal contract between Colorado County and its employees. In addition, specified grounds for termination are not all-inclusive since Colorado County maintains the right to terminate employment for any legal reason or no reason at all.

## **EMPLOYEE ATTENDANCE AND PUNCTUALITY**

1. Each employee shall report for work punctually as scheduled and work all scheduled hours unless prior approval is given by the employee's supervisor. Excessive tardiness and poor attendance disrupt work flow and customer service and will not be tolerated.
2. Supervisors are to notify employees of their starting, ending and break times. Employees are expected to be engaged in carrying out their duties during scheduled work time. Employees shall remain on the job until normal quitting time established by the supervisor unless permission to leave early is given by the supervisor.
3. Each supervisor is responsible for determining if an unscheduled absence or tardiness is to be classified as excused or unexcused, based on the circumstances causing the absence or tardiness. Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination.
4. If an employee is unable to be at work at their normal reporting time, employees must report to their supervisor at least one hour prior to their shift or as soon as practicable in the case of an emergency and give an explanation of the circumstances surrounding his/her tardiness or absence.
5. Any employee absent from his/her job for three (3) consecutive days without giving proper notice to his/her supervisor, will be considered as having voluntarily quit by abandonment. At that time, Colorado County will formally note the termination and advise the employee of the action by certified mail.
6. Employees are expected to report to work during inclement weather conditions if Colorado County does not declare an emergency closing. Employees who are late because of weather conditions will be given a chance to make-up his/her missed time if work schedules and conditions permit.
7. Employees are required to be ready to perform their task when reporting to work.

## **MEAL PERIODS**

1. The scheduling of employee meal periods shall be determined by the department head or his/her designee to facilitate the serving of the public and permitting efficient department operations.
2. For computation of hours worked, employees shall be considered to be off duty during meal periods unless circumstances require them to remain in an on-duty status during the meal period as defined by the Fair Labor Standards Act.
3. The meal period should be a minimum of 30 minutes but not more than one hour as determined by the department head.

## **LEAVE OF ABSENCE**

1. It is the intent that this policy run concurrently with any FMLA leave that an employee may be eligible for. It is Colorado County's policy to grant a leave of absence to all eligible employees on a non-discriminatory basis. A leave of absence may be granted for medical reasons, personal emergency, or educational purposes..
2. A leave of absence may not exceed 12 weeks in a 12 month period unless required by federal or state law or as specified within this policy and may be with or without pay to the extent the employee has paid vacation, sick, or comp time leave accrued.
3. All regular, full time and part time employees may request a leave of absence at any time.
4. Subject to any applicable legal restrictions, requests for leave of absence will be considered on the basis of the employee's performance, responsibility level, length of service, reason for the request, and the county's ability to obtain a satisfactory replacement during the time the employee would be away from work.
5. If an employee accepts other employment or fails to return to work on the regularly scheduled workday following the expiration of his/her leave, it will be considered that the employee has voluntarily terminated his/her employment.
6. Employees on unpaid leave scheduled to extend beyond the calendar month in which the leave begins will be eligible to continue coverage in the county's group insurance plan at their own cost through their rights under COBRA. Those employees whose leave qualifies for the FMLA will have their insurance continued by the county under the conditions set forth in the FMLA (29 C.F.R. Part 825). The procedures for continuing coverage on you and/or your dependents will be fully explained at the time the leave is granted.
7. Unless otherwise stated in this policy, group insurance coverage will not be interrupted for a leave of absence scheduled for thirty (30) days or less and which begins and ends in the same calendar month.
8. Before returning to work following any medical leave, including a leave granted for worker's compensation injuries or illnesses, an employee must submit a physicians verification stating the employee's ability to return from work and the date thereof.
9. Employees will not accrue benefits (e.g. vacation, sick leave, holidays, etc.) during an unpaid leave of absence.
10. All leaves of absence, regardless of reason, require the use of all accrued paid sick leave (for illness, injury and/or FMLA) and/or vacation (illness, injury, FMLA) to minimize the impact of a leave of absence for both the county and the employee.
11. It is the employee's responsibility to provide his/her immediate supervisor and department head all the following information in writing as soon as he/she becomes aware of the need for a leave of absence:

- a) The reason the leave of absence is being requested
- b) The anticipated dates the leave of absence will begin and end.
- c) A physician's certificate or other medical proof acceptable to the county indicating the nature of the illness or injury.

In addition, during the leave of absence, the employee must provide:

- a) Periodic updates to the employee's supervisor and/or department head at least every 15 days concerning the employee's status, expected date of return, and continued intent to return to work upon expiration of the leave.
  - b) Immediate notification of the employee's supervisor or department head of a need to request a change in the duration of the leave of absence.
12. If the employee is unable to return to work at the end of the leave of absence (not to exceed 90 days except if a deputy/jailer) then the employee will be terminated if no reasonable accommodation cannot be provided.
13. Should an employee terminated under this policy be rehired within 365 days of termination, he/she will immediately be eligible for benefits and will accrue vacation according to an adjusted hire date.

## **FAMILY AND MEDICAL LEAVE**

1. To be eligible for benefits under this policy, an employee must: 1) have worked for Colroado County at least 12 months (it is not required that these 12 months be consecutive; however a continuous break in service of 7 years or more will not be counted towards the 12 months); and 2) have worked at least 1250 hours during the previous 12 months.
2. Family or medical leave under this policy may be taken for the following situations: 1) the birth of a child and in order to care for that child; 2) the placement of a child in the employee's home for adoption or foster care; 3) to care for a spouse, child (under the age 18 or if over 18 incapable of self-care due to disability), or parent with a serious health condition; 4) the serious health condition of the employee that makes the employee unable to perform the essential functions of their job; 5) a qualifying exigency arising out of the fact that an employee's spouse, child or parent is a covered military member of the Armed Forces( Regular, Reserve or National Guard), deployed to a foreign country or has been notified of an impending call or order to active duty in a foreign country; 6) to care for a covered service member (Regular, Reserve or National Guard) with a serious injury or illness if the employee is the spouse, child, parent or next of kin (nearest blood relative) of the service member; or 7)to care for a covered veteran who is undergoing medical treatment, recuperation or therapy, for a serious injury or illness and who was a member of the Armed Forces (Regular, Reserve or National Guard) at any time during the period of 5 years preceding the date on which the veteran began that medical treatment, recuperation or therapy.
3. Serious health condition of the employee shall be defined as a health condition that requires overnight inpatient care at a hospital, hospice, or residential care medical facility, or a condition which requires continuing care by a licenses health care provider.
4. Serious health condition of a spouse, child, or parent shall be defined as a condition which requires overnight inpatient care at a hospital, hospice, or residential care medical facility, or a condition which requires continuing care by a licensed health care provider.
5. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following: 1) a period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: a) treatment two or more times within 30 days of incapacity , or b) treatment by health care provider on at least one occasion which results in a regimen of continuing treatment by a health care provider. This treatment must occur within the first seven days of incapacity, 2) any period of incapacity due to pregnancy or pre-natal care; 3) any period of incapacity or treatment due to a chronic serious health condition that requires periodic visits to a health care provider and continues over an extended period of time; 4) any period of incapacity which is permanent or long term due to a condition that treatment is not effective; 5) any period of incapacity or absence to receive multiple treatments by a health care provider.
6. Eligible employees may take FMLA leave when an employee's covered military member (spouse, child of any age or parent) is on active duty or called to active duty status in a foreign country. The following qualify as exigency leave: 1) leave may be taken to address any issue that arises because the covered military member was given seven days or less notice for active duty deployment in support of a contingency operation. Eligible employee may take up to 7

days beginning on the date the covered military member receives the call or order to active duty; 2) leave may be taken to attend any official ceremony, program or event sponsored by the military that is related to the active duty or call to active duty status in a foreign country of a covered military member; 3) leave may be taken to attend family support or assistance programs and informational briefing sponsored or promoted by the military, military service organizations or American Red Cross that are related to active duty or call to active duty status in a foreign country of a covered military member; 4) leave may be taken to arrange alternative childcare, provide childcare on a urgent basis (not as routine), to attend school or daycare meetings, to enroll or transfer covered children under age 19 when it is necessitated by the active duty or call to active duty status of a covered military member; 5) leave may be taken to make or update financial or legal arrangements to address the covered members absence while on active or call to active duty status in a foreign country; 6) leave may be taken to act as the covered military member's representative before a governmental agency for obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status in a foreign country and for a period of 90 days following the termination of the covered member's active duty status; 7) leave may be taken to attend counseling provided by someone other than a health care provider for oneself, for the covered military member or covered child provided the need for counseling arises from active duty status or call to active duty status in a foreign country of a covered military member; 8) leave may be taken to spend time with a covered military member who is short-term, temporary, rest and recuperation leave during leave during the period of deployment. Eligible employees may take up to 15 days of leave for each instance of rest and recuperation; 9) leave may be taken to attend post-deployment activities for the covered military member for a period of 90 days following the termination of the covered member's active duty status; 10) leave may be taken to address issues that arise from the death of a covered military member while on active duty status in a foreign country; 11) certain activities arise from the military member's covered active duty or 12) leave may be taken to address any other additional events that may arise out of the covered military member's active duty or call to active duty status in a foreign country provided the County agrees the leave shall qualify as an exigency and agree to both the timing and he duration of such leave.

7. Up to 12 weeks leave per 12 month period may be used under this policy. The County will measure the 12 month period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy. All leave taken under this policy during the prior 12 month period shall be subtracted from the employee's 12 week leave eligibility and the balance is the leave the employee is entitled to take at that time.
8. If a husband and wife both work for the County the maximum combined leave they shall be allowed to take in any 12 month period for the birth or placement of a child, or care for a parent with a serious health condition is 12 weeks. The combined limit is 26 weeks in a single 12 month period if leave is to care for a covered service member or covered veteran with a serious injury or illness.
9. An eligible employee is entitled up to 26 workweeks of leave to care for a covered service member or covered veteran with a serious injury or illness during a single 12-month period: 1) the single 12 month period begins on the first day the eligible employees take FMLA to care for covered service member or covered veteran and ends 12 months after that date; 2) if an eligible employee does not take all of their 26 workweeks during this 12 month period, the remaining part of the 26 workweeks of leave entitlement to care for the covered service

member or covered veteran is forfeited; 3) this leave entitlement is applied on a per-injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members of covered veterans or to care for the same covered service member or covered veteran with a subsequent serious illness or injury, except that no more than 26 workweeks may be taken within any single 12 month period.

10. If an employee has accrued leave, the employee shall be required to use the following paid leave as detailed below: compensatory time, vacation, holiday and sick. The remainder of the leave shall be unpaid.
11. An employee taking leave because of their own serious health condition, or the serious health condition of an eligible family member shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 12 week leave period being unpaid leave.
12. An employee taking leave for the birth of a child shall be required to use paid sick leave first, then earned compensatory time, vacation and holiday leave for the recovery period after the birth of the child prior to being on unpaid leave.
13. After the recovery period from giving birth to a child, the employee shall be required to first use all earned compensatory time, then vacation and other available paid leave, except for sick leave with the remainder of the 12 week leave period being unpaid leave
14. An employee taking leave for the placement of a child in the employee's home for adoption or foster care shall be required to use first earned compensatory time, then vacation and other available paid leave, except for sick leave, with the remainder of the 12 week period being unpaid leave.
15. An employee who is taking leave for a qualifying exigency for a covered military member shall be required to use first earned compensatory time, then vacation, and other available paid leave, except for sick leave, with the remainder of the 12 week leave period being unpaid leave.
16. An employee taking leave for the care of a covered service member or covered veteran shall be required to first use all earned compensatory time, then sick leave, vacation, and any other paid leave, with the remainder of the 26 week leave period being unpaid leave.
17. The maximum amount of paid and unpaid leave that may be used under this policy in any 12 month period is 12 weeks, except for qualifying leave care for a covered military member with a serious injury or illness with the maximum leave being 26 weeks in a single 12 month period.
18. While on leave under this policy, the County shall continue to pay the employee's medical plan premium at the same rate as if the employee had been actively at work. The employee shall be required to pay for dependent coverage, and for any other coverage for which the employee would normally pay, or the coverage will be discontinued. Payment for coverage shall be made through regular payroll deduction while the employee is on leave paid leave. While on unpaid leave, the employee shall be required to pay for premiums due to County no later than 30 days after the due date which the county sets or the coverage shall be discontinued.



19. At the end of the 12 weeks leave all eligible employees will be offered COBRA if they are unable to return to work, except for the care of an injured covered military member where the eligible employee will be offered COBRA at the end of 26 weeks in a single 12 month period.
20. 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, the employee's eligible family member, or the care of a covered military member or covered veteran.
21. 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, the employee's eligible family member, or the care of a covered military member or covered veteran.
22. 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 12 week leave eligibility. If the time missed is for the care of a covered military member or covered veteran with a serious injury or illness the time will be deducted from the employee's 26 week leave eligibility in a single 12 month period.
23. 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.
24. The employee must respond to the request within 15 days of the request to provide a reasonable explanation for the delay. If the employee does not respond, leave may be denied.
25. Certification of the serious health condition of the employee shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of the treatment; and 5) 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.
26. Certification of the serious health condition of an eligible family member shall include: 1) the date the condition began; 2) its expected duration; 3) the diagnosis of the condition; 4) a brief statement of treatment; and 5) a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
27. Certification for leave taken because of a qualifying exigency shall include: 1) a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or called to active duty status in a foreign country; 2) the dates of the covered military members active duty service; 3) a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency, sufficient to support the need for leave; 4) the approximate date on which the qualifying exigency will start and end, 5) if the request is for an intermittent leave or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; 6) if qualifying exigency involves meeting with a third party, appropriate contact information such as: name, title, organization, address, telephone number, fax number and email address and a brief description of the purpose of the meeting.

28. Certification for leave taken for serious injury or illness of a covered military member or covered veteran shall include: 1) if the injury or illness was incurred in the line of duty while on active duty; 2) the approximate date on which the illness or injury occurred and the probably duration; 3) a description of the medical facts regarding the covered military members or covered veterans' health condition, sufficient to support the need for care ; 4) if the covered military member is a current member of the Regular Armed Forces, the Nation Guard or Reserves and the covered military member's branch, rank and unit currently assigned to; 5) the relationship of the employee and the covered military service member or covered veteran; or 6) in lieu of certification, a TO(invitational travel orders) or an ITA (Invitational travel authorizations) issued is sufficient certification for a eligible employee to be allowed to take FMLA to care for a covered military member. The employee may be required to provide confirmation of the family or next of kin relationship to the seriously injured or ill covered military member or covered veteran.
29. 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. Certification for intermittent or reduced schedule leave may be requested every 6 months in connection with an eligible absence.
30. 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 a reason to doubt the certification, except FMLA to care for a seriously injured or ill covered service member supported by an ITO or ITA.
31. If there is a conflict between 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.
32. Except where leave is unforeseeable, an employee shall be required to submit, in writing, a request for leave under this policy to his or her immediate supervisor.
33. Where practicable, an employee should give his or her immediate supervisor at least 30 days notice before beginning leave under this policy. Where it is not reasonably practicable to give 30 days notice before beginning leave, the employee shall be required to give as much notice as is reasonable 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.
34. Employees returning from leave under this policy, and who have 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. Employees who have not exceeded the 26 week maximum, in a single 12 month period, allowed to care for a seriously ill or injured covered military member, shall be returned to the same job or job equivalent to the job they have prior to going on leave.
35. 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.

36. 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 weeks of leave allowed under this policy, or who elects not to return to work after using the maximum leave; this includes employees who may still have sick leave or vacation leave still available.
37. Except in situations where the employee is unable to return to work because of the serious medical condition of the employee or an eligible family member, or other situations beyond the control of the employee, an employee who does not return to work after using maximum leave allowed under this policy shall be required to reimburse the County for all medical premiums paid by the County while the employee was on leave without pay.
38. While on leave without pay under this policy, 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.
39. Employees who are out on approved FMLA may not take trips outside of the county unless the travel is related to the employees own serious health condition, the serious health condition of the child, spouse or parent of the employee or to attend qualifying military events. Employees may ask for permission from their immediate supervisor to take other trips outside of the county and supervisors may grant employee requests at their discretion.
40. Any area or issue regarding family and medical leave which is not addressed in this policy shall be subject to the basic requirement of the Federal Family and medical Leave Act (FMLA) and the regulations issued to implement it.
41. The County may send out to an employee who has been out for 3 or more days a Medical Certification to determine the employees FMLA eligibility. The Employee should have their physician complete and return the certification within 15 days of receipt to be eligible for FMLA. Failure to return the medical certification may result in denial of FMLA. Employees will be required to provide a Fitness-for-Duty certification prior to returning to work.

## **LEAVE WITHOUT PAY FOR PERSONAL REASONS**

1. Each supervisor shall have the authority to grant an employee up to ten (10) days leave without pay for personal reasons other than in conjunction with family leave, provided that no problems will be created by leaving the employee's job unfilled for the period of the requested leave.
2. Upon the recommendation of the supervisor, the Commissioners' Court may grant an employee personal leave without pay for a period of up to ninety (90) days provided the employees position may be left unfilled for the period requested without creating undue hardship on the department.
3. An employee on personal leave without pay shall not accrue vacation, sick leave, be eligible for holidays, or earn other benefits afforded to employees actively at work during the period of personal leave.
4. An employee on personal leave without pay may continue medical and life insurance coverage on him/herself and, if applicable, coverage on eligible dependents by paying the premiums for such coverage on or before the due date set by the County.
5. If an employee fails to return to work after the conclusion of an approved leave, the employee will be terminated from employment.

## **JURY AND WITNESS DUTY LEAVE**

1. It is the policy of Colorado County to enable employees to fulfill their civic obligations. If an employee is called to jury duty, he/she must notify his/her supervisor immediately so appropriate arrangements can be made for the time off required.
2. All County employees 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.
3. Employees will be paid their regular wages while on jury duty which includes both the jury selection process and, if selected, the time they actually serve on the jury. Pay for serving on a jury shall only include the time the employee would have normally been scheduled to work and will not include extra pay if jury service involves time outside of the employees normal work schedule.
4. Any fee paid for the above services may be retained by the employee.
5. If an employee is absent from work to appear in private litigation in which he/she is a principal party, the time off shall be charged to vacation, comp time, or leave without pay.

## **MILITARY LEAVE**

1. Regular full-time employees who are members of the National Guard or active reserve components of the United States Armed Forces shall be allowed up to fifteen (15) days off per federal fiscal year with pay to attend authorized training sessions and exercises.
2. The fifteen (15) day paid military leave shall apply to the federal fiscal year and any unused balance at the end of the year will not be carried forward into the next federal fiscal year.
3. Pay for attendance at Reserve or National Guard training sessions or exercises shall be authorized only for periods which fall within the employee's normal work schedule.
4. An employee may use annual vacation leave, earned compensatory time, or leave without pay if he/she must attend Reserve or National Guard training sessions or exercises in excess of the fifteen (15) day paid maximum.
5. An employee going on military leave shall provide his/her supervisor with a set of orders within two (2) business days after receiving them.
6. Colorado County employees who leave their positions as a result of being called to active military service or who voluntarily enter the Armed Forces of the United States shall be eligible for re-employment in accordance with state and federal laws in effect at the time of their release from duty.
7. Exceptions to this policy will occur wherever necessary to comply with applicable laws.

## **VOLUNTARY LEAVE**

1. Regular full-time employees who are members of a volunteer fire department shall be allowed to respond to fires, accidents, etc., during regular working hours upon his/her supervisor's discretion.
2. Any injury or illness sustained during volunteer leave will not be subject to the County's worker's compensation program.
3. All Regular full-time employees shall receive their normal pay for the period they are called to volunteer that they would have otherwise been at work.
4. Misuse of this policy will result in disciplinary action, up to and including termination.

## **FUNERAL LEAVE**

1. All Regular full-time employees shall be eligible for paid funeral leave when there is death in the employee's family.
2. An employee may be allowed up to two (2) work days upon the death of the spouse or a parent, grandparent, sibling, child, or grandchild of the employee or the spouse of the employee. Additional time must be charged to sick leave, vacation, comp time or leave without pay.
3. An employee may be allowed up to one (1) work day upon the death of any other member of the family of the employee or spouse of the employee. Additional time must be charged to sick leave, vacation, comp time or leave without pay.



## **EMERGENCY CLOSING**

1. It may become necessary to close the County Offices including Road & Bridge Departments due to inclement weather, ice/snow, flooding, or similar disaster. If this occurs, the County Judge will have the authority to decide whether to OFFICIALLY close the County Offices including Road & Bridge Departments and for the employees to receive pay for this. The Sheriff will have the authority to close County facilities in case of a security threat.
2. EMS, Jail, and Sheriff Department personnel are continuously operating public safety and will be paid their regular wage during the emergency closure.
3. In the event that an emergency closing is ordered by the County Judge, regular full-time employees will be paid their regular wage as the day will be recorded as an official closed day. This time off is not considered time worked and will not be used to determine eligibility for overtime.
4. Any employee who is off or scheduled to be off on sick leave, vacation, holiday, compensatory time, FMLA or leave without pay during a period of emergency closure shall have their leave recorded as such.
5. Any essential employee who fails to report to work as scheduled during inclement weather or disaster shall use vacation, compensatory time or time off without pay, at the discretion of the department head.
6. An elected official may choose to close his or her office at any time; however, until the County Judge has officially closed the County Offices including Road & Bridge Departments, employees shall use accrued leave (vacation, compensatory time) or time without pay.
7. Whenever there is an official emergency closure, all who are called in to work will be compensated at one and one half times their hourly rate. Essential personnel may include any personnel designated by the County Judge or department heads.
8. Exempt employees do not earn overtime pay, except in cases of emergencies or disaster as declared by County, State or Federal governments. When a State of Emergency or Disaster is declared, exempt employees overtime for services rendered for Colorado County related to the declared emergency will be compensated in like manner as a non-exempt employee.

## **GROUP MEDICAL, DENTAL, AND LIFE INSURANCE**

1. All Regular full-time employees as defined in the EMPLOYEE STATUS policy shall be eligible for coverage under the group hospitalization, medical, dental, and life insurance program.
2. An employee shall have a ninety (90) day waiting period after date of full-time employment before insurance becomes effective.
3. Under the Health Insurance Portability and Accountability Act of 1996 (HIPPA), if you are declining enrollment for yourself or your dependents (including your spouse) because of other health insurance coverage, you may in the future be able to enroll yourself or your dependents in this plan, provided that you request enrollment within 30 days after your other coverage ends. If you have a new dependent as a result of marriage, birth, adoption, or placement for adoption, you may be able to enroll yourself and your dependents, provided that you request enrollment within 30 days after the marriage, birth, adoption, or placement for adoption.
4. Pre-existing condition exclusion is inapplicable to a pregnancy or to a newborn child or adopted child under age 18 who becomes covered within 30 days of birth or adoption.
5. The County shall pay the premium for coverage of eligible employees.
6. An employee eligible for coverage under the plan may include eligible family members under the coverage by paying the full cost of their coverage.
7. An employee with dependent coverage may elect to participate in Colorado County's Flexible Employee Benefit Plan. By enrolling in this "Plan", you agree to have your gross salary reduced by the amount of the cost of dependent medical insurance coverage. Once enrolled, you are locked in until the anniversary date of the "Plan".
8. Premiums for family members covered under this plan shall be deducted from the employee's monthly paycheck.
9. The benefits for the group hospitalization, medical, dental and life insurance program shall be in accordance with the provisions of the master contract.
10. Colorado County's group hospitalization and medical insurance program provides that employees whose health care coverage would otherwise terminate, because their employment ends (except for gross misconduct) or their work hours are reduced, may elect to continue coverage for themselves and their qualified dependents for a maximum period of either 18, 29 or 36 months depending on the reason that eligibility terminated as defined in the Consolidated Omnibus Budget Reconciliation Act (COBRA). (See notice relating to COBRA on pages 72 & 73.)

11. Employees who retire drawing a monthly county pension may elect to continue their coverage until he/she becomes sixty-five (65) years of age and/or is entitled to Medicare benefits at their own expense.

### **Important Notice to Employees and Dependents of Continuation Option**

(If you are married, both you and your spouse should take time to read this notice carefully)

The Consolidated Omnibus Budget Reconciliation Act (COBRA) passed by the 99<sup>th</sup> Congress provides that when Participants (Employees and Dependents) lose their eligibility for group health coverage because of any of the events listed below, they may elect to continue group health coverage. The continued coverage can remain in effect for a maximum period of either 18, 29 or 36 months depending on the reason that eligibility terminated.

#### **Events qualifying for 18-month continuation are loss of eligibility as a result of:**

1. Reduction of Employee work hours; or
2. Employee retirement or termination (voluntary or involuntary), except for discharge for gross misconduct.

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

#### **Events qualifying for 36-month continuation for Dependents are loss of eligibility as a result of:**

1. Death of the Employee;
2. Divorce or legal separation of the Employee;
3. Medicare eligible Employee (Employee becomes eligible for Medicare, leaving Dependents without group health coverage); or
4. Children who lose coverage due eligibility provisions (for example: limiting age, marriage).

#### **Who is eligible for the continuation option?**

Participants (Employees and Dependents) who are covered by the group health plan at the time of the qualifying event are qualified beneficiaries and are eligible to continue coverage. Each may make an independent election. A child born or adopted by the Employee during COBRA continuation is eligible to be a qualified beneficiary upon timely application.

### **How do the Participants apply?**

1. If a qualifying event is either: (a) the divorce of an Employee; or (b) a child becoming ineligible, Participants must notify the Employer in writing. Then, the Employer will give written notice to the Participants of the continuation option. If the qualifying event is the Employee's death, Medicare eligibility, or termination of employment (or reduction of hours), the Employer will give written notice to the Participants of the continuation option.
2. The eligible Participants have 60 days to give written notice to the Employer of their desire to continue coverage. The election must specify names of covered individuals and the reason for and date of the qualifying event.
3. A Participant's coverage shall terminate upon the occurrence of any of the following:
  - a) The maximum time period expires;
  - b) A continued Participant obtains coverage after the date of election under any other group health plan (as an Employee or otherwise) which does not contain an applicable exclusion for any Preexisting Condition of the Participant;
  - c) A continued Participant becomes covered by an Medicare benefits after the date of election;
  - d) The Employer no longer provides group health coverage for Employees; or
  - e) The required payment to continue coverage is not made on a timely basis.

A continued Participant's coverage may also be terminated for fraud or intentional misrepresentation of material fact to the same extent the coverage for a similarly situated non-continued Participant could be terminated.

Benefits for a continued Participant will be the same as those for active Employees. Rates will be based upon the rates for active Employees. If the Employer changes benefits or rates, the continued Participants will receive the new benefits and a new rate.

Contact the County Auditor's office at (979) 732-2791 if you have any questions about COBRA.

## **RETIREMENT BENEFITS**

1. Colorado County shall participate in the Texas County and District Retirement System. The employee's contribution to this system is 7% of gross salary, which is deducted from the employee's paycheck and is currently matched with County funds at a ratio of 1.85:1.
2. All part time and full time regular employees shall be eligible to participate in TCDRS.
3. Deductions begin with the employee's first paycheck.
4. The employee shall not be entitled to the County's portion contributed to the System on his/her behalf, should the employee withdraw from the System. (Employer contributions can never be paid in lump sum and lump sum withdrawals forfeit all claims on employer contributions.)
5. The employee shall be eligible to receive lifetime monthly pension payments following the termination of his/her employment if:
  - a) the employee attains the age of sixty (60), and shall have accumulated eight (8) or more years of credited service with TCDRS;
  - b) the employee accumulates eight (8) years or more of credited service with TCDRS and receives a disability retirement annuity if the member is certified as disabled in accordance with Section 844.303 (b) (2) of the TCDRS Act;
  - c) the employee accumulates twenty (20) or more years of credited service with TCDRS (at any age); or
  - d) the employee's combined age and total years of service (each rounded down to whole years) is 75 or more (Rule of 75).

## **RETIREE REHIRES**

1. Retired employees shall be eligible to apply for open positions with Colorado County as long as the following provisions are met: 1) The retiree has been retired for at least a full calendar month, 2) No prior arrangement or agreement was made between Colorado County and the retiree for re-employment, and 3) strict adherence to normal leaving employment procedures were followed at the at time of the employee's retirement.
2. The retiree must have a bona fide separation of employment and have been retired for a minimum of one calendar month. A bona fide separation means there is no prior agreement or understanding between Colorado County and the retiree that the retiree would be rehired after retirement. According to Rule 107.4 adopted by the TCDRS Board of Trustees, restrictions apply to elected officials, people employed for the same or different position in the same or different department, employee status changes, and independent contractors.
3. Newly elected officials who have recently retired from the county cannot draw their retirement because they have an arrangement to return to work for the county. Employees also cannot retire with an agreement to go work in a different department or different position. Changing employee status does not matter when determining if someone is still working for the county. Also, an employee cannot retire from the county with an arrangement to begin work as an independent contractor either.
4. Rehired retirees who did not have a bona fide separation of employment may owe a 10 percent excise tax and be required to repay all of their monthly retirement payments. Abusing the retirement provisions in such a manner would violate a qualification requirement for retirement plans under Section 401 (a) of the Internal Revenue Code, potentially resulting in significant tax consequences for the employer, its participating members and those retired employees.
5. Any retiree who meets all other TCDRS requirements, who is rehired consistent with this policy, must establish a new membership with TCDRS and will be considered to be a new member for the purposes of beneficiary determination and benefit selections

## **SOCIAL SECURITY AND MEDICARE**

1. All County employees shall participate in the Federal Social Security and Medicare Program which provides certain retirement and disability income benefits.
2. The County shall pay an amount equal to the employee's Social Security and Medicare deduction to each employee's Social Security and Medicare account in accordance with the regulations of the program.

## WORKERS' COMPENSATION

1. All County employees of Colorado County shall be covered by the County's Workers' Compensation Program while on duty for the County.
2. Under the workers' compensation program, an employee who suffers a job related injury or job related illness shall be eligible to have all medical expenses paid for such injury or illness and, if unable to work for more than seven (7) calendar days, shall be eligible to receive partial salary continuation benefits under workers' comp which begins on the eighth day of injury or illness.
3. If an employee (other than law enforcement personnel) is unable to work for less than seven (7) calendar days due to a job related injury or illness, the time lost shall be shown as sick leave.
4. An employee who suffers an on the job injury, no matter how slight, or job related illness **must** notify his/her supervisor immediately and fill out the appropriate forms.
5. Failure to report job related injuries or illnesses in a timely manner may affect an employee's eligibility to receive workers' compensation benefits or may delay benefit payments.
6. 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.
7. An employee who qualifies for workers' compensation insurance shall not continue to accrue vacation and sick leave. (excluding deputies and jailers)
8. Leave due to a work-related injury or illness shall be designated as FMLA leave and they will run concurrently. (excluding deputies and jailers)
9. The County will continue to pay the medical and life insurance premiums for employee personal coverage if the employee is eligible for this benefit under the Family Medical Leave Act (FMLA). This coverage will continue as long as you are covered under the FMLA entitlement period of up to twelve (12) weeks. Except deputies and jailers.
10. Employees on workers compensation leave beyond 90 days will be eligible to continue coverage in the county's group insurance plan at their own cost through their rights under COBRA. Except deputies and jailers.



11. Your workers compensation leave is being designated as leave to which you are entitled under the Family Medical Leave Act of 1993. This means that your job will be held open for your return for a period of at least 12 workweeks as required by law, as long as your physician certifies that you are unable to perform the essential functions of your job and you follow your doctor's recommendations. Retention of your job after that period of time will depend on the specific needs of your department and your expected period of recovery, in accordance with the County policy.
12. Deputies or jailers who sustain injuries while on the job will receive their full salary (off set against any workers' compensation wages) until the end of the Sheriff's current term of office under which the injury occurred. Their leave of absence expires with the last day of office of the sheriff current term, and they will be terminated effective 12:00 midnight December 31<sup>st</sup>, provided they have exceeded the maximum 90 days allowable.
13. Any employees who are not yet able to return to their former duties may be offered a temporary light-duty assignment that has been approved by the employee's attending physician. The assignment can consist of the employee's regular job with reduced working hours and/or activities, or an alternate light-duty position. However, the County does not guarantee the availability of light-duty work and the offer of light-duty work is subject to the approval of the department head.
14. Light-duty assignments are **temporary** arrangements intended to complement and facilitate the healing process. Light-duty assignments cannot exceed 12 weeks without approval from the department's elected official.

## **HOLIDAYS**

1. All Regular full-time employees shall be eligible for the paid holiday benefit.
2. The official paid holidays for the County shall be set at a Regular Term of Commissioners' Court each December for the following year.
3. A Holiday that occurs on a Saturday or Sunday will be observed on either the preceding Friday or the following Monday.
4. An employee who is on a leave of absence shall not be paid for any official Holidays occurring during such leave.
5. If paid holiday occurs during vacation of an eligible employee, that day shall be paid as a holiday and not be charged against the employee's vacation balance.
6. If an employee's job requires him/her to work on an official County observed holiday, the employee shall accrue holiday hours equivalent to actual hours worked on the County observed holiday. Example: Law enforcement employee works a shift from 6 pm to 6 am on a County observed holiday, the employee would receive six (6) hours of holiday time.
7. If an official County holiday occurs on an employee's regular scheduled day off or day requested off, the employee shall not be given another day off with pay.
8. For law enforcement, jailers, and dispatchers, all holiday hours not taken within the same work period may be accrued by the employee not to exceed 48 hours. Any holiday hours over 48 hours of accrual will be reduced automatically without compensation except for full-time EMS personnel who will receive compensation for all holiday hours worked at their regular rate of pay.
9. Holiday time will be used for the purpose of computing Regular compensatory time for any hours over (40) or (171).
10. Special consideration shall be given to employees requesting time off for religious or other special observances which are not designated as paid holidays for Colorado County. Each supervisor is responsible for granting this leave based on the needs of their individual departments. Vacation, compensatory time, or leave without pay may be used for special leave granted.

## VACATION

1. All Regular full-time employees as defined in the EMPLOYEE STATUS policy shall be eligible for paid vacation leave.
2. Vacation shall be accrued in accordance with the attached Vacation Accrual Schedule. Vacation shall not accrue while an employee is on leave without pay.
3. Vacation accrual shall begin at the time an employee begins work in a position eligible to accrue vacation.
4. An employee shall be required to work for a minimum of three (3) months before he/she may take any vacation.
5. The maximum amount of unused vacation that an employee shall be allowed to carry-over from one year to the next shall be twenty (20) days.
6. Any used vacation over (20) days at the end of the year shall be forfeited (use it or lose it).
7. An employee shall not be allowed to receive pay in lieu of taking time off for vacation.
8. The Department Head is responsible for approving and arranging vacation time for employees with consideration being given to seniority, operating needs of the department, and employee requests.
9. The maximum amount of vacation that an employee shall be allowed to use at any one time is the amount he/she has accrued.
10. Employees shall not be allowed to borrow vacation against possible future vacation earnings.
11. Employees shall not be allowed to receive or donate vacation.
12. Employees who have been employed for less than three (3) months in a position which accrues vacation shall receive no pay for accrued vacation at termination. Employees employed for more than three (3) months shall receive pay for any unused accrued vacation up to the maximum allowed under this policy (20) days.
13. Each department head or his/her designee shall maintain and update on a monthly basis a vacation record for each employee in his/her department which shows the hours of vacation used during the month.

14. Years of service will be calculated on an employee's anniversary date not January 1, unless that is his/her date of hire.
15. An employee hired on or prior to the 15<sup>th</sup> day of the month or whose employment terminates on or after the 16<sup>th</sup> day of the month shall earn a full month vacation accrual for that month.
16. An employee hired on or after the 16<sup>th</sup> day of the month or whose employment terminates on or before the 15<sup>th</sup> day of the month shall earn one-half a month vacation accrual for that month.
17. Any requests to use vacation, will be charged to comp time should there be comp time credits.

### **VACATION ACCRUAL SCHEDULE**

#### FULL-TIME REGULAR EMPLOYEES

<u>Years of Service</u>	<u>Hrs Accrued Per Month</u>	<u>Annual Accrual (Hours)</u>	<u>Annual Accrual (Days)</u>
1 thru 2	3.34	40	5
3 thru 10	6.67	80	10
11 thru 19	10.00	120	15
20 Plus	13.34	160	20

## **SICK LEAVE**

1. All Regular full-time employees as defined in the EMPLOYEE STATUS policy shall be eligible for sick leave.
2. Regular full-time employees shall accrue eight (8) hours sick leave per month.
3. A Regular full-time employee who begins employment on or prior to the 15<sup>th</sup> day of the month shall earn eight (8) hours sick leave for the month; an employee who begins employment on or after the 16<sup>th</sup> day of the month shall earn four (4) hours sick leave for the month.
4. There shall be no waiting period before an employee can use accrued sick leave.
5. The maximum amount of unused sick leave that an employee shall be allowed to carry-over from one year to the next shall be sixty (60) days or (480) hours.
6. The minimum amount of sick leave that may be used at any one time is two (2) hours.
7. Eligible employees may use accrued sick leave for absence from work due to:
  - a) illness or injury of the employee;
  - b) appointments with physicians, optometrists, dentists, and other qualified medical professionals; and
  - c) to attend to the illness or injury of a member of the employee's immediate family. For purposes of this policy, immediate family shall be defined as spouse, child, parent, or other relative living in the employee's home who is dependent on the employee for care.
8. An employee shall be responsible for notifying his/her supervisor on or before starting time on the day of sick leave absence and request that approved sick leave be granted.
9. An employee shall be required to request prior approval from his/her supervisor for sick leave to be used for non-emergency medical, dental, and optical appointments.
10. If more than one day of sick leave is needed, the employee shall be responsible for notifying his/her supervisor of the expected length of the absence on the first day of sick leave.

11. The employee will be placed on FMLA, if event and employee is eligible. If an employee uses three (3) or more consecutive days of sick leave, the supervisor shall have the right to require a physician's statement or some other acceptable documentation of injury or illness, for either the employees own illness or the illness of an immediate family member. Employees who have a pattern of abusing sick leave may be required to provide a physician's statement for those absences as required by their supervisor.
12. An employee shall not accrue sick leave during the period of absence which is not paid.
13. An employee shall not receive pay for any unused accrued sick leave at the time of termination.
14. Employees shall not be allowed to borrow sick leave against future accruals.
15. Employees shall not be allowed to receive or donate sick leave.
16. Each department head or his/her designee shall maintain and update on a monthly basis a sick leave record for each employee, which shows the hours of sick leave used during the month.
17. An employee on sick leave shall be terminated from employment with Colorado County if any of the following occurs:
  - a) The employee intentionally misrepresents the nature or anticipated duration of the sick leave.
  - b) The employee fails to notify the County as soon as the injury or illness ends;
  - c) The employee accepts a position with an employer other than the County;
  - d) The employee refuses to accept a suitable position with the County which is offered after the sick leave ends; and
  - e) The employee violates any of the provisions of this policy.
18. Sick leave may not be used as vacation or any other reason not addressed in this policy.

## **SICK LEAVE POOL**

1. It shall be the policy of Colorado County to provide for a Sick Leave Pool, as prescribed by Chapter 157 of *The Texas Local Government Code*, which will enable County employees to make voluntary contributions of accrued sick leave to become members; and from which eligible member employees may be granted sick leave in the event of a catastrophic injury or illness after the employee has exhausted all the accrued paid leave and compensatory time to which the employee is otherwise entitled.
2. A catastrophic illness or injury is defined as a severe condition, or combination of conditions, affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the County for that employee.
3. Catastrophic illness or injury is one that prevents an employee from performing the functions of his/her job for an extended period of time. Examples of qualifying catastrophic illness/injuries generally considered include, but are not limited to:
  - a) Stroke with residual paralyses or weakness
  - b) Incapacitating heart attack
  - c) Major surgery (hysterectomy, mastectomy, heart bypass, etc.)
  - d) Cancer
  - e) Hepatitis
  - f) Car wreck requiring hospitalization.

Any other health conditions not listed above must be presented for approval to Commissioners' Court in a closed session regarding individuals' Medical Records per the Texas Open Meetings Act, Government Code, Section 551.0785.

Examples of illness/injuries that generally would not be considered severe enough to be catastrophic include but would not be limited to:

- a) Broken limb
- b) Cold/allergy
- c) Minor surgery with no complications such as appendectomy, tonsillectomy, day surgery
- d) Pregnancy unless the medical provider determines that a condition that was not foreseeable arises during the pregnancy that makes it a catastrophic condition
- e) Elective surgery

4. All regular full-time employees, with twelve (12) or more months of continuous employment with the County are eligible to use time contributed to the County Sick Leave Pool.
5. Employees may voluntarily contribute a minimum of one (1) day, up to a maximum of five (5) days accrued sick leave each year to begin membership.
6. Employees who are terminated or who resign or retire may donate up to 10 days to the Sick Leave Pool immediately before the effective date of termination, resignation, or retirement.
7. New employees must join the Pool within thirty (30) days after the first anniversary of their employment or during the regular enrollment period (January) after their first anniversary.
8. Employees wishing to contribute to the County Sick Leave Pool must submit a completed *Sick Leave Pool Contribution* form to the Pool Administrator.
9. The Pool Administrator shall be appointed by the Commissioners' Court. The Administrator will be responsible for administering the County's Sick Leave Pool. The Colorado County Auditor shall be the Administrator.
10. A member employee may apply to withdraw sick leave hours from the Pool if the employee has a catastrophic illness or injury and is about to exhaust all accrued sick leave, vacation and compensatory time.
11. Members requesting withdrawal of hours from the Pool must complete a *Request for Pool Leave* form and a *Certificate of Illness/Injury* form. These forms are available from the Pool Administrator. The *Certificate of Illness/Injury* must be completed by both the employee and a physician or other licensed medical practitioner.
12. If an employee, due to his/her condition, is unable to personally file an application for sick leave hours from the Pool, the employee's family member, immediate supervisor, or elected official may initiate the application form at the request of the employee or employee's family member.
13. The Administrator will review each request for Pool Leave on an individual basis to determine whether the condition is severe enough to be considered catastrophic. The *Certificate of Illness/Injury* form must contain sufficient information to evaluate the nature of the illness or injury and determine whether the illness or injury is catastrophic.
14. The Administrator may require the requesting employee to provide additional information or documentation to determine whether to approve a request for use of time from the County Sick Leave Pool. The Administrator will respond to each request as promptly as possible.



15. The Administrator may require the employee to provide additional information or documentation to determine whether to approve a request for Pool Leave.
16. If the Administrator determines that the employee is eligible, the administrator shall credit the time to the employee, and the employee may use the time in the same manner as sick leave earned by the employee in the course of employment.
17. All documents submitted to the Administrator for the purpose of evaluating eligibility for Pool Leave are confidential and will be maintained as such in the Administrator's files.
18. An eligible employee may not use time in the County Sick Leave Pool in an amount that exceeds the lesser of one-third (1/3) of the total amount of time in the Pool or 90 days. The Administrator shall determine the exact amount that an eligible employee may use. Available Pool Leave is administered on a first-come, first-served basis.
19. An employee absent on sick leave assigned from the County Sick Leave Pool is treated for all purposes as if the employee were absent on earned sick leave as defined in the SICK LEAVE policy.
20. The estate of a deceased employee is not entitled to payment for unused sick leave acquired by that employee from the County Sick Leave Pool. Should an employee die and there is outstanding Sick Leave Pool benefits for the employee, these benefits will be returned to the Sick Leave Pool immediately.
21. Contribution of time to the Sick Leave Pool cannot be designated for a particular use or for a particular employee. Use of the Pool is based on the evaluation of the Administrator.
22. All unused sick leave granted and not used will be returned to the County Sick Leave Pool. It will not accrue to the benefit of the employee receiving the granted benefit.
23. Days will not be granted when an employee is receiving worker's compensation benefits.
24. Sick Leave Pool time credited an eligible employee will be deducted from Family and Medical Leave Act benefits to which the employee would otherwise be entitled.

## **LONGEVITY**

1. All Regular full-time employees may receive longevity pay after five (5) years of employment with Colorado County.
2. Longevity pay is calculated at \$4.00 per month per year of full-time employment for years (1) one through (15) fifteen. Longevity pay will increase to \$6.00 per month per year after (15) fifteen years of full-time employment.
3. Longevity pay will be paid annually at year end (December).
4. When an employee reaches his/her five years of employment, that year's longevity pay will be prorated according to the employee's date of full-time employment.
5. An employee who leaves the County's employment prior to December shall not be eligible for longevity pay unless the employee retires according to TCDRS guidelines, then that year's longevity pay will be prorated according to the employee's date of retirement.
6. No longevity will be earned until after the fifth year of full-time employment. For example: (5) five years of employment x \$4.00 per month equals \$20.00 per month x 12 months equals \$240.00; (17) seventeen years of employment x \$6.00 per month equals \$102.00 per month x 12 months equals \$1,224.00.

## **DISCIPLINARY PROCEDURES**

1. Employees are expected to devote work time to work, meet all work standards, and conduct themselves appropriately.
2. Each supervisor shall have the authority to administer discipline to employees in their department for poor performance, violation of policies, disruptive behavior or activity which the supervisor feels is not acceptable as it relates to the employee's job or the best interest of the department or County.
3. Depending on the severity of the situation, discipline may range from informal counseling up to and including immediate termination.
4. 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.
5. Colorado 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.

## **GRIEVANCES**

1. Employees of Colorado County who feel they have been improperly or unfairly treated in their job or in their relationship with the County shall have the right to file a grievance.
2. Actions or results which occur and which are beyond the control of the County shall not be considered grounds for grievance.
3. Grievances shall be handled in accordance with the attached grievance procedure.
4. Only the employee who filed the grievance shall be able to stop the grievance procedure either by action or inaction.
5. The grievance procedure shall be stopped if:
  - a) the employee indicates he/she is satisfied with the action to resolve the grievance at any level of the grievance procedure;
  - b) the employee, for any reason, indicates that he/she no longer wishes to continue the grievance procedure; or
  - c) the employee fails to take action to continue with the next step of the procedure within three working days of completion of the prior step.
6. Grievances must be filed within thirty (30) calendar days of the occurrence of the incident causing grievance.
7. No adverse action shall be taken against any employee for reason of his/her exercise of the right to file a grievance.
8. An employee following the internal grievance procedure shall not give up his/her legal right to other recourses in resolving the grievance.
9. Due to the severity or repeated offenses, any step in the grievance procedure may be skipped.

## **GRIEVANCE PROCEDURE**

### **STEP A**

1. Employee informally discusses grievance with his/her supervisor.
2. Supervisor decides what action, if any, will be taken in regard to the grievance.
3. If Step A does not result in a resolution of the grievance, the employee may precede to Step B, which is the first step of the formal grievance procedure, within three working days after the informal discussion with his/her supervisor.

### **STEP B**

4. The employee prepares a written statement giving the details of the grievance and stating the specific remedial action requested.
5. The employee gives the grievance statement to his/her supervisor.
6. Supervisor reviews the facts of the grievance, makes a decision as to what action if any is to be taken to resolve the grievance and communicates the decision to the employee within five working days after having received the grievance.

The elected or appointed official with control over the office will be the final authority in the grievance.

## **DRUG AND ALCOHOL POLICY / RULES**

### **I. APPLICATION**

1. These rules apply to all county employees; however, additional rules also apply to certain county employees who are required to maintain a commercial driver's license and the employees of the sheriff and emergency medical service will operate under the concept of **ZERO TOLERANCE**.
2. If these rules conflict in any way with the rules applicable to employees required to have a commercial drivers license, the "CDL" rules apply, respectively.

### **II. PURPOSE**

1. 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 our employees by providing education and treatment.
2. Use and misuse of alcohol or drugs impairs the ability of an employee to perform his/her duties and may endanger the employee, his/her co-workers, members of the public and property. The county seeks to prevent the use/abuse/misuse of drugs and alcohol by employees, which might impair their ability to perform their duties.

### **III. DEFINITIONS**

1. "County premises" includes all county property including vehicles, lockers, and parking lots.
2. "County property" includes all county-owned or leased property used by employees such as vehicles, lockers, desks, closets, etc.
3. "Drug paraphernalia" means equipment, a product, or material that is used or intended for use in containing or concealing a drug or for use in injecting,

ingesting, inhaling or otherwise introducing into the human body an illegal drug or controlled substance, including a scale, syringe or pipe.

4. “Drugs” or “drug” means a controlled substance, marihuana, a drug, or a dangerous drug listed in Health & Safety Code Chapter 481 (Texas Controlled Substances Act) or defined in Health & Safety Code Chapter 483 (Texas Dangerous Drug Act).
5. “Fitness for duty” means to work in a manner suitable for performing satisfactorily, their assigned job. To determine “fitness for duty” a medical evaluation may be required and may include drug and/or alcohol testing.
6. “Impaired” means 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 0.04 or more.
7. “Test” or “Testing” includes urine, breath or blood tests.
8. “Supervisor” as used herein means the supervisor, department head, acting department head, foreman or elected official of a governmental unit.

#### **IV. POLICY / RULES**

1. Information will be provided to all employees concerning the effects of alcohol and drugs, the terms of this policy, and the employment consequences for violations of this policy.
2. Alcoholism and other drug addiction are recognized as diseases responsive to proper treatment, and treatment is an option if the employee cooperates and volunteers prior to a request that he or she submit to a test.
3. Self-referral by employees or family members is strongly encouraged. The earlier a problem is addressed, the easier it is to deal with and the higher one’s success rate. Employees who seek help and refrain from future violation of this policy will not be disciplined.
4. An employee who self-refers himself for an alcohol or drug problem (prior to a request that he or she submit to a test) and who wishes to seek counseling, rehabilitation or other assistance will not be terminated and will be sent to a substance abuse professional for evaluation at the employee’s expense in a paid status (to the extent they have sick leave or choose to use their accrued vacation or comp time).

5. This policy applies to all Colorado County employees regardless of rank or position and shall include full time, part-time and temporary employees.
6. The county may search and inspect an employee's personal property including, but not limited to, briefcases, lunch boxes, or toolboxes as part of the county's security measures. Searches on county premises and county property can be conducted at any time.
7. An employee may not unlawfully manufacture, distribute, dispense, possess, sell, purchase, or use a controlled substance or drug paraphernalia on County property or while conducting County business not on County property.
8. An employee may not be under the influence of alcohol or illegal drugs while on duty for the County.
9. An employee may not possess or use unauthorized prescription or over-the-counter drugs while on County property or while on duty for the County. An employee may not use prescription or over-the-counter drugs while on County property or while on duty for the County, in a manner other than that intended by the manufacturer or prescribed by a physician.
10. An employee may use prescription and over-the-counter drugs in standard dosage or according to a physician's prescription if the use will not impair the employee's ability to do his or her job safely and effectively. An employee must keep prescription medications used at work in their original container.
11. An employee taking prescribed or over-the-counter medications is responsible for consulting the prescribing physician or a pharmacist to determine if the medication could interfere with the safe and effective performance of his or her job duties.
12. If the use of a medication could compromise an employee's ability to do his or her job or the safety of the employee, fellow employees or the public, the employee must report the condition to his or her supervisor at the start of the workday or use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify company doctor).
13. A supervisor must treat any information related to an employee's authorized use of prescription medications and any other medical information provided by the employee as confidential information.
14. Doctor/clinic appointments will be treated on the same basis as other personal business or health matters with regard to use of sick or compensation leave. Sick leave or compensation time may be taken as needed, with appropriate notification to your supervisor to allow for work duties to be managed appropriately.



15. 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 search of an individual or property. The county will cooperate fully in the prosecution of any employee who is alleged to have violated drug and/or alcohol laws.
16. The county reserves the right to interpret, change, suspend, cancel or dispute, with or without notice, all or any part of this policy, or procedures or benefits discussed herein.
17. Although adherence to this policy is considered a condition of continued employment, nothing in this policy alters an employee's status and shall not constitute nor be deemed a contract or promise of employment. Employees remain free to resign their employment at any time.
18. The provisions of this policy shall apply in addition to and shall be subordinated to, any requirements imposed by applicable federal, state or local laws, regulations or judicial decisions. Unenforceable provisions of this policy shall be deemed to be deleted.
19. The County Auditor will receive the results of drug tests and maintain the records under lock and key, separate from the employee's personnel file. Testing results will only be released to those with a need to know, usually only the immediate supervisor and department head.

## **V. PRE-EMPLOYMENT / PRE-DUTY TESTING**

1. Prospective employees of the Sheriff and the Emergency Medical Service shall submit to a test prior to beginning employment and sign an authorization allowing Colorado County to obtain records of test results and any refusals to test from previous employers. Exception for law enforcement personnel hired within 180 days from another agency according to TCOLE standards.
2. A prospective employee who fails the test, refuses the test, or refuses to authorize Colorado County to obtain test or refusal-to-test records from a previous employer is not eligible for employment.

## **VI. RANDOM TESTING**

Random testing procedures will conform to the county's procedures for random testing of EMS employees and county employees who are required to maintain a commercial drivers' license.

## **VII. TESTING AFTER ACCIDENTS**

1. Any county employee who is involved in a vehicle or non-vehicle work-related accident shall report the accident to the employee's supervisor as soon as possible.
2. If the employee's accident has not already been investigated by a peace officer who required the employee to perform field sobriety tests, and the employee's supervisor suspects that the employee may be in an impaired condition or has used a controlled substance, a dangerous drug or alcohol, the supervisor shall contact a deputy sheriff or other peace officer to conduct field sobriety tests in accordance with the Reasonable Suspicion Testing policy section.
3. Any county employee who is in an accident while driving or operating county-owned machinery, equipment, or a vehicle, wherein the employee or another person is injured or one or more vehicles incur disabling damage requiring towing, must do the following:
  - a. Report the accident to the employee's supervisor as soon as possible;
  - b. Promptly take a drug and/or alcohol and/or blood test as requested.

## **VIII. REASONABLE SUSPICION TESTING**

1. Any employee may be tested for drug or alcohol use when there is a reasonable suspicion to believe that the employee is either in an impaired condition or appears to have used a controlled substance, a dangerous drug or alcohol in violation of this policy.
2. Reasonable suspicion exists when an employee's appearance, behavior, speech, and/or body odors indicate impairment, use, chronic use, or withdrawal effects of a controlled substance, dangerous drug or alcohol.
3. Whenever an employee is notified that there is reasonable suspicion to be tested, the employee shall accompany a supervisor and report as directed for immediate testing.
4. All employees must cooperate as a condition of continued employment with special drug/alcohol searches in personal vehicles on county premises, county property, desks, purses, clothing, briefcases, or other employee personal property when there is "reasonable suspicion".
5. Following referral by a supervisor, the reasonable suspicion determination will be made by a peace officer, which should be documented using the form entitled "Reasonable Suspicion Examination Worksheet" or a similar form.

# **FRAUD PREVENTION AND DETECTION POLICY**

## **INTRODUCTION**

Colorado County is committed to the deterrence, detection and correction of misconduct and dishonesty to prevent fraud. Like all organizations, Colorado County is faced with risks from wrongdoing, misconduct, dishonesty and fraud. As with all business exposures, the County must be prepared to manage these risks and their potential impact in a professional manner.

Our goal is to establish and maintain a fair, ethical, and honest business environment for our employees, our department heads, our elected officials, our customers, our suppliers and anyone else with whom we have a relationship. To maintain such an environment requires the active assistance of every employee, every department head and every elected official every day.

Colorado County employees, especially supervisors and department heads/elected officials, must be aware of the circumstances, or "red flags", which lead to fraud and share in the commitment to prevent and detect fraud. For the purpose of this administrative procedure, fraud and intentional waste are referred to as "fraud".

This Fraud Prevention and Detection Policy is being established to facilitate the development of controls, which will aid in the detection and prevention of fraud against the county, to provide guidelines and to assign responsibility for the reporting of fraud and conducting of investigations regarding fraud, and to promote consistent organizations behavior in the prevention and detection of fraud.

## **BACKGROUND**

Internal controls are the best method of preventing fraud. Poorly written or poorly enforced internal controls allow most fraud to occur.

Fraud occurs for the following reasons (note: there were multiple reasons in some cases):

- Poor internal controls
- Management override of internal controls
- Type of organization (industry with high risk of fraud)
- Collusion between employees and third parties
- Poor or non-existent company ethical standards
- Lack of control over managers by their supervisors

The most frequently cited "red flags" of fraud are:

- Changes in an employee's lifestyle, spending habits or behavior;
- Poorly written or poorly enforced internal controls, procedures, policies or security;

- Irregular/unexplained variances in financial information;
- Inventory shortages;
- Failure to take action on results of internal/external audits or reviews;
- Unusually high expenses or purchases;
- Frequent complaints from customers;
- Missing files;
- Ignored employee comments concerning possible fraud.

Perpetrators of fraud typically live beyond their reasonably available means. Other indicators of fraud include the borrowing of small amounts of money from co-workers, collectors or creditors appearing at the place of business, excessive use of telephone to stall creditors, falsifying records, refusing to leave custody of records during the day, working excessive overtime, refusing vacations, and excessively rewriting records under the guise of neatness.

The following internal controls help prevent fraud:

- Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions.
- Physical security over assets such as locking doors and restricting access to certain areas.
- Proper training of employees
- Independent review and monitoring of tasks.
- Separation of duties so that no one employee is responsible for a transaction from start to finish.
- Clear lines of authority.
- Rotation of duties in positions more susceptible to fraud.
- Ensuring that employees take regular vacations.
- Regular independent audits of areas susceptible to fraud.

## **SCOPE OF POLICY**

This policy applies to any fraud, or suspected fraud, involving employees, department heads, officials, as well as consultants, vendors, contractors, and any other parties with a business relationship with Colorado County.

Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service or position/title or relationship to the county.

## **PURPOSE**

The purpose of this document is to communicate the county's policy regarding deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instructions regarding appropriate action in case of suspected violations. As applicable to this policy, the definition of what constitutes fraud and the

outline of the rules and procedures to follow when fraud is suspected applies to all employees, department heads and elected officials.

## **POLICY**

Department heads and elected officials are responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct within their office. Each department head and official must be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported immediately to the County Attorney in writing.

This policy does not prohibit a ‘whistle blower’ from contacting any law enforcement agency with jurisdictional authority directly. (example: Sheriff’s office, Texas Rangers, etc.)

## **RESPONSIBILITIES**

Employees: It is the responsibility of every employee to immediately report **suspected** misconduct, dishonestly or fraud to their supervisor or to the department head/elected official. However, if the employee has reason to suspect that the department head/elected official may also be involved, the employee should contact the County Attorney directly. Every employee shall cooperate with administrative investigations pursuant to this administrative procedure. The employee shall not discuss the matter with anyone other than his/her supervisor, the department head/elected official, the County Attorney or as directed by the investigating agency. Failure to report suspected fraud could result in disciplinary action or possibly termination.

Supervisors: Supervisors must be aware of what can go wrong in their area of authority. Supervisors must put into place and maintain effective monitoring, review and control procedures that will prevent acts of wrongdoing. When subordinates make supervisors aware of such potential acts, the supervisor must immediately report such act to the County Attorney.

The supervisor shall not attempt to investigate the suspected fraud. Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Supervisors, while appropriately concerned about “getting to the bottom” of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. **Concerned but uninformed managers represent one of the greatest threats to proper incident handling.** All relevant matters, including suspected by unproven matters, should be referred immediately to the County Attorney or the investigating agency.

Once a potential act has been reported it becomes part of an on-going investigation, therefore, supervisors shall not discuss the matter with anyone other than the department

head/elected official, the County Attorney, or as directed by the investigating agency.

Any reprisal against an employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden, such individual falls under the protection of the Whistle Blower Act.

Department Heads/Elected Official: Upon notification from an employee or supervisor of suspected fraud, or if the department head/elected official has reason to suspect that a fraud has occurred, the department head/elected official shall immediately contact the County Attorney.

The department head/elected official shall not attempt to investigate the suspected fraud. Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Department heads/elected officials, while appropriately concerned about “getting to the bottom” of such issues, should not in any circumstances perform any investigative or other follow-up steps on their own. **Concerned but uninformed managers represent one of the greatest threats to proper incident handling.** All relevant matters, including suspected by unproven matters, should be referred immediately to the County Attorney or the investigating agency.

Once a potential act has been reported it becomes part of an on-going investigation, therefore, department heads/elected officials shall not discuss the matter with anyone other than the County Attorney or as directed by the investigating agency.

Any reprisal against an employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden, such individual falls under the protection of the Whistle Blower Act.

County Auditor: In cases where as a result of internal audit procedures and review, or where suspected fraud is reported directly to the County Auditor, the County Auditor shall promptly immediately contact the County Attorney. The County Auditor shall cooperate and assist the County Attorney in the investigation as requested.

## **PROCEDURES**

Record Security: A successful audit/investigation can only be performed if the documentation relating to an alleged fraud is available for review in its original form. Therefore, once a suspected fraud is reported department heads/elected official and supervisors shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist, and preventing the individual suspected of committing the fraud from having access to the records. Once a potential act has been reported, the relevant records shall not be destroyed under any previously adopted records retention policy.

Contacts/Protocols: The County Attorney, or his designee, shall coordinate the investigation with the appropriate law enforcement officials.

Confidentiality: All participants in a fraud investigation shall keep the details and results of the investigation confidential except as expressly provided in this administrative procedure. However, County Attorney may discuss the investigation with any person if such discussion would further the investigation.

Personnel Actions: If a suspicion of fraud is substantiated by the audit investigation, disciplinary action shall be taken in conformance with the County's Personnel Policies and Procedures. A false and vindictive allegation of fraud is a violation of this administrative procedure. All violations of this administrative procedure, including violations of the confidentiality provisions, shall result in disciplinary actions up to and including termination.

Retaliation: It is a violation of this administrative procedure for any individual to be discriminated against for reporting fraud or for cooperating, giving testimony, or participating in an audit investigation, proceeding, or hearing. Such individual falls under the protection of the Whistle Blower Act.

Media Issues - If the media becomes aware of an audit investigation, the appropriate supervisor or department head/elected official shall refer the media to the County Attorney. The alleged fraud and audit investigation shall not be discussed with the media other than through the County Attorney's Office.

## **WHISTLE BLOWER ACT**

A whistleblower is an employee who, in good faith, reports an alleged violation of Colorado County policy or federal or state law to his or her supervisor, department head, or County Judge, unless all of these persons are the alleged perpetrators of the alleged violation of policy or law. If all of the listed persons are alleged to be involved in the violation, the employee may report the allegation to the County Attorney. The County will investigate the reported activity.

An official, supervisor, department head, or any other employee is prohibited from taking adverse employment action against an employee who, in good faith, reports an alleged violation of County policy or federal or state law to a designated person, pursuant to this policy.

For the purpose of this policy, 'adverse employment action against' an employee reporting suspected fraud is defined as:

- Suspension or termination of employment,
- Dismissing or threatening to dismiss an employee;
- Disciplining or suspending or threatening to discipline or suspend an employee;
- Imposing any penalty upon an employee; or
- Intimidating or coercing an employee

An employee who intentionally makes a false report of wrongdoing may be subject to discipline up to and including termination.

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

## **FALSE ACCUSATIONS**

All employees, department heads and elected officials must take great care in dealing with suspected dishonest or fraudulent activities to avoid:

- Incorrect accusations,
- Treating employees unfairly,
- Making statements that could lead to claims of false accusations or other offense

Employees, supervisors or department heads that make false accusations may be subject to disciplinary action, up to and including termination of employment. Further, knowingly making a false statement that is material to a criminal investigation to a peace officer, or to any employee of a law enforcement agency that is authorized by the agency to conduct the investigation and that the actor knows is conducting the investigation, is a misdemeanor offense under the Texas Penal Code and could lead to criminal prosecution.

## **REPORTING FRAUD**

As stated above any suspicions of fraud, waste or abuse including but not limited to illegal acts, such as theft, fraud, kickbacks, price fixing, or conflicts of interest by county employees, officials or its contractors should be reported to the County Attorney in writing. This should be done in writing, if possible on the Fraud, Abuse and Waste Complaint Form that is attached at the end of this document. Please send this form to:

County Attorney  
**PERSONAL AND CONFIDENTIAL**  
400 Spring St., Room 204-W  
Columbus, Texas 78934

To report fraud, waste and abuse please describe your concern in detail. Provide the names of all individuals involved, including any other witnesses. Give the dates and times the incident(s) occurred and where it happened. State whether there is any supporting documentation such as license plate numbers, invoice numbers, transaction numbers, case numbers, check numbers or other document numbers. (Copies of the

supporting documentation can be sent in with the complaint form.) Please identify yourself on the complaint form and give a phone number where it would be appropriate to call, so that the County Attorney can follow-up on your concerns and complete a full investigation.



This reporting procedure is not intended for reporting improper activities by City, State or Federal employees (unless related to specific county activity) or by private parties not related to Colorado County government.

## **DEFINITION OF FRAUD**

Fraud generally involves an intentional, knowing, or deliberate act with the intention of obtaining an unauthorized benefit, such as money or property, by deception or other unethical means. For the purposes of this Policy, the definition has been broadened to include:

- An intentional, knowing or deliberate act
- To deprive the County or a person of something of value or gain an unfair benefit
- Using deceptive, false suggestions, suppressions of truth, or other unfair means which are believed or relied upon
- Intentional waste or abuse of County funds, property or time.

A fraudulent act may be an illegal, unethical, improper or dishonest act including, but not limited to:

- Embezzlement
  - Misappropriation, misapplication, destruction, removal, or concealment of property
  - Forgery, alteration or falsification of documents/records (including but not limited to checks, time sheets, contracts, other financial or court documents, electronic files)
  - Improprieties in handling or reporting of money or financial transactions
  - Authorizing or receiving payment for goods not received or services not performed
  - Authorizing or receiving payments for hours not worked
  - Serious abuse of County time such as unauthorized time away from work or excessive use of County time for personal business.
  - Theft or unauthorized removal of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors)
  - Willful destruction or damage of County records, County property or the property of other persons (to include the property of employees, supervisors, consumers, clients, customers, inmates or visitors).
  - Neglecting or subverting job responsibilities in exchange for an actual or promised reward.
- 
- False claims by employees, department heads, elected officials, vendors as well as consultants, vendors, contractors, and any other parties with a business relationship with Colorado County.
  - Theft of any assets including, but not limited to money or tangible property

- Inappropriate use of computer systems, including hacking and software piracy
- Bribery, rebate or kickbacks
- Conflict of interest, or
- Misrepresentation of fact.

#### **DISPOSITION OF INVESTIGATION**

If the investigation leads to the conclusion that fraud has resulted in County property loss, the County Attorney shall report such loss to the Commissioners Court and County Auditor. The County Attorney shall vigorously enforce the laws of the State of Texas against person or persons who defraud the county and seek full restitution from such person or person for any property loss.

Upon completion of the investigation and all legal and personnel actions, the investigative offices will return records to the appropriate department.

#### **QUESTIONS OR CLARIFICATIONS RELATED TO THIS POLICY**

All questions or other clarifications of this policy and its related responsibilities should be addressed to the County Auditor who shall be responsible for the administration, revision, interpretation, and application of this policy.